TIGARD CITY COUNCIL
MEETING

FEBRUARY 26, 2002 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223

CITY OF TIGARD
OREGON

PUBLIC NOTICE:

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

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

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 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 by 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 MEETING
# FEBRUARY 26, 2002

6:30 PM

- STUDY SESSION

  > PREVIEW A REVISION TO CITYWIDE PERSONNEL POLICIES UPDATING FAMILY AND MEDICAL LEAVE

- 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.

7:30 PM

1. BUSINESS MEETING
   - 1.1 Call to Order - City Council & Local Contract Review Board
   - 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. VISITOR'S AGENDA (Two Minutes or Less, Please)

3. PROCLAMATION:
   - a. Days of Remembrance, April 7 – 14, 2002

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

   - 4.1 Approve Council Minutes for November 27, December 11, December 18, 2001 and January 8, 2002

4.2 Approve an Updated Lease with Loaves and Fishes for the Use of the Tigard Senior Center

4.3 Adopt a Resolution Recognizing Transfer of Juvenile Caseload to the Municipal Court – Resolution No. 02 - _____

4.4 Approve Bull Run Regional Drinking Water Agency Joint Funding Agreement

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

5. CONSIDER A RESOLUTION IMPLEMENTING THE WASHINGTON SQUARE REGIONAL CENTER PLAN, AND AN ORDINANCE AMENDING THE TIGARD COMPREHENSIVE PLAN AND MUNICIPAL CODE
   a. Staff Report: Community Development Department
   b. Staff Recommendation
   c. Council Discussion
   d. Council Consideration: Resolution No. 02 - _____
   e. Council Consideration: Ordinance No. 02 - _____

6. UPDATE FROM THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE
   a. Staff Introduction: Library Staff
   b. Presentation by the New Tigard Library Construction Committee
   c. Council Discussion

7. UPDATE ON INSURANCE OPTIONS
   a. Staff Report: Administration Staff
   b. Council Discussion

8. OVERVIEW OF THE CITY'S ENGINEERING DEPARTMENT
   a. Staff Report: Engineering Staff
   b. Council Discussion

9. COUNCIL LIAISON REPORTS

10. NON AGENDA ITEMS

11. 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.

12. ADJOURNMENT

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AGENDA ITEM # _____
FOR AGENDA OF February 26, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Preview of Revisions to Resolution No. 00-08, Citywide Personnel Policies, Updating Family and Medical Leave Article No. 55-0

PREPARED BY: Sandra Zodrow DEPT HEAD OK _____ CITY MGR OK _____

## ISSUE BEFORE THE COUNCIL

A PREVIEW OF THE REVISIONS TO THE CITYWIDE PERSONNEL POLICIES UPDATING THE FAMILY AND MEDICAL LEAVE POLICY

## STAFF RECOMMENDATION

Information Only

## INFORMATION SUMMARY

The City Council approved Resolution No. 00-08 in March 2000, which adopted the Citywide Personnel Policies. These revisions updating Family and Medical Leave Article No. 55.0 are due to recent amendments in the law for State and/or Federal Family and Medical Leave Acts. The purpose of the City's proposed changes is to assure compliance with applicable State and Federal laws as well as applicable City policies and bargaining agreements.

All additions in the text of the policy are identified in bold. Any text being eliminated is identified by strike-out.

Scheduled for adoption on March 12, 2002.

## OTHER ALTERNATIVES CONSIDERED

N/A

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

## ATTACHMENT LIST

Copy of current Citywide Personnel Policies, Family and Medical Leave Article No. 55.0, Attachment A

## FISCAL NOTES

N/A

**ATTACHMENT A**

# FAMILY AND MEDICAL LEAVES OF ABSENCE POLICY

This policy is established to comply with both the Oregon and Federal Family and Medical Leave Act which entitle eligible employees to 12 weeks of job-protected leave every 12 months for family and medical reasons. The intent of this policy and the law is to allow City employees to balance their work and family life by taking reasonable, unpaid leave of absences for the reasons specified in these rules and regulations.

The City's family medical leave policy combines benefits required by the federal Family and Medical Leave Act (FMLA) and state law.

## ***EMPLOYEE ELIGIBILITY***

An employee must have been employed by the City for at least 180 days for an average of 25 hours of work per week during the previous 180 days. Exception: The hourly prerequisite does not apply to parental leave.

## ***PERMISSIBLE REASONS FOR TAKING LEAVE***

- Birth of a child (also referred to as "Parental Leave").

- Placement of a child under the age of 18 (or older if the child is mentally or physically disabled) with the employee for adoption or foster care (also referred to as "Parental Leave").

- Care of a family member (spouse, child, parent, **same-sex domestic partner,** or parent-in-law) with a serious health condition or for a child requiring home care due to illness extending longer than three days. Leave to care for a **same-sex domestic partner or** parent-in-law is only required by State law. (This type of leave may be referred to as "Serious Health Condition Leave.")

- To recover from or seek treatment for a serious health condition of the employee when the employee is unable to perform at least one essential function of his/her regular position. Serious health conditions include on-the-job injuries, pregnancy related disabilities, and prenatal care (may also be referred to as "Serious Health Condition Leave").

- To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care (may also be referred to as "Sick Child Leave" and is only required by state law). If "Sick Child Leave" is requested to care for a child who does not have a serious health condition, the City has the right to not approve the employee's request for leave when another family member is available to care for the child. "**Sick Child Leave" applies only to the Oregon Family Leave law.**

## ***DURATION OF LEAVE***

- Twelve work weeks during a rolling 12-month period computed forward from the date the employee first uses FMLA leave.

- Taking leave on an intermittent basis or on a reduced work schedule may be permitted by the City if necessary to take care of an ill family member or because of the employee's own health condition. In either case, documentation by a medical professional is necessary. Leave of this nature must be approved in advance by the City and employees must make a reasonable effort to minimize disruption in the work unit. Intermittent leave will be calculated on an hourly basis which computes to 480 hours per year.

- Parental leave must be taken within 12 months after the birth/placement of a child. Leave may be taken non-consecutively, but if more than two (2) non-consecutive leaves are taken within the 12-month period, the employee must receive prior authorization from the City Manager or Human Resources Director.

- **Under the Oregon Family Leave law, e**Employees who take parental leave are also entitled to an additional 12 weeks of family leave to care for a sick child **only if the full 12 weeks of parental leave has been exhausted during the parental leave year**. **Employees not using the full 12 weeks of parental leave are only entitled to the balance of their 12 week entitlement for the purposes of sick-child or any other type of OFLA leave.**

- Female employees who must take leave because of a pregnancy-related disability which prevents the employee from performing any available job duties as documented by the employee's treating physician or health care provider, may take an additional 12 weeks for other purposes approved under the law.

Sometimes more than one type of leave may apply to a situation. Where allowed by federal or state law, leaves will run concurrently. This means that worker's compensation leave, leave for a non-industrial injury or illness (including paid leave such as sick leave), leave as a reasonable accommodation for a qualified individual with a disability, paid vacation used for a family leave qualifying reason, and federal family medical leave and state family medical leave may all run concurrently and be counted against the employee's annual family medical leave entitlement. **All applicable leave will be governed by City policies, bargaining agreements, State laws, and/or Federal laws.**

## ***CITY'S RESPONSIBILITIES***

- If the City (specifically the employee's supervisor, Human Resources, or any other management employee) acquires knowledge that an employee may need to take FMLA leave for any of the reasons specified in these policies, the City will inform the employee of their entitlement to request leave within 2 working days.

- Human Resources will furnish the employee with a copy of this policy, a leave request form, and the required medical certification form. This information must be completed and returned to the employee's supervisor within the timelines stipulated under "Employee's Responsibilities."

- After the supervisor has acquired all the necessary signatures on the leave request form, it should be forwarded to Human Resources who will determine the employee's eligibility and make a entitlement designation within 2 working days of receipt of the completed request forms. Notification will be in writing.

- It is the City's right and responsibility to determine and designate leave as FMLA if the eligibility standards are evident. Such a designation will be based on information obtained either from the employee or his/her spokesperson (e.g., spouse, parent, physician, etc.) in the event the employee is incapacitated.

- If the City is unable to confirm that the requested leave qualifies as FMLA leave, it may declare a preliminary designation regarding eligibility. However, upon receipt of the medical information, the City must either withdraw or finalize the preliminary designation in writing to the employee.

## ***SUPERVISOR'S RESPONSIBILITIES***

- When a supervisor becomes aware of a pending leave of absence which might qualify for FMLA leave, the supervisor will provide the employee with a brief summary of their FMLA rights and advise the employee to contact Human Resources for more details. The supervisor should **immediately** advise Human Resources of this referral.

- After the supervisor reviews the leave request, they must immediately forward the request form to the appropriate signing authority (i.e., Department Head, City Manager, Human Resource Director). It is the supervisor's responsibility to assure that all necessary signatures are acquired and that the signed leave request form is submitted to Human Resources within one (1) working day after receipt from the employee.

- All medical documentation must be forwarded to Human Resources. No medical files shall be retained at the supervisor's desk. It is also important to remember that the supervisor must protect the confidentiality of the employee. Information should be shared only on "as need to know" basis and no specifics should be shared with the employee's co-workers.

- The supervisor is required to process a Personnel Action form with all the appropriate signatures for the employee's leave of absence.

- The supervisor should make arrangements with the employee for the completion and submittal of timesheets. Timesheets need to be processed by standard Payroll procedures.

- The supervisor should make every effort to maintain ongoing communication with the employee during his/her absence for the purpose of acquiring status reports especially in regards to the employee's return to work date. Contacts should take place at least every 30 days.

- The supervisor should notify Human Resources of the employee's pending return to work and acquire any necessary medical release information prior to the employee's return to the job.

***EMPLOYEE'S RESPONSIBILITIES***

- The employee should notify their supervisor of any pending leave of absence and contact Human Resources for additional details of their FMLA rights.

- The employee is required to submit a completed City of Tigard "Family and Medical Leave of Absence Request" form to their supervisor within the following time frames:

  a) When leave is anticipated, written notice must be provided at least 30 calendar days prior to the start of leave. "Anticipated" refers to an employee having knowledge at least 30 calendar days in advance.

  b) When leave is unexpected, verbal notice must be provided to the supervisor or Human Resources within 24 hours of the leave commencement plus written notice must be forwarded to Human Resources within 3 days after returning to work.

  c) Failure to comply with providing proper notice will result in delaying the leave until proper notice is received.

- The employee should submit any required written verification from their treating physician or health care provider based on the timeframes and guidelines identified under the "Medical Certification" section below.

- The employee should make arrangements with their supervisor for the completion and submittal of timesheets during their leave of absence.

- The employee should keep their supervisor and Human Resources apprised of their situation on a regular basis.

- The employee should inform their supervisor and Human Resources of their intent to return to work as soon as their treating physician has informed them of the release date.

- The employee should forward any required medical release documentation from their treating physician or health care provider to Human Resources at least one day prior to returning to work.

## ***MEDICAL CERTIFICATION***

- The City requires written verification from the treating physician or health care provider at least 30 days prior to the start of the leave for an anticipated serious health condition relating to either the employee or the employee's family member on a form furnished by the City.

- In cases where the serious health condition is unanticipated, the employee has 15 days from the date of the City's request to provide the required medical certification.

- The City has the right to solicit a second and, if necessary, a third opinion to verify the health care provider's certification of a serious health condition. This verification will be at the City's expense.

- If the required medical certification does not validate the necessity for FMLA leave, the leave will be retracted. In this situation, employees may be placed on unapproved leave of absence and the time originally counted toward their FMLA entitlement will be revoked.

- For employees on approved intermittent family medical leave, additional medical certification may be required upon expiration of the current medical certification or every 30 days as deemed necessary by the City.

- The City also requires the employee to contact their supervisor with a status report at least every 30 days. In addition, the employee must inform their supervisor of their intent to return to work at least one day before returning to the job.

- In the case of the employee's own serious illness, a medical release form will be required before returning to work.

- If an employee has used leave to care for a sick child on **more than** three ~~occurrences~~ **separate occasions** in ~~the past~~ **a** 12 month~~s~~ **leave period**, upon request the employee must provide medical documentation that their child was ill and required home care to support any additional use of sick child leave.

## ***USE OF PAID LEAVE TIME***

- The City requires the substitution of accumulated sick leave prior to or during the duration of FMLA leave **as provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws** ~~unless the leave is running concurrent with Worker's Compensation leave and the employee is receiving time loss benefits~~.

- After sick leave has been exhausted, employees are required to use any other accumulated paid time (i.e., vacation, ~~compensatory time~~, management leave, floating holiday, **appointment leave,** etc.) **as provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws** during their leave of absence before being placed on unpaid leave status. **Earned time (i.e., compensatory time and M2 time) is not eligible to be used during approved Oregon and/or Federal Family Medical Leave unless otherwise provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws.**

- Employees are required to notify their supervisor of the order in which accumulated paid time (after sick leave has been exhausted) is to be used during the period of time they are on FMLA leave **as provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws**.

## ***BENEFIT CONTINUATION***

- The City will continue to maintain group health insurance coverage for the employee for the duration of their leave on the same terms as if the employee is working. This includes medical, vision, and dental. If applicable, the employee is responsible for paying their share of health insurance premiums while on leave - arrangements will be made prior to the start of the leave.

- Non-medical related benefits (i.e., LTD, Life, etc.) are the responsibility of the employee when on leave without pay status.

- Once an employee is placed on leave without pay status as a result of using all their accumulated paid leave, the employee will not continue to accrue time and benefits associated with the employee's length of service.

- If the employee chooses not to return to the City after their FMLA leave (other than as a result of their **own** serious health condition), the City has the right to recoup any health insurance costs spent in their behalf.

- If the employee does not return to work after the allotted 12 weeks (either by choice or inability), they will be eligible for continuation of health benefits through COBRA provided the employee does not have other health coverage.

## ***REINSTATEMENT***

- The City will make every effort to reinstate the employee in their former position.

- If reinstatement to the employee's former position is not possible due to the unanticipated elimination of the position during the time of the employee's absence, the employee will be reinstated to an equivalent position if one exists. If the employee is covered by a collective bargaining agreement, reinstatement will comply with the terms of the agreement.

**Revised 1/02**

# PROCLAMATION

## Days of Remembrance

**WHEREAS,** the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims – six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny;

**WHEREAS,** the history of Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

**WHEREAS,** we the people of the City of Tigard should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

**WHEREAS,** we the people of the City of Tigard should actively rededicate ourselves to the principles of individual freedom in a just society; and

**WHEREAS,** the Days of Remembrance have been set aside for the people of the City of Tigard to remember the victims of the Holocaust as well as to reflect on the need for respect of all people; and

**WHEREAS,** pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, April 7 through Sunday, April 14, 2002 including the international Day of Remembrance known as *Yom Hashoah*, April 9;

**NOW THEREFORE BE IT RESOLVED THAT** I, James E. Griffith, Mayor of Tigard, on behalf of the entire City Council, do hereby proclaim:

Sunday, April 7 through Sunday, April 14, 2002

Days of Remembrance

in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Tigard, should strive to overcome intolerance and indifference through learning and remembrance.

Dated this _____ day of _____ 2002.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

_____
James E. Griffith, Mayor
City of Tigard

**Attest:**

_____
City Recorder

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# MINUTES
# TIGARD CITY COUNCIL MEETING
# November 27, 2001

Mayor Griffith called the meeting to order at 6:35 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla (arrived at 6:40 p.m.).

Executive Session was called to order at 6:35 p.m.

EXECUTIVE SESSION: The Tigard City Council went into Executive Session to discuss real property transaction negotiations and current and potential litigation under ORS 192.660(1e) and (1h).

Executive Session adjourned 7:26 p.m.

1. BUSINESS MEETING
   - 1.1 The meeting of the Tigard City Council & Local Contract Review Board was called to order by Mayor Griffith at 7:34 p.m.
   - 1.2 Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla
   - 1.3 Pledge of Allegiance
   - 1.4 Council Communications & Liaison Reports – None
   - 1.5 Call to Council and Staff for Non-Agenda Items

     City Manager Bill Monahan stated that the Tigard Central Business District Assocition's invoice for holiday tree lighting electrical work should be added to the agenda.

3. CONSENT AGENDA:

   Before considering the consent agenda, Councilor Patton asked City Engineer Gus Duenas to discuss the process related to the resolution of necessity. Mr. Duenas stated that the City would make every effort to negotiate an amicable agreement with the property owners. If this is not possible, Mr. Duenas stated he would return to the Council to get their approval prior to condemnation.

Motion by Councilor Dirksen, seconded by Councilor Patton to approve the Consent Agenda as follows:

3.1 Approve Resolution of Necessity to Acquire Properties for the Gaarde Street Improvements (Phase 2) Project – Resolution No. 01- 71

The motion was approved by a unanimous vote:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

## 4. UPDATE ON BULL MOUNTAIN ANNEXATION STUDY

Community Development Director Jim Hendryx introduced this topic and gave a PowerPoint presentation. A copy of the presentation is on file in the City Recorder's office. Mr. Hendryx concluded his presentation by saying that there would be a public meeting in January to discuss annexation with Bull Mountain residents. Focus group participants from the July 2001 meeting will be notified of the January meeting. Copies of the Bull Mountain Annexation Study can be purchased or reviewed at the Community Development counter in City Hall. The Study can also be found on the City's web site.

Councilor Moore stated he would be interested to hear the public's comments regarding the annexation. He expressed concern about the "price tag" of annexation for both the City and Bull Mountain residents. Councilor Patton noted the projected revenue shortfalls associated with annexation, and questioned where funding would come from. She pointed out the estimated tax increase for a $227,000 home is $256. Mayor Griffith advised that if the annexation was not to the mutual benefit of Bull Mountain residents and the City, then the City would not pursue annexation.

Discussion of three pending applications for annexation ensued. Mr. Hendryx stated he would like the Councilors to attend the January meeting with Bull Mountain residents. In response to a question from Mayor Griffith, Mr. Hendryx stated that the Urban Reserve Area had not been factored into the annexation calculations.

Mayor Griffith commended staff on the Study.

5. CONSIDER AN ORDINANCE AMENDING SECTION 10.28.030 OF THE TIGARD MUNICIPAL CODE CHANGING REFERENCE TO OREGON REVISED STATUES AND ELIMINATING THE TERM "HOUSE TRAILER"

Police Chief Ron Goodpaster introduced this item. Chief Goodpaster explained that the amendments would eliminate a double reference within the Code and would eliminate the term "house trailer," which is not defined under Oregon Revised Statues.

Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt Ordinance No. 01-23.

ORDINANCE NO. 01-23 – AN ORDINANCE AMENDING SECTION 10.28.030 OF THE TIGARD MUNICIPAL CODE CHANGING REFERENCE TO ORS AND ELIMINATING THE TERM "HOUSE TRAILER."

The motion was approved by a unanimous vote:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

6. CONSIDER AN ORDINANCE REPEALING ORDINANCE 96-08 AND ADOPTING REVISED TIGARD MUNICIPAL CODE PROVISIONS PERTAINING TO THE LOCAL CONTRACT REVIEW BOARD

Financal Operations Manager Tom Imdieke introduced Buyer Terry Muralt. Ms. Muralt described the proposed changes to the Code as listed on the Council Agenda Item Summary, which is on file in the City Recorder's Office.

Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt Ordinance No. 01-24.

ORDINANCE NO. 01-24 – AN ORDINANCE REPEALING ORDINANCE 96-08 AND ADOPTING REVISED PROVISIONS RELATING TO THE LOCAL CONTRACT REVIEW BOARD

The motion was approved by a unanimous vote:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

7. VOTE ON THE CITY OF TIGARD'S CHOICE FOR THE WASHINGTON COUNTY OTHER CITIES ALTERNATE POSITION – METRO POLICY ADVISORY COMMITTEE (MPAC)

City Manager Monahan discussed this item. Washington County has both a regular and an alternate member on MPAC. A recent vacancy has occurred in the alternate position and the Council has the opportunity to vote on who should fill this position. The nominees are Angela Weeks, a Sherwood City Councilor, and Jim Griffith, Mayor of Tigard. The City of Tigard has one vote.

Motion by Councilor Dirksen, seconded by Councilor Patton, to cast Tigard's vote for Jim Griffith.

The motion was approved by majority vote:

| | | |
|---|---|---|
| Mayor Griffith | - | Abstained |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

8. COUNCIL LIAISON REPORTS – None.

9. NON AGENDA ITEMS

- Tigard Central Business District Association (TCBDA)Tree Lighting Invoice

City Manager Bill Monahan described the TCBDA's request for the City to pay $4,900.49 to cover the cost of providing electrical service to the City-owned park. The electrical service was needed to light the holiday tree. Mr. Monahan reminded Council that this item had been discussed at an earlier meeting, and Mr. Tyler Ellenson of the TCBDA had now presented the City

with the final bill. Mr. Monahan recommended the Council approve payment of $4,900.49 to TCBDA to be paid to Oregon Electric Group.

Councilor Moore asked if funding was coming from money allocated to the TCBDA during the budget process. Mr. Monahan confirmed that there had been $26,667 allocated to the TCBDA, and this was the only expenditure he was aware of. He continued by saying the $4,900.49 would be deducted from the $26,667.

In response to an inquiry from the Mayor, Councilor Moore stated that the electrical box was permanent, while the electrical connection was temporary. It is anticipated that the TCBDA will return to the City for an additional $8,000 to $10,000 for a permanent connection. Councilor Patton confirmed that the permanent connection would need to be placed underground in order to meet City code.

Motion by Councilor Moore, seconded by Councilor Patton, to authorize payment for the electrical work performed for the TCBDA holiday tree lighting event.

The motion was approved by majority vote:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

- Councilor Dirksen reminded the Council that he would not be attending the December 11, 2001, Council meeting.

10. EXECUTIVE SESSION - No Executive Session was held.

11. The meeting was adjourned at 8:17 p.m.

_____
Greer A. Gaston, Deputy City Recorder

Attest:

_____
Mayor, City of Tigard

Date: _____
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MINUTES
TIGARD CITY COUNCIL MEETING
DECEMBER 11, 2001

- STUDY SESSION

Mayor Griffith opened the meeting at 6:30 p.m.

Council Present: Mayor Griffith, Councilors Moore, Patton, and Scheckla (arrived at 6:36 p.m.).

> CITY MANAGER REVIEW FORMAT

City Manager Monahan referred to information that had been previously distributed to the City Council regarding the City Manager's review next May. The Council will discuss this further at its goal-setting meeting of January 14.

Note: Councilor Scheckla arrived at 6:36 p.m.

> UPDATE ON THE STREET MAINTENANCE FEE STUDY

A memorandum was distributed to the City Council from City Engineer Gus Duenas with regard to an update on the street maintenance fee study. A draft study will be delivered to the Transportation Financing Strategies Task Force in February with a report to the City Council in March.

> UPDATE ON POTENTIAL NEW LIBRARY BOND MEASURE

City Manager Monahan noted that the next steps call for a meeting with property owners adjacent to the proposed library site. Additional information will be available for the City Council next week. General discussion will be needed with regard to property value.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:50 p.m. under 192.660 1 (e) and (h) to discuss real property transaction negotiations and pending litigation.

Executive Session Adjourned: 7:20 p.m.

> CONTINUED DISCUSSION ON NEW LIBRARY BOND MEASURE

Council discussed the amount -- $12.5 – 13 million -- that would be cited within the ballot measure for general obligation bonds. This amount of funding would provided sufficient means to carry out plans for the proposed new library in the "mid-range." The amount proposed for the ballot measure would not be the full cost for the library building, improvements, site development and acquisition. Already "in hand" is $1 million from bequests. In addition there are funds available in a general fund public facilities account. Council will be asked to give direction next week on the general fund dollars that have been set aside.

There was brief discussion on elements of the proposed ballot measure, including the funding amount that would be requested. It is anticipated the ballot title will be for a "not-to-exceed $13 million" amount for a 20-year term.

Study Session adjourned at 7:35 p.m.

1. BUSINESS MEETING

1.1 Call to Order - City Council & Local Contract Review Board

Mayor Griffith called the meeting to order at 7:38 p.m.

1.2 Roll Call: Mayor Griffith, Councilors, Moore, Patton, and Scheckla.

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports: None

1.5 Call to Council and Staff for Non-Agenda Items: It was noted that Consent Agenda Item No. 3.5, Beaverton Intergovernmental Agreement, was rescheduled to December 18, 2001.

City Manager Monahan reminded Council that the December 18 meeting would be a regular business meeting; however, the cable television coverage would not be live (replays only).

2. VISITOR'S AGENDA

- Tigard High School Student Envoy Nathan Leamy presented a brief presentation to the City Council regarding activities of Tigard High Leadership. An outline of events was distributed to the City Council.

- Mr. Jack Polans, 16000 SW Queen Victoria Place, King City, Oregon 97224, distributed several items to the City Council. These items included the following:

  - A letter from Mr. Polans dated December 4, 2001
  - An article regarding "Jihad in America."
  - A letter from Mr. Polans dated December 11, 2001

  All the above items are on file in the City Recorder's office.

  Mr. Polans commented that he did not think the Police Department should receive fees for burglar alarm permits.

3. CONSENT AGENDA: Motion by Councilor by Councilor Scheckla, seconded by Councilor Patton to approve the Consent Agenda, with Item 3.5 removed.

   3.1 Approve Council Minutes for September 25, October 9 and 16, 2001
   3.2 Receive and File:
      a. Council Calendar
      b. Tentative Agenda
   3.3 Approve a Resolution Declaring Tigard's Intent to Join the Oregon Public Employees' Retirement System State & Local Government Rate Pool – Resolution No. 01- 72
   3.4 Approve a Resolution Authorizing the Mayor to Execute and Endorse an Amendment to the Agreement with the League of Oregon Cities Governing the League Status as a Unit of Local Government – Resolution No. 01- 73
   ~~3.5 Approve an Intergovernmental Agreement with the City of Beaverton for the Construction of a Water System Intertie, and Authorize the City Manager to Sign the Agreement~~ Set over to the December 18, 2001 meeting.

   The Consent Agenda was approved by a unanimous vote of Council present:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

4. CONSIDER AN ORDINANCE AMENDING CHAPTER 14.04 OF THE TIGARD MUNICIPAL CODE PERTAINING TO THE BUILDING CODE

Building Official Gary Lampella presented a summary of the staff report. The staff report is on file in the City Recorder's office. Mr. Lampella advised that the proposed ordinance would renumber sections of the Tigard Municipal Code to reflect renumbering of various Oregon Revised Statutes and Oregon Administrative Rules. Other amendments proposed in the ordinance were the result of past Building Code changes and unnecessary language in the Tigard Municipal Code.

Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt Ordinance No. 01-25.

ORDINANCE NO. 01-25 – AN ORDINANCE AMENDING CHAPTER 14.04 OF THE TIGARD MUNICIPAL CODE.

The motion was approved by a unanimous vote of Council present:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

5. CONSIDER AN ORDINANCE AMENDING CHAPTER 13.09 OF THE TIGARD MUNICIPAL CODE PERTAINING TO REIMBURSEMENT DISTRICTS

Project Engineer Greg Berry summarized the staff report. The staff report is on file in the City Recorder's office. The proposed ordinance offers language to clarify that a reimbursement fee is not a systems development charge.

Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt Ordinance No. 01-26.

ORDINANCE NO 01-26 – AN ORDINANCE AMENDING CHAPTER 13.09, REIMBURSEMENT DISTRICTS, OF THE TIGARD MUNICIPAL CODE.

The motion was approved by a unanimous vote of Council present:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |

Councilor Scheckla - Yes

6. COUNCIL LIAISON REPORTS

a. National League of Cities Conference

There was brief discussion by the Council members on the National League of Cities Conference the Mayor and Councilors Dirksen, Patton, and Scheckla, attended earlier this month. Mayor Griffith referred to a session he attended on leadership and noted that he discovered, during discussion on "visioning," that the City of Tigard is "head and shoulders" above many of the other cities in setting a vision for the community. Councilor Patton noted several items she found of interest during the conference that will be helpful during the goal-setting discussion. Councilor Scheckla referred to a youth session he attended, which offered some ideas for after-school programming.

7. NON AGENDA ITEMS: None

8. EXECUTIVE SESSION: None

9. ADJOURNMENT: 8:07 p.m.

_____
Catherine Wheatley, City Recorder

Attest:

_____
Mayor, City of Tigard

Date: _____

I:\ADM\CATHY\CCM\011211.DOC

MINUTES
TIGARD CITY COUNCIL BUSINESS MEETING
December 18, 2001

- STUDY SESSION

Mayor Griffith opened the meeting at 6:30 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla (arrived at 6:36 p.m.).

> DISCUSSION OF REGIONAL DRINKING WATER AGENCY INITIATIVE

Intergovernmental Water Board Members (IWB) Present: Jan Drangsholt (King City), Norman Penner (Tigard Water District), Patrick Caroll (City of Durham), and Bill Scheiderich (At-Large Representative).

Public Works Director Wegner introduced this agenda item. The purpose of the discussion is to update the City Council and IWB on the progress and the future timetable of the Regional Drinking Water Agency Initiative. He noted the work for the last nine months involving Portland City Commissioner Sten.

The highlights of Mr. Wegner's presentation are contained in the written materials on file in the City Recorder's office. In addition, there was reference to a progress report on the Regional Drinking Water Supply Initiative that is also on file in the City Recorder's office.

Councilor Patton explained the concerns by some jurisdictions or agencies as they consider whether to move forward for financing the needed capital improvements for a regional water supply system. She noted that some jurisdictions did not agree with a one-agency concept. Both options that Tigard is now reviewing -- Joint Water Commission (JWC) or the Regional Agency-- will require capital improvement investment.

The next step will be to proceed with more study of the Regional Drinking Water Supply Initiative with a contribution from the City of Tigard at approximately $20,000. Councilor Patton said she was concerned that some water sources may not be considered for the regional agency. There was discussion on Tigard's efforts in pursuing the JWC or the Regional Water Supply Agency. Councilor Patton noted both sources should be pursued. There will be a need to identify and secure a primary and secondary water supply.

Mayor Griffith said the City should move forward as quickly as possibly insofar as the City's contract for water supply with water would expire in 2007. Councilor Patton advised because of the need to coordinate with a number of participants, that delays were likely.

Mr. Wegner noted that financial decisions could be made within the next year. Plans are to present Council with information on the JWC and Regional Water Supply Agency Initiative on a parallel timeline so that cost figures are available that will help in the decision making.

There was discussion on the progress with the JWC. Councilor Patton said the JWC wants to continue to work with the City of Tigard. Mr. Wegner noted that without a new water source for JWC, the City couldn't become a partner in the JWC. The JWC study will take approximately 18 months to 2 years to complete.

Discussion followed on what long-term goals (criteria) the IWB and City Council would suggest for a long-term water supply. Ms. Drangsholt advised she was concerned about the Bull Run and the Columbia Wellfields becoming the region's sole source of water. Mr. Wegner noted that the City could still contract to buy water from others. Councilor Patton pointed out an area of concern in that she did not think the current Bull Run management would be able to identify and add another source of water in the near future primarily because of some underlying political issues. It was noted that the amount of funds that Tigard will need to contribute toward the regional study might change if other agencies drop out. Although not official, it is reported that Metro and Hillsboro do not want to participate in the Regional Drinking Water Supply Initiative.

In response to a comment from Councilor Scheckla, Mr. Wegner confirmed that it is possible that the efforts with regard to this regional water supply initiative could fall apart. The reality may be that the City will remain a wholesale water customer for the long term.

> JOINT MEETING WITH THE BUDGET COMMITTEE

Budget Committee Members present: Mike Benner, Sydney Sherwood, Greg Zuffrea.

Finance Director Craig Prosser led the discussion on this agenda item

*- Briefing on the preliminary financial forecast*

Staff developed a five-year financial forecast. In the short term, the City is in a good financial condition. Mr. Prosser distributed a draft estimate indicating projections for some of the key funds.

*- Briefing on the budget preparation process*

Departments are being asked to "hold the line." No new positions should be added to budget requests (with a few exceptions where funding has been identified). Departments are to limit estimates for materials and services. Also, each department was asked to project how 5 percent could be cut from the budget. It looks as if revenue sharing will increase slightly to about $600,000.

Mr. Prosser distributed a draft calendar for upcoming Budget Committee Meetings.

*- New library construction project update*

If the bond measure is successful, decisions will need to be made on what to do with the existing library building.

Donations and gifts have been received for a total of $1 million, which can be used for the proposed new library. The City has also set aside $200,000 that could be contributed toward the new library. The proposed bond measure will ask for general obligation bond issuance in the amount of $13,000,000.

*- Bull Mountain Annexation Study update*

Mr. Prosser distributed information on the Bull Mountain Annexation Study. The study's findings show that the annexation of this area would generate tax dollars that would pay for services on the "operating side," however, the capital funding needs in the area for parks and streets are significantly higher than what the area would generate. It was suggested that Washington County be asked to participate some of the capital needs.

*- ICMA-USAID Program*

Mr. Prosser briefed the Budget Committee on this program wherein delegates from the County and City will exchange information with a City and County government in Indonesia. ICMA and USAid will pay trip expenses. The City Manager and Finance Director will be among those traveling to Indonesia in February. Mr. Prosser said delegates from Indonesia might be attending some of the Budget Committee meetings.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:47 p.m. under the provisions of ORS 192.660 (1) (e) real property transactions.

Executive Session Adjourned: 7:56 p.m.

1. BUSINESS MEETING

1.1 Call to Order - City Council & Local Contract Review Board

Mayor Griffith called the meeting to order at 8:05 p.m.

1.2 Roll Call: Mayor Griffith, Councilors, Dirksen, Moore, Patton, and Scheckla.

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports: None

1.5 Call to Council and Staff for Non-Agenda Items

2. VISITOR'S AGENDA

- Gretchen Buehner, 13249 SW 136th Place, Tigard, Oregon, commented on annexations and advised of her concerns with piecemeal annexations.

3. CONSENT AGENDA:

Motion by Councilor Scheckla, seconded by Councilor Dirksen, to adopt the Consent Agenda as follows:

3.1 Approve Council Minutes for October 23, 2001

3.2 Receive and File:

a. Update on Progress for Review and Amendment of the Tigard Municipal Code

3.3 Adopt a Resolution Establishing Annual Adjustments to Parks System Development Charges – Resolution No. – 01 - 74

3.4 Adopt Resolutions Acknowledging City Sponsored Events and Approving the Modified Standard Agreements for the:

a. Balloon Festival – Resolution No. 01 - 75

b. Fourth of July Event – Resolution No. 01 - 76

c. Broadway Rose Theater – Resolution No. 01- 77

3.5 Appoint Gretchen Buehner, Jodie Bienerth, and Eileen Webb as Members of the Planning Commission, and appoint Tom Wolch as Alternate to the Planning Commission – Resolution No. 01 - 78

3.6 Local Contract Review Board (LCRB)

a. Adopt a Resolution Granting an Exemption to the City Purchasing Rules (10.015) and Allowing Oregon Electric Group to Continue to Perform the Energy Conservation Retrofit Rebate Program of City Facilities - (LCRB) Resolution No. 01 - 02

b. Approve Engineering Services Contract with Century West Engineering Corporation to Complete Design of Gaarde Street Improvements, Phase 2

3.7 Approve an Intergovernmental Agreement with the City of Beaverton for the Construction of a Water System Intertie, and Authorize the City Manager to Sign the Agreement

The motion was approved by a unanimous vote of Council present.

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

4. INTRODUCTION OF GRETCHEN BUEHNER, JODIE BIENERTH, AND EILEEN WEBB AS MEMBERS OF THE PLANNING COMMISSION, AND INTRODUCTION OF TOM WOLCH AS ALTERNATE TO THE PLANNING COMMISSION

Mayor Griffith welcomed the new Planning Commission members.

5. CONSIDER AN OPTION TO PURCHASE PROPERTY FOR THE PROPOSED NEW LIBRARY SITE PENDING THE APPROVAL OF THE PASSAGE OF THE BOND MEASURE BY TIGARD VOTERS

Library Director Margaret Barnes presented the staff report. A copy of the staff report is on file in the City Recorder's office. Staff recommended that the City Council approve the option to purchase 3 parcels of land from Mr. Fred Fields for the proposed new library site pending approval of the passage of the bond measure by Tigard voters. A copy of the Option Agreement is on file in the City Recorder's office.

Motion by Councilor Patton, seconded by Councilor Moore, to approve entering into an Option Agreement for the purchase of property from Mr. Fred Fields and authorizing the Mayor to sign the Option Agreement.

The motion passed by a unanimous vote of Council present:

| | |
|---|---|
| Mayor Griffith - | Yes |
| Councilor Dirksen - | Yes |
| Councilor Moore - | Yes |
| Councilor Patton - | Yes |
| Councilor Scheckla - | Yes |

6. PUBLIC HEARING ON A BALLOT MEASURE FOR THE MAY 21, 2002, ELECTION FOR GENERAL OBLIGATION BONDS FOR A NEW LIBRARY. (The Bond Measure includes: property acquisition; building design, construction, and furnishings; street improvements; and parking.)
   a. Mayor Griffith opened the Public Hearing
   b. Library Director Margaret Barnes presented the staff report. A copy of the staff report is on file in the City Recorder's office. Staff recommended that the City Council approve the proposed Ballot Measure for the May 21, 2002, election for General Obligation Bonds for a new library.

**c. Public Testimony**

*Highlights of the presentation from public testimony of the New Tigard Library Construction Committee (NTLCC) members were shown on PowerPoint slides. A copy of the PowerPoint presentation is on file with in the City Recorder's office.*

- Curtis Tigard, 11778 SW Royal Villa, Tigard, Oregon, is a member of the NTLCC. Mr. Tigard read a prepared statement in support of the new library. Mr. Tigard noted the importance of the library for Tigard's future and requested the voters be given an opportunity to decide on whether a new library should be constructed. He referred to his sister, Grace T. Houghton, who left one-third of her estate ($816,000) to the City to enhance the library.

- Marvin Diamond, 9270 SW Maplewood Drive, T 212, Tigard, OR 97223, is a Tigard Library Board member and President of the Tigard Library Foundation. Mr. Diamond supported the proposed ballot measure noting the importance of a vital library in a growing community. Mr. Diamond noted the new library would accommodate the community for the next 20 years. The Library Foundation will work to raise funds to help support construction and also establish an endowment fund to maintain the library once it is built.

  In response to a question from Mayor Griffith, there was brief discussion on whether there will be adequate time to get the word out to the public about the proposed new library. The NTLCC is anticipating that they can

keep pace with a schedule designed to make the community aware of the proposed new library. In addition, Councilor Patton said it was hoped that a citizen-initiated political action committee would be formed to promote the new library.

- David Chapman, 9840 SW Landau Place, Tigard, OR 97223, Chair of the NTLCC reviewed the PowerPoint material regarding the process followed, which resulted in the recommendation of the proposed ballot title.

- Sue Kasson, 16570 SW 93rd Avenue, Tigard, Oregon, 97224, member of the NTLCC and the Library Foundation presented information about the numerous programs offered by the Library. She said that a new library would play an essential role in the community and asked that the Council place the ballot title on the May ballot.

  In response to a question from Mayor Griffith about new programs, NTLCC member Sue Kasson noted that the community room would open a "new world" of possibilities for programming. Library Director Margaret Barnes also noted there would be increased opportunities to partner with the School District, Portland Community College, and service clubs. She added that programs could be offered in a more consistent manner.

- Kathy Sleeger, 14720 SW 100th, Tigard, OR 97224, reviewed PowerPoint slides to assist viewers in imagining what a new library might look like. Most slides viewed were of the Midland Branch of the Multnomah County library depicting similar furnishings and taking advantage of outdoor views of wildlife/wetland areas.

- Sue Carver, 10155 SW Hoodview, Tigard, OR 97224, advised she is a member of the NTLCC and a 30-year citizen of the City of Tigard. She referred to information about how the community has grown, which has strained the ability of the current library in offering services. She noted the role of the library to provide citizens to learn and grow intellectually as well as providing a place for civic events that shape a community.

  The NTLCC members are available to make presentations in the community. Project updates are also posted on the City's web site.

- City Manager Monahan noted that the City Council received one e-mail communication from a citizen with regard to the proposed new library. This communication, from Stu Byron, is on file in the City Recorder's office. Mr. Byron was not in favor of a new library because of increased taxes.

d. Council Discussion

- Councilor Patton praised the NTLCC, the Tigard Library Foundation, and the Tigard Library Board for their hard work and wonderful support. She noted the timing of the ballot measure and said she recognized the implications this may have during the current economic situation. She said the Committee worked hard to bring in a recommendation that was a prudent and reasonable amount, scaling back from initial proposals. She pointed out that the library is there for everyone and is available to the public during good and bad economic times serving a multitude of needs.

  There was brief discussion on costs. While the requested limit of the ballot measure was for General Obligation bonds up to $13 million, the Library Foundation hopes to further decrease these costs.

- Councilor Dirksen complimented the NTLCC for doing an excellent job. He noted the Committee was prudent in scaling back from an initial recommendation of $17 million to $13 million for a proposed new library.

- Councilor Scheckla said he agreed with the comments from Councilor Patton and that the Committee did an excellent job.

- Mayor Griffith said he agreed with the comments by the Council members. He noted appreciation of the work done by the Committee and Councilor Patton.

e. Mayor Griffith closed the public hearing.

f. Motion by Councilor Patton, seconded by Councilor Moore to adopt Resolution No. 01-79.

RESOLUTION NO. 01 79 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING TO THE VOTERS A PROPOSAL TO AUTHORIZE THE CITY COUNCIL TO SELL GENERAL OBLIGATION BONDS UP TO $13,000,000 TO ACQUIRE PROPERTY, TO DESIGN, BUILD AND FURNISH A NEW LIBRARY OF APPROXIMATELY 47,000 SQUARE FEET, AND TO PROVIDE PARKING AND RELATED STREET IMPROVEMENTS

The motion was approved by a unanimous vote of Council present:

| | |
|---|---|
| Mayor Griffith - | Yes |
| Councilor Dirksen - | Yes |
| Councilor Moore - | Yes |
| Councilor Patton - | Yes |
| Councilor Scheckla - | Yes |

7. UPDATE ON THE TREE LIGHTING EVENT FROM THE TIGARD CENTRAL BUSINESS DISTRICT ASSOCIATION (TCBDA)

Tyler Ellenson, President of TCBDA presented information on this agenda item. Mr. Ellenson advised that it had been August since he had been before the City Council requesting that the Council accept the withdrawal, of behalf of TCBDA, of a proposed Economic Improvement District (EID). The withdrawal was requested because the required number of Central Business District businesses did not support the EID.

Mr. Ellenson reported that the TCBDA plans to continue to move forward and concentrate more on the businesses on Main Street. The next goal for the Association will be to develop membership. In addition, TCBDA will continue to support efforts promoting the downtown.

Mr. Ellenson said this year's Halloween event was very successful -- approximately 1000 children and adults visited the downtown area. The Tree Lighting event was sponsored through efforts of TCBDA, the City, and Tigard Area Chamber of Commerce and was also successful.

Mr. Ellenson announced that TCBDA meetings are held the second and fourth Tuesdays, noon, Southwest Office Supply.

Mayor Griffith noted that the proposed commuter rail station for the downtown would impact the businesses. Mr. Ellenson confirmed with the Mayor that TCBDA would want to be included in the planning for the area.

The next event to be planned by TCBDA will be the Tigard Blast in August.

8. ANNEXATION POLICY DISCUSSION

Community Development Director Hendryx presented the staff report, which is on file in the City Recorder's office. Mr. Hendryx reviewed the chart presenting policy questions. He also explained the difference between the double majority and island annexation processes. In response to a question from Councilor Moore about legal ramifications if the City says "no" to an individual who wants to annex to the City,

Attorney Ramis advised as long as the City does not violate the Urban Services Agreement, the Council has wide latitude in considering annexations. Mr. Monahan advised that three annexation requests for properties not yet developed would be forwarded to the Council for consideration. He noted that there are advantages to annexing undeveloped land including the collection of parks system development charges.

After discussion, Council consensus was to delay further discussion on annexation policy until after the meeting with Bull Mountain residents. At that meeting, (January 31) the City Council may know more about the level of interest from the Bull Mountain residents regarding annexing to the City.

Council also discussed their concern with using either the island or double majority method of annexation where people are compelled to annex. In the past, Council has avoided "hostile annexations."

There was support from the Council to process annexation requests for undeveloped parcels. Annexation of developed areas would be considered on a case-by-case basis.

Gretchen Buehner, Tigard resident, noted the importance of reviewing annexations neighborhood-by-neighborhood. She said, for example, the Fern Street area is in need of street improvements.

9. PRELIMINARY WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICE (WCCLS) POTENTIAL LOCAL OPTION LEVY

Library Director Margaret Barnes presented the staff report. The staff report is on file in the City Recorder's office. She outlined the history of WCCLS along with the benefits derived from the WCCLS organization. WCCLS is analyzing the current and future needs of public libraries in the County to meet growing demand for local library services. WCCLS has nearly expended a reserve fund and it has been known that at the end of fiscal year 2003, a new local option levy would need to be proposed or some other funding revenue developed. A proposed local option levy will be voted on by the Cooperative Library Advisory Board (CLAB) on January 2, 2002. If CLAB agrees with the need for a local option levy, they will so advise the Washington County Board of Commissioners who will determine whether, when, and how much should be established and presented in a ballot measure.

Discussion followed:

- Councilor Scheckla noted his concern in protecting Tigard's ability to pass our new library bond measure. He added that voters might be confused with the two requests for library funding. He said he would rather just support the City of Tigard's bond measure proposal.

- City Manager Monahan noted that revenues would decrease when compared to need under current funding resources. He advised that the WCCLS funding formula is based on a number of criteria.

- Councilor Patton noted she, too, would like to see the new Tigard library funded but also understood the significance of the funding provided by WCCLS. She said she would like to see additional information with regard to identifying critical needs. For example $11 million is allocated for central services support – what does this entail? She also would like information regarding potential new libraries being established (or those that might be added) since percentages of increases are included in funding levels. Perhaps some libraries may not come online immediately and a phased-in funding schedule might translate into a reduced funding need.

- Councilor Dirksen asked questions regarding existing funding. Ms. Barnes explained that there would be a funding shortfall unless the local option levy is presented and approved or other funding options are identified and implemented.

Ms. Barnes recapped her understanding of Council direction:

- Council is concerned that the initial level of funding is too high and asked for analysis of a phased-in funding package insofar as the amount requested appears to be overly inflated in the early years.
- More information is needed about what is being funded for Central Services.
- More information is needed about the distribution among libraries including those jurisdictions that anticipate adding more square footage (timing).

10. COUNCIL LIAISON REPORTS – None

11. NON AGENDA ITEMS -- None

12. EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 10:49 to under the provisions of ORS 192.660 (1) (h) pending litigation.

> STUDY SESSION – ADMINISTRATIVE ITEMS REVIEWED

- An e-mail from Mr. Stu Byron (copy on file in the City Recorder's office) was distributed to the City Council.
- City Manager advised that some information pertaining to the City Manager's review was placed in the City Council's mail packet.
- Police Captain Bob Wheeler is retiring on December 31 after 30 years of service.

- City Manager advised of a letter from the Chamber of Commerce inviting Councilors to a community reception on January 24, 5-7:30 p.m., at the Greenwood Inn.

13. ADJOURNMENT: 11:10 p.m.

_____
Catherine Wheatley, City Recorder

Attest:

_____
Mayor, City of Tigard

Date: _____

MINUTES
TIGARD CITY COUNCIL BUSINESS MEETING
January 8, 2002

- STUDY SESSION

Mayor Griffith opened the meeting at 6:35 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla.

> COUNCIL GOAL SETTING PREVIEW AND MATERIAL DISTRIBUTION

City Manager Monahan referred to the packet materials distributed to Council for the City Council's January 14, 2002, goal-setting meeting. There was discussion on the goal-setting meeting format and also the City Manager advised that additional information would be sent to the Council on January 11, 2002.

For the goal-setting session, Councilor Scheckla asked for an update on the Washington County Urban Services agreement. Discussion followed. It was noted that the County has indicated that they will soon discuss the possibility of the County collecting Parks Systems Development Charges in the urban services area. There was discussion of the efforts made to date by the City to persuade Washington County to collect Parks SDC's.

> ADMINISTRATIVE ITEMS

- City Manager Monahan noted that a letter from the Department of Land Conservation and Development (public testimony) regarding Agenda Item No. 10, Transportation System Plan, had been distributed to the City Council.

- Council received revised ordinances for the Pacific Crest and Daffodil Hill annexations to reflect that withdrawal from the Tigard Water District would be on July 1, 2002.

- Consent Agenda Item No. 3.4, Approve the City's Updated Investment Policy, would be pulled from the Consent Agenda for separate discussion.

Council meeting recessed: 6:56 p.m.

- EXECUTIVE SESSION: Cancelled.

1. BUSINESS MEETING

1.1 Call to Order - City Council & Local Contract Review Board
Mayor Griffith called the meeting to order at 7:30 p.m.

1.2 Roll Call: Mayor Griffith, Councilors, Dirksen, Moore, Patton, and Scheckla.

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports: None

1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

- Tigard High School Student Envoy Nathan Leamy presented a brief presentation to the City Council regarding activities of Tigard High Leadership. An outline of events was distributed to the City Council.

3. CONSENT AGENDA: Motion by Councilor Moore, seconded by Councilor Patton, to approve the Consent Agenda with Item 3.4 removed for discussion later in the meeting.

3.1 Approve Council Minutes: November 13, 2001

3.2 Receive & File:

a. Council Calendar

b. Tentative Agenda

3.3 Approve a Revision to Resolution 00-08, Citywide Personnel Policies, Article 45, Electronic Communication – Resolution No. 02 - 01

~~3.4 Approve the City's Updated Investment Policy – Resolution No. ___~~ This item removed from the Consent Agenda and considered at the end of the meeting.

3.5 Approve an Application for a Metro/US Fish and Wildlife Service Grant for Implementation of the Fanno Creek Park Enhancement Plan – Resolution No. 02 - 02

The motion was approved by a unanimous vote of Council present.

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

4. STATE OF THE CITY ADDRESS

- Mayor Griffith delivered the State of the City Address. A copy of his speech is on file in the City Recorder's office.

5. EXECUTIVE SUMMARY

- City Manager Monahan delivered the Executive Summary. A copy of the highlights of his remarks is on file in the City Recorder's office.

6. TIGARD BEYOND TOMORROW VISION 2001 REPORT

- Assistant to the City Manager Newton presented the Staff Report. Copies of the Staff Report and other information presented during Ms. Newton's presentation are on file in the City Recorder's office.

7. LIBRARY UPDATE

- Library Director Barnes presented the Staff Report. A copy of the Staff Report and the PowerPoint presentation delivered to the Council are on file in the City Recorder's office.

8. PUBLIC HEARING (QUASI-JUDICIAL) – ZONE CHANGE ANNEXATION (ZCA) 2001-00001 PACIFIC CREST ANNEXATION

The applicant is requesting to annex seven (7) parcels consisting of 28.83 acres into the City of Tigard. The City is also considering to annex two (2) additional parcels in conjunction with this application containing a portion of 2S109BC, Tax Lot 7000 (BPA Power line) and all of 2S105DD, Tax Lot 2200. **LOCATION:** Washington County Tax Assessor's Map 2S105DD, Tax Lots 100, 201, 1900, 2000, 2100 and 2200; 2S105DA, Tax Lots 400 and 500; and 2S109BC, Tax Lot 7000. **ZONE:** R-7: Medium-Density Residential District. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320.020 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

a. Mayor Griffith opened the public hearing.

b. Declarations or Challenges - Mayor Griffith asked the following questions:

- Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?

  Councilor Scheckla advised he had driven by the area in the past, although not recently.

- Have all members familiarized themselves with the application?

Council members indicated that they had familiarized themselves with the application.

- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

  There were no challenges.

c. Staff Report: Community Development Director Hendryx presented the Staff Report to the City Council. The Staff Report and the PowerPoint presentation information are on file in the City Recorder's office.

The Community Development Director reviewed the four options before the City Council. One proposal would be to annex the area adjacent to the Bonneville Power Administration's (BPA) power line. This could possibly be a future lineal park. In response to questions from Councilor Scheckla, Councilor Patton advised that BPA would perform maintenance consisting of removal of shrubs and trees that interfere with the power lines. City Attorney Ramis noted that there would be no change to City liability of this area should be annexed since the City is not asking for the land to become City parkland. If the City should want volunteers to perform maintenance work on the property next to the power lines, the City would have to enter into an agreement(s) with the right-of-way owners.

Community Development Director described a change to one of the maps showing the area to be annexed. In addition the ordinance was revised and resubmitted to the City Council to reflect that the withdrawal from the Tigard Water District would take place as of July 1, 2002.

Mr. Ramis said that should the annexation be approved, he did not see any issues with regard to Measure 7.

d. Public Testimony – Mayor Griffith announced the following:

- For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

- George Morgan, 14130 SW 144th Avenue, Tigard, Oregon advised he applauded the efforts of the Mayor and Council with regard to reviewing annexations. Mr. Morgan signed in as an opponent to this annexation. He noted the benefits of annexing a larger area to the City of Tigard for planning purposes and implementation of the Comprehensive Plan. He referred to the various options proposed by staff and advised that his preference would be Option 4.

  Mr. Morgan noted the importance of resolving issues regarding the transportation system in the Bull Mountain area and the benefits of local control for transportation and land use planning.

- Ken Schelsky, Westlake Consultants, 15115 SW Sequoia Parkway, Tigard, represented the annexation applicant. He advised that they had coordinated with City Staff on their annexation request and have addressed infrastructure needs for streets and the water system. In addition, there will be improved safety measures taken with regard to a gasoline pipeline in the right of way. Site development has been approved and home construction will occur in the near future.

  Council discussed the four options. Council members noted they would prefer not to create islands if possible.

- Gretchen Buehner, 13249 SW 136th Place, Tigard, Oregon, said she lives the Hillshire Development. She favored the annexation since she believed it would help resolve some transportation issues.

e. Staff Recommendation: To approve the annexation and select one of the options presented.

f. Mayor Griffith closed the public hearing.

g. Council Discussion: Council discussed the options and each noted his or her preference for Option No. 4 and that the City Council did not want to create islands if it could be avoided.

In response to Mr. Morgan's concerns, Councilor Patton explained that the Council had discussed the timing of the two annexations before them this evening. She also noted there would be a meeting to review the findings of the Bull Mountain Study on January 31, 2002. After that date, Council may have more of an idea of how planning should go forward for the Bull Mountain area.

h. Council Consideration:

Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt Ordinance No. 02-01.

ORDINANCE NO. 02-01 – AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2001-00001/PACIFIC CREST ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNT ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, CLEAN WATER SERVICES, AND WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

The motion was adopted by a unanimous vote of Council present:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

9. PUBLIC HEARING (QUASI-JUDICIAL) – ZONE CHANGE ANNEXATION (ZCA) 2001-00002 DAFFODIL HILL ANNEXATION

The applicant is requesting to annex one (1) parcel of 3.16 acres into the City of Tigard. **LOCATION:** 13735 SW Bull Mountain Road; WCTM 2S109BA, Tax Lot 1400. **ZONE:** R-7: Medium-Density Residential District. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320.020 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

a. Mayor Griffith opened the public hearing.

b. Declarations or Challenges - Mayor Griffith asked the following questions:

- Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?

  Councilor Moore advised that he had conversations with the engineer for the subdivision regarding electrical service; however, this contact would not affect his decision.

- Have all members familiarized themselves with the application?

  Council members indicated that they had familiarized themselves with the application.

- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

  There were no challenges.

c. Staff Report: Community Development Director presented the Staff Report. A copy of the Staff Report and presentation information is on file in the City Recorder's office.

d. Public Testimony – Mayor Griffith announced the following:

- For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation, which you believe, apply to the decision.

- John Naegli, 13874 SW Leah Terrace advised of his concerns with regard to the proposed subdivision being developed with 18 lots. The original proposal had been for a 14-lot subdivision, but because of standards set for the area inside the urban growth boundary, the number of lots required increased to 18. Mr. Naegli advised he was not in favor of this increased density. He also noted that there were sight distance (fence obscures the view of oncoming traffic) issues affecting traffic safety at the corner of Leah Terrace and Benchview. With increased traffic after the 18 homes are built, safety concerns would become more of an issue.

  Mr. Naegli noted his frustration because the neighbors had no say about the development. The 5,000 square-foot lots to be developed in the Daffodil Hill subdivision will be adjacent to 10,000 square-foot lots already built out.

  Mr. Naegli noted he would prefer that the long-range planning process allow citizens to provide input early on instead of at the end of the process.

e. Staff Recommendation: Mr. Hendryx advised that staff recommends approval of the proposed annexation.

f. Mayor Griffith closed the public hearing.

h. Council Consideration: Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Ordinance No. 02-02.

Councilor Patton noted that even though the Council was considering the proposed ordinance for the annexation that the Council was not dismissing the concerns expressed during public testimony. Staff will review and report to the Council about the traffic safety sight-clearance issues brought up by Mr. Naegli.

Mr. Monahan noted that the ordinance before the Council had been corrected to reflect that withdrawal from the Tigard Water District would occur on July 1, 2002.

ORDINANCE NO 02-02 – AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2001-00002/DAFFODIL HILL ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, CLEAN WATER SERVICES, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

The motion was approved by a unanimous vote of Council present:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

10. PUBLIC HEARING (LEGISLATIVE) – ADOPTING THE TRANSPORTATION SYSTEM PLAN AND AMENDING THE COMPREHENSIVE PLAN

a. Mayor Griffith opened the public hearing.

b. Staff Report: Community Development Director Hendryx presented the Staff Report. A copy of the Staff Report and other materials introduced to the City Council are on file in the City Recorder's office. Mr. Hendryx also introduced Mr. Randy McCourt of DKS Associates who participated in the presentation of information to the City Council.

A letter from the Department of Land Conservation and Development (DLCD) was received by the City Council. It has been determined that no changes are needed to the TSP as a result of the DLCD letter. The issue of narrower street widths can be addressed through Development Code amendments to be prepared and processed in the spring of 2002.

Councilor Scheckla noted concerns with the plan showing a build-out of Hall Boulevard to five lanes. It was noted that this was also an issue for the Washington Square Regional Planning. Mr. Hendryx noted that widening of Hall Boulevard would not be considered until other improvements were made. Councilor Moore also noted that, at this time, Hall Boulevard is a State highway and the City has no authority to design and construct on Hall Boulevard. Mr. Hendryx said that a critical issue with regard to whether or not Hall Boulevard can be widened is the acquisition of right of way and addressing wetlands.

Mr. McCourt said the purpose of the plan is to have a list of projects from which to work so the City can move forward with transportation planning in a coordinated fashion. Councilor Moore commented that if the City had had such plan as the TSP in place 20 years ago, the City probably would not have the transportation issues that it is now facing. Mr. McCourt reminded Council that priorities to plan and implement street improvements are at the Council's discretion.

c. Public Testimony

- Gretchen Buehner, 13249 SW 136th Place, Tigard, advised the Council that she would be visiting with the Council about the Washington County Transportation Plan next week. She described some of the transportation projects that are in the discussion stages now.

  In response to a comment from Mayor Griffith, Community Development Director Hendryx noted that if the County should come up with projects, the City could review these projects and amend the TSP if need be.

  Mr. Hendryx noted the significance of the City of Tigard having its plan in place first when reviewing potential capital improvements to assure they are consistent with the TSP.

d. Mayor Griffith closed the public hearing.

e. Council Discussion

Several Council members complimented staff's work on the TSP, which was described as a "massive undertaking."

f. Council Consideration: Motion by Councilor Patton, seconded by Councilor Moore to adopt Ordinance No. 02-03.

ORDINANCE NO. 02-03 – AN ORDINANCE ADOPTING THE TRANSPORTATION SYSTEM PLAN (TSP) AND AMENDING THE COMPREHENSIVE PLAN TO REFLECT THE UPDATED TSP.

The motion was approved by a unanimous vote of Council present:

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

11. CONSIDER AN ORDINANCE AMENDING CHAPTER 13.04 OF THE TIGARD MUNICIPAL CODE PERTAINING TO LOCAL IMPROVEMENTS, GENERAL PROCEDURES

Project Engineer Greg Berry reviewed the Staff Report. The Staff Report is on file in the City Recorder's office. He reviewed the proposed changes that would be adopted if the City Council approved the ordinance.

Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt Ordinance No. 02-04.

ORDINANCE NO. 02-04 – AN ORDINANCE AMENDING CHAPTER 13.04, LOCAL IMPROVEMENTS – GENERAL PROCEDURES, OF THE TIGARD MUNICIPAL CODE.

The motion was approved by a unanimous vote of Council present.

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

12. COUNCIL LIAISON REPORTS: None

13. NON AGENDA ITEMS: None

> REVIEW OF CONSENT AGENDA ITEM 3.4

Finance Director Prosser reviewed this agenda item which dealt with the City's investment policy and why changes had been proposed to reflect State law. Mr. Prosser confirmed with Mayor Griffith overall policy of investment for the City of Tigard was not changing. After discussion, it was agreed that the Intergovernmental Water Board should also be advised of the changes to the Investment Policy.

Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt Resolution No. 02-03.

RESOLUTION NO. 02-03 – A RESOLUTION APPROVING THE CITY'S UPDATED INVESTMENT POLICY.

The motion was approved by a unanimous vote of Council present.

| | | |
|---|---|---|
| Mayor Griffith | - | Yes |
| Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

14. EXECUTIVE SESSION: Canceled

15. ADJOURNMENT: 10:53 p.m.

_____
Catherine Wheatley, City Recorder

Attest:

_____
Mayor, City of Tigard

Date: _____

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AGENDA ITEM # _____
FOR AGENDA OF 2/26/02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Senior Center Lease Renewal

PREPARED BY: Loreen Mills DEPARTMENT HEAD OK _____ CITY MGR OK _____

## ISSUE BEFORE THE COUNCIL

Should the City have an updated lease with Loaves and Fishes for the use of the Tigard Senior Center?

## STAFF RECOMMENDATION

Approve the lease and authorize signature by the Mayor.

## INFORMATION SUMMARY

The City and Loaves and Fishes (L&F) have had a long standing partnership to deliver services to senior citizens in the Tigard community. The current lease was signed on 9/17/90 and has served us well over the last 11+ years, however, it needs to be updated to meet today's legal environment.

Following are highlights from the lease:

- L&F pays $1.00 per year for the rental of the site;
- Lease is for Monday through Friday, 8:00 AM to 5:00 PM;
- Utilities and maintenance continue to be the responsibility of the City (other than phone) with L&F responsible for all phone utilities;
- L&F is responsible for making application to Washington County for exempt status from property taxation;
- Insurance and indemnification language has been updated; and
- Lease is no longer automatically renewed each July 1st but is a fixed-term lease through 6/30/06.

Loaves and Fishes and the seniors using the Center have been good stewards of the property. In recognition of the rising costs of utilities, there is a renewed commitment by L&F and the seniors to continue their energy efficient practices at the Center as one way to control costs.

## OTHER ALTERNATIVES CONSIDERED

None

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

## ATTACHMENT LIST

- Transmittal letter from Joan Smith, Executive Director of Loaves and Fishes, Inc.
- Lease document

## FISCAL NOTES

It is the current (and past) practice of the City Council to approve Loaves and Fishes annual social services budget request which includes maintenance and utilities (other than phone) to be paid by the City. This occurs each year during the City's annual budgeting process. Should there be a change in Council practice in this area; the lease document provides a method to address that matter.

LOAVES & FISHES
*The Meals-On-Wheels People*

RECEIVED
JAN 24 2002
RISK MANAGEMENT

January 21, 2002

City of Tigard
Bill Monahan, City Manager
13125 SW Hall Blvd.
Tigard, OR 97223

Dear Mr. Monahan,

Please accept the newly signed lease that ensures our on-going partnership and services to the elders of our community. Loaves & Fishes Centers, Inc. greatly values our relationship and the support that helps to stretch funds to meet programming needs for the growing senior population.

Loaves & Fishes has a commitment to not only provide nutrition, outreach and connection to services to homebound individuals, but continue to offer an exciting and learning experience at the Tigard Senior Center. We have been an active participant in Washington County's Vision West long-range planning and strategic positioning for the aging of the baby boomers. Our program continues to grow in multicultural and intergenerational offerings.

Thank you for continuing to partner with us to make this visible and valuable program available to the seniors of our community.

Sincerely,

Joan Smith

Joan Smith
Executive Director

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Loaves & Fishes Centers, Inc.
6125 SE 52nd Avenue
Portland, Oregon 97206
503.736.6325 • 503.736.6322 fax

*Visit us at www.loavesandfishesonline.com*

# L E A S E

THIS LEASE is made and entered into this 26th day of February, 2002, by and between the City of Tigard, an Oregon municipal corporation, hereinafter called City, and Loaves & Fishes Center, Inc., a private, non-profit Oregon corporation, hereinafter called Lessee.

WITNESSETH: In consideration of the covenants, agreements and stipulations herein contained on the part of Lessee to be paid, kept and faithfully performed, City does hereby lease to Lessee and Lessee hereby leases from the City the premises, including all improvements located thereon, as is, situated in the City of Tigard, County of Washington and State of Oregon, known and described as Tigard Senior Center, 8815 SW O'Mara Street, Tigard, Oregon.

The term of this Lease shall be for a period commencing the 1st day of March, 2002 and ending at midnight on the 30th day of June, 2006, at and for a rental of $1.00 for each year or portion thereof during the said term payable in lawful money of the United States at the Tigard City Hall, 13125 SW Hall Boulevard, City of Tigard, State of Oregon 97223, initially at signing of this lease and then some time prior to July 1st of each year.

The Lessee contracts with Washington County to provide services to senior citizens, and desires to use the Tigard facility. The City desires to locate Loaves & Fishes' services in the Tigard Senior Center facility to provide services, programs and activities to Tigard-area residents.

In consideration of the above, each party hereto does hereby covenant and agree as follows:

(1) LESSEE'S ACCEPTANCE OF LEASE

Lessee accepts said letting and agrees to pay to the order of City the rental stated above for the full term of this lease, in the manner aforesaid.

(2) USE OF PREMISES

Lessee shall use said premises for the following use and no other:

- Provision of nutrition and social service programs for the elderly and families.

Said use may include operation of a nutrition and social service program for the elderly, including, but not limited to, congregate and home-delivered meals, informational, educational, and recreational activities, transportation, information and referral, case management, health screening, counseling, and fund-raising activities for the program, provided Lessee obtains proper land use and other approvals as may be required prior to initiating operation of said programs.

Lessee shall have use of the facility from 8:00 A.M. to 5:00 P.M., Monday through Friday. Lessee shall have first priority for additional use of the facility outside of the hours noted in this paragraph.

City will have the right to use and permit the use by others of the building and the equipment, dishes, utensils, pots, pans, etc. under the following terms and conditions:

2.1 Center Manager, or designated representative will schedule all use of the facility Monday – Friday, 8:00 A.M. to 5:00 P.M. The City shall assign a designated person to schedule use of the facility for all time except 8 to 5 Monday through Friday. Such use shall not interfere with the daily use by Lessee or the facility for the operation of a nutrition and social service program for the elderly;

2.2 Lessee shall assure equipment, dishes, and utensils are left in a sanitary and safe condition;

2.3 Lessee will provide trained kitchen personnel (Center Monitor) to supervise the use of kitchen equipment, personnel cost to be reimbursed by the City, for any activities scheduled by the City when the kitchen is used;

2.4 City shall be responsible for use by such other users authorized by the City and responsible for the payment of fees necessary for supervision of the building and equipment use. Costs incurred by Lessee resulting from other use will be reimbursed by the City;

2.5 City shall be responsible for the replacement of any equipment, plates, glasses, cutlery, or utensils lost or damaged by such users as the Lessee/City shall discover in its use or supervision of such other use of the facility; and

2.6 City shall be responsible for replacement of food, cleaning compounds, paper, and the supplies owned by Lessee and used by such other users.

Lessee will not make any unlawful, improper or offensive use of the premises; remove any portion of the structure or fixtures, nor suffer waste thereof. Lessee will not permit anything to be done upon or about said premises in any way tending to create a nuisance, be that at common law or by ordinance or by statute.

Lessee shall not store gasoline or other highly combustible materials on said premises at any time nor use said premises in such a way or for such purposes that the fire insurance rate is thereby increased or that would prevent City from taking advantage of reduced premium rates for long term fire insurance policies.

Lessee shall comply, at Lessee's own expense, with all laws and regulations of any municipal, county, state, federal or other public authority respecting the use of said premises.

Lessee shall regularly occupy and use the premises for the conduct of Lessee's business, and shall not abandon or vacate the premises for more than ten (10) days without written approval of City.

(3) FURNISHINGS AND EQUIPMENT

In the event of termination of this agreement, all such furnishings, equipment, and decorations which are permanently attached to the facility shall remain in the facility in good repair, with allowance for wear and tear, occasioned by normal use. Each of the parties hereto including the City, shall retain ownership of any non-fixture equipment, pots, pans, dishes, utensils, and other personal property acquired by its own funds, by funds received from grants and donations to such party for the purpose of acquiring such personal property, or such personal property as may be donated to such party.

(4) UTILITIES/MAINTENANCE

City shall pay for all heat, light, water, sewerage and storm drainage fees, power, sanitary services, and other utilities used in the above premises during the term of this lease except for telephone. Lessee will pay for all telephone utilities. City shall be responsible for janitorial and regular maintenance of the building.

Lessee will keep the kitchen clean, in such a way as to meet the standards of Oregon State Health Division for daily cleanliness: repairs, equipment maintenance, and seasonal cleaning are the responsibility of the City.

(5) TAXES

Lessee agrees to pay all taxes and assessments which during the term of the Lease may become due, become a lien or which may be levied by the state, county, city, or any other tax-levying body upon the premises. Furthermore, Lessee agrees to pay all taxes and assessments on any taxable interest obtained by Lessee through this Agreement or on any taxable possessory interest, which Lessee may have in or to the premises by reason of its occupancy. Furthermore, Lessee agrees to pay all taxes on all taxable property, real or personal, owned by it in or about the premises. Upon making such payments, Lessee shall give the City a copy of the receipts and vouchers showing payment.

Lessee understands that City property is exempt from property taxation until leased to a taxable entity. Should Lessee be a non-taxable entity, Lessee will be responsible for making application to Washington County for exempt status from property taxation. Upon being granted exempt status on the property, Lessee will file a copy of said exemption with the City.

In the event that the term of the Lease extends beyond June 30 of any year, Lessee shall be responsible for payment of all property taxes for the entire tax year without proration, or, in the event of any change in property tax law, for any taxes due under such law. With respect to assessments for public improvements which are or may be payable in Bancroft installments, Lessee shall be required to pay only those installments which become due during the term of the Lease or this Amendment.

(6) REPAIRS AND IMPROVEMENTS

City hereby agrees to maintain and keep said premises (including all interior and exterior doors, heating, ventilating and cooling systems, interior wiring, plumbing and drain pipes to sewers or septic tank), in good order and repair during the entire term of this lease at City's own cost and expense. Lessee further agrees they will make no alteration, addition or improvements to or upon said premises without the prior written consent of the City.

The City will provide light bulbs and fluorescent tubes, toilet tissue, paper towels, toilet soap and such other supplies needed for daily operation in the restrooms and sink areas outside of the kitchen area.

City agrees to maintain the exterior walls, roof, gutters, downspouts and foundations of the building and the sidewalks thereabouts. It is understood and agreed that City reserves to itself (and to at any and all

times shall have) the right to alter, repair or improve said premises, or to add thereto and for that purpose at any time may erect scaffolding and all other necessary structures about and upon the premises, and City and City's representatives, contractors and their respective employees and agents for that purpose may enter in or about the said premises with such materials as may be necessary, and Lessee waives any claim to damages resulting therefrom.

(7) CITY'S RIGHT OF ENTRY

It shall be lawful for City, its agents and representatives, at any reasonable time to enter into or upon the premises for the purpose of examining into the condition and use.

(8) TERMINATION OF LEASE

Failure to provide services in accordance with the contract to the satisfaction of the City, or its designee, shall result in written notification. Such notification shall be addressed to the Loaves & Fishes Center Director and shall delineate the inadequacies and provide specific remedies stipulating a deadline for resolution not less than 60 days from the date notification was received by the Director. Failure to remedy shall result in termination of the contract by the City.

(9) LIENS

Lessee will not permit any lien of any kind, type or description to be placed or imposed upon the building in which said leased premises are situated, or any part thereof, or the real estate on which it stands.

(10) ICE, SNOW, DEBRIS

City shall at all times keep the sidewalks in front of the premises free and clear of ice, snow, rubbish, debris and obstruction, and will not permit rubbish, debris, ice or snow to accumulate on the roof of the building so as to stop up or obstruct gutters or down spouts or cause damage to said roof.

(11) OVERLOADING OF FLOORS

Lessee will not overload the floors of said premises in such a way as to cause any undue or serious stress or strain upon the building, and City shall have the right, at any time, to call upon any competent engineer or architect whom City may choose, to decide whether or not the floors of said premises are being properly used. The decision of said engineer or architect shall be final and binding upon Lessee; and in the event that the engineer or architect decides that the stress or strain is such as to imperil said building in whole or in part, Lessee agrees to immediately relieve said stress or strain in a manner satisfactory to City.

(12) NO USE OF HAZARDOUS SUBSTANCES

No handling, storage, generation, creation, disposal, transportation or discharge of any Hazardous Substances shall be permitted on or about the premises by Lessee, its employees, agents, customers or contractors. This restriction does not apply to ordinary office and janitorial supplies available over the counter for common use by members of the general public. Nor shall this prohibition apply to substances fully contained inside of motor vehicles if they are used in accordance with all applicable legal requirements. As used in this section, "Hazardous Substances" shall mean any substance, material or product defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes by any federal, state or local regulatory agency.

(13) SIGNS

Lessee may alter the existing free-standing sign structure upon receipt of a sign permit from the City of Tigard, but shall not, without written prior written consent of the City, use the outside walls of said premises, or allow signs or devices of any kind to be attached thereto or suspended therefrom.

(14) FIXTURES

All partitions, plumbing, electrical wiring, additions to or improvements upon said leased premises, whether installed by City or Lessee, shall be and become a part of the building as soon as installed and the property of City unless otherwise herein provided.

(15) LIGHT AND AIR

This lease does not grant any rights of access to light and air over the property.

(16) DAMAGE BY FIRE OR OTHER CASUALTY

In the event of any damage to the property by fire or other casualty, either party hereto may terminate this lease as of the date of said fire or casualty.

(17) GRIEVANCES

The resolution of any grievances between the parties shall first be attempted between the City Manager, or designee, and Loaves & Fishes Center Manager.

(18) INDEMNIFICATION

Lessee agrees to fully indemnify, hold harmless and defend the City, its City Council, officers and employees from and against all losses, expenses, claims and actions (including all expenses incidental to the investigation and defense thereof) of any kind or nature including, but not limited to, claims or actions based upon or arising out of damages or injuries to third persons or their property, proximately caused (or allegedly caused) through the fault of Lessee, its employees or agents in the use and/or occupancy of the premises.

The City shall give Lessee prompt and reasonable notice of any such claims or actions known to the City, and Lessee shall have the obligation to investigate, compromise and defend same, provided such claim is not caused by the negligence of the City, its employees or agents.

In the event that there is any bodily injury at, or property damage to, any portion of the premises caused by Lessee or any third party, Lessee shall immediately notify the City's Risk Manager and cooperate in the City's investigation of said incident. Lessee shall make all reports or documents concerning the incident, whether in their possession or the possession of their insurance carrier available to the City and cooperate with the City in investigating, compromising or litigating the claim against those parties.

For any property damage done to or caused by the fault of Lessee, Lessee shall be given the option of repairing the damage or having the City repair the damage at Lessee's expense. The City shall give written notification to Lessee of any damage requiring repair and give Lessee thirty (30) days to commence repair. If within that period, or such other period as may be mutually agreed upon, no effort has been made to effect repairs, then the repairs will be performed by the City and billed to Lessee.

For damage done to or at the property or premises by third parties for which Lessee is not responsible, the City shall bear the initial cost of investigating, compromising or litigating the claim, but may recover such costs if otherwise permitted by law or this Agreement.

(19) INSURANCE REQUIREMENT

Insurance requirements set forth below do not in any way limit the amount or scope of liability of Lessee under this Agreement. The amounts listed indicate only the minimum amounts of insurance coverage the City will accept to help insure full performance of all terms and conditions of this Agreement. All insurance required by Lessee under this Agreement shall meet the following minimum requirements:

(19.1) Certificates: Notice of Cancellation. On or before the Effective Date, Lessee shall provide the City with certificates of insurance establishing the existence of all insurance policies required under this Section. Thereafter, the City must receive notice of the expiration or renewal of any policy at least thirty (30) days prior to the expiration or cancellation of any insurance policy. No insurance policy may be canceled, revised, terminated or allowed to lapse without at least thirty (30) days prior written notice being given to the City. Insurance must be maintained without any lapse in coverage during the entire initial Term and any extension thereof. Insurance canceled without City consent shall be deemed an immediate Event of Default under this Agreement. The City shall also be given certified copies of Lessee's policies of insurance, upon request.

(19.2) Additional Insured. The City shall be named as an additional insured in each required policy and, for purposes of damage to the Premises, as a loss payee. Such insurance shall not be invalidated by any act, neglect or breach of contract by Lessee.

(19.3) Primary Coverage. The required policies shall provide that the coverage is primary, and will not seek any contribution from any insurance or carried by the City.

(19.4) Company Ratings. All policies of insurance must be written by companies having an A.M. Best rating of "A" or better, or equivalent. The City may, upon thirty (30) days written notice to Lessee, require Lessee to change any carrier whose rating drops below an A rating.

(19.5) Required Insurance. At all times during this Agreement, Lessee shall provide and maintain the following types of coverage:

19.5.1 General Liability Insurance. Lessee shall maintain an occurrence form commercial general liability policy, personal injury liability, for the protection of Lessee and the City, insuring Lessee and the City against liability for damages because of personal injury, bodily injury, death, or damage to property (including the loss of use thereto and occurring on or in any way related to the premises or occasioned by reason of the operations of Lessee. Such coverage shall name the City as an additional insured. Coverage shall be in an amount of not less than ONE MILLION DOLLARS ($1,000,000) combined single limit per occurrence for bodily injury and property damage for all coverage specified herein. City will also provide the same coverage, naming Loaves and Fishes as an additional insured.

19.5.2 Fire Legal Liability Insurance. The City shall insure the building space and all improvements affixed thereto considered to be part of premises, being managed by Lessee. Lessee is responsible to insure all of its own personal property, which items shall not be covered by City insurance. Furthermore, Lessee must at all times carry Fire Legal Liability insurance coverage in an amount not less than ONE HUNDRED THOUSAND DOLLARS ($100,000). Such coverage shall name the City as an additional insured.

19.5.3 Workers' Compensation Insurance, Lessee shall maintain in force Workers' Compensation insurance for all of its employees. In lieu of such insurance, Lessee may maintain a self-insurance program meeting the requirements of the State of Oregon.

(19.6) Periodic Review. The City shall have the right to periodically review the types, limits and terms of insurance coverage. In the event the City determines that such types, limits, and/or terms should be changed, the City will give Lessee a minimum of thirty (30) days notice of such determination and Lessee shall modify its coverage to comply with the new insurance requirements of the City. Lessee shall also provide the City with proof of such compliance by giving the City an updated certificate of insurance within fifteen (15) days.

(19.7) Subrogation. Except as limited by this subsection, the parties hereto waive any right of action that they might have against the other for loss or damage, to the extent that such loss

or damage is covered by any insurance policy or policies and to the extent that proceeds (which proceeds are free and clear of any interest of third parties) are received by the parties claiming the loss or damage. This waiver of subrogation shall not extend to any applicable deductibles under such policy or policies.

(20) DELIVERING UP PREMISES ON TERMINATION

At the expiration of said term or upon any sooner termination, Lessee will quit and deliver up said leased premises and all future erections or additions to or upon the same to City or those having City's estate in the premises, peaceably, quietly, and in as good order and condition, reasonable use and wear thereof, damage by fire, unavoidable casualty and the elements alone excepted, as the same are now in or hereafter may be put in by City.

(21) BREACH OF LEASE TERMS

If Lessee fails to keep, perform or observe any of the terms and/or conditions imposed on it by this Lease for a period of thirty (30) or more days after written notice of said failure by the City, or Lessee fails to surrender possession of the premises at the Lease's conclusion, then, and in either event the City may terminate the Lease at any time thereafter without further notice or demand on Lessee, enter the premises and lawfully repossess it, expel Lessee (as well as any others claiming through Lessee) and remove/store Lessee's effects (all at Lessee's expense) without prejudice to any other remedy, action or suit which the City may be entitled to for arrearage, damages to the property or its interests and/or breach of this lease.

PROVIDED, ALWAYS, and these presents are upon these conditions, that (1) if Lessee shall fail or neglect to do, keep, perform or observe any of the covenants and agreements contained herein on Lessee's part to be done, kept, performed and observed and such default shall continue for thirty (30) days or more after written notice of such failure or neglect shall be given to Lessee, or (2) if on the expiration of this lease Lessee fails to surrender possession of said leased premises, then and in either or any of said cases or events, City may terminate this lease and at time thereafter, without further demand or notice, may enter said premises and repossess the same, and expel said Lessee and those claiming by, through and under Lessee and remove Lessee's effects at Lessee's expense, and store the same, all without being deemed guilty of trespass and without prejudice to any remedy which otherwise might be used for arrears of rent or preceding breach of covenant.

Neither the termination of this lease by forfeiture nor the taking or recovery of possession of the premises shall deprive City of any other action, right, or remedy against Lessee for possession or damages, nor shall any omission by City to enforce any forfeiture, right or remedy to which City may be entitled be deemed a waiver by City of the right to enforce the performance of all terms and conditions of this lease by Lessee.

(22) HOLDING OVER

In the event Lessee for any reason shall hold over after the expiration of this lease, such holding over shall not be deemed to operate as a renewal or extension of this lease, but shall only create a tenancy from month to month which may be terminated at will at any time by City.

(23) NOTICES

Any notice required by the terms of this lease to be given by one party hereto to the other or desired so to be given, shall be sufficient if in writing contained in a sealed envelope, deposited in the U.S. Registered Mails with postage fully prepaid, and if intended for City herein then if addressed to said Lessor, in care of the City Manager, at Tigard City Hall, 13125 SW Hall, Tigard, Oregon 97223 and if intended for Lessee then if addressed to Lessee, in care of the Director, at 8815 SW O'Mara Street, Tigard, Oregon 97223. Any such notice shall be deemed conclusively to have been delivered to the addressee thereof forty-eight (48) hours after the deposit thereof in said U. S. Registered Mails.

(24) HEIRS AND ASSIGNS

All rights, remedies and liabilities herein given to or imposed upon either of the parties hereto shall extend to, inure to the benefit of and bind, as the circumstances may require, the heirs, executors, administrators, successors and, so far as this lease is assignable by the term hereof, to the assigns of such parties.

(25) ASSIGNMENT

No part of this Agreement may be assigned, nor may a right of use to any portion of the premises or property be conferred on any third person by any other means, without the prior written consent of City. Any assignment or attempted assignment without the City's prior written consent shall be void.

(26) CONDEMNATION

If the premises or any interest therein is taken as a result of the exercise of the right of eminent domain, this Agreement shall terminate as to such portion as may be taken.

(27) NON-WAIVER

Waiver by either party of strict performance of any provision of this Agreement shall not be a wavier of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

(28) ADHERENCE TO LAW

Lessee shall adhere to all applicable federal, state and local laws, rules, regulations and ordinances, including laws governing its relationship with its employees, including but not limited to, laws, rules, regulations and policies concerning Workers' Compensation, minimum and prevailing wage requirements and occupational safety and health requirements.

(29) TIME OF ESSENCE

It is mutually agreed that time is of the essence in the performance of all covenants and conditions to be kept and performed under the terms of this Agreement.

(30) WARRANTIES/GUARANTEES

Except for those warranties specifically set forth herein, the City makes no warranty, guarantee or averment of any nature whatsoever concerning the physical condition of premises, and it is agreed that the City will not be responsible for any loss, damage or costs which may be incurred by Lessee by reason of any such physical condition.

(31) HEADINGS

The article and section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Agreement.

(32) CONSENT OF CITY

Whenever consent approval or direction by the City is required under the terms contained herein, all such consent, approval or direction shall be received in writing from the City Manager.

(33) MODIFICATION

Any modification of this Agreement shall be mutually agreed upon and reduced to writing, and to the extent it does not affect a major business term of the Agreement, may be done for the City, by its City Manager.

(34) GOOD FAITH

The terms and conditions set forth in this Agreement are for the benefit of both parties. The parties further agree and understand that time is of the essence. In the performance of the duties and obligations set forth herein, there is an obligation and duty of reasonable diligence and good faith imposed on the parties to fulfill the terms, conditions and covenants in this Agreement.

(35) ATTORNEY FEES

In the event of a dispute between the parties as to the interpretation or applicability of any of the provisions of the Agreement and the parties are unable to resolve the matters through mediation within thirty (30) days of notice of the dispute, and thereafter a suit or action is instituted in connection therewith, the prevailing party shall be entitled to recover in addition to costs and disbursements (including experts fees and all costs associated with discovery), such sum as the court may adjudge reasonable as attorney fees, or in the

event of appeal, such fees as may be as allowed by the appellate court. Washington County District Court shall be the venue for an action or suit concerning the terms of this Agreement.

(36) ENTIRE AGREEMENT

It is understood and agreed that this instrument contains the entire Agreement between the parties. It is further understood and agreed by Lessee that the City and its agents have made no representations or promises with respect to this Agreement or the making or entry into this Agreement, except as in this Agreement expressly set forth.

(37) WARRANT OF AUTHORITY

The individuals executing this Agreement warrant that they have full authority to execute this Agreement on behalf of the entity for whom they are acting herein.

IN WITNESS WHEREOF, the respective parties have executed this instrument in duplicate on this, the day and year first hereinabove written, any corporation signature being by authority of its Board of Directors or Council.

| | |
|---|---|
| CITY: **CITY OF TIGARD** | LESSEE: **LOAVES & FISHES CENTERS, INC.** |
| By:_____ | By: s/Joan Smith |
| James Griffith, Mayor | Joan Smith, Executive Director |

lm/ms/h:/docs/leases/senior center lease 2002-2006..doc

AGENDA ITEM # _____
FOR AGENDA OF February 26, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Resolution Recognizing Transfer of Juvenile Caseload to the Municipal Court

PREPARED BY: Judge O'Brien & N. Robinson DEPT HEAD OK: _____ CITY MGR OK: _____

## ISSUE BEFORE THE COUNCIL

Should Council approve a resolution allowing juvenile first-time offender cases, currently cited into Washington County Juvenile Department, to be transferred to the Municipal Court?

## STAFF RECOMMENDATION

Give formal approval, through resolution, for the Municipal Court to process first-time juvenile offenders for violation level offenses.

## INFORMATION SUMMARY

May 2001, Judge O'Brien and the Court Manager met with Council to discuss the court's annual report. As part of the discussion, the possibility of taking additional juvenile caseload was proposed. Council expressed interest in the program and asked that more information be gathered and a follow-up proposal be presented. In January 2002, Judge O'Brien and the Court Manager again met with Council to discuss the feasibility of the Municipal Court accepting juvenile cases. The program proposed to Council would be available to first-time juvenile offenders who are at least 14 years of age. Crimes would be treated as violations under Oregon law, thereby circumventing the need for court-appointed counsel. The types of cases identified as appropriate for Municipal Court include: disorderly conduct, simple assaults, minor thefts, trespass, vandalism, truancy, and curfew violations. The Juvenile Department would continue to take the drug and alcohol violations as they have been awarded grant money to respond to these types of cases. The program would have no impact on current Peer Court operations.

At the January 15th, 2002 meeting, Council indicated support of the program and asked that a resolution be brought before them that would approve the change in Municipal Court's caseload.

## OTHER ALTERNATIVES CONSIDERED

Continue to provide service at the present level.

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

## ATTACHMENT LIST

- Resolution
- Court Rule

## FISCAL NOTES

Fiscal impacts will be absorbed in the current budget.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION RECOGNIZING THE TRANSFER OF LIMITED JUVENILE CASELOAD FROM THE WASHINGTON COUNTY JUVENILE DPEARTMENT TO THE TIGARD MUNICIPAL COURT

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WHEREAS, in 1999 Washington County Juvenile Department staff approached the Municipal Court Judge to inquire into the interest the Municipal Court had in taking additional juvenile cases; and

WHEREAS, a proposal was made to City Council that recommended Municipal Court hear first-time offender cases for juveniles that are at least 14 years of age; and

WHEREAS, City Council has recognized a local forum for minor juvenile matters, that will complement programs currently offered by Washing County Juvenile Department and the Tigard Peer Court, will be of benefit to the community.

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

SECTION 1: Tigard Municipal Court is authorized to accept juvenile cases that meet the criteria set out in Exhibit A."

EFFECTIVE DATE:

PASSED: This _____ day of _____, 2002.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

Exhibit A

IN THE MUNICIPAL COURT OF THE CITY OF TIGARD
COUNTY OF WASHINGTON, STATE OF OREGON

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | No. 02-14 |
| JUVENILES | ) | Supplemental Court Rule |

IT IS HEREBY ORDERED:

**1. STATEMENT OF POLICY**: As provided by ORS 419C.370, the Tigard Municipal Court will adjudicate juvenile violations under the conditions set forth in this Rule. The goals of the Court in accepting juvenile cases are to provide a local forum for minor juvenile matters, to complement programs currently offered by the Washington County Juvenile Department ("Juvenile Department") and the Tigard Peer Court, and to further the policies articulated in ORS 419A.002 and 419C.001.

**2. CRITERIA FOR REFERRALS**: The Court will accept cases referred by the Tigard Police Department and other law-enforcement agencies on the following bases:

a. Offenses classified as violations that are waived to the Court by the Washington County Juvenile Court as provided by ORS 419C.370(1)(b);

b. Offenses classified as misdemeanors that are alleged as violations under ORS 161.566 according to criteria developed by the Tigard City Prosecutor and Chief of Police. The criteria shall be designed to promote the referral of juvenile first offenders to the Court, while juveniles with prior adjudications will continue to be referred to the Juvenile Department.

c. Non-felony traffic cases;

d. Offenses referred to the Court by the Tigard Peer Court for failure to comply with any conditions of diversion; and,

e. Juveniles referred to the Court must be at least 14 years of age.

The following categories of juvenile cases shall not be subject to this rule:

a. Juveniles with prior adjudications for misdemeanors in any other court; and,

b. Drug and alcohol offenses, including Driving Under the Influence of Intoxicants.

**3. PROCEDURES IN JUVENILE CASES:** The Court shall designate regular dates and times for arraignments and trials of juveniles subject to this Rule. Upon receipt of a complaint, the Court shall:

a. Notify the Juvenile Department that a complaint has been received, as provided by ORS 419C.370(2)(a);

b. Upon request from Juvenile Department, waive the juvenile to that Court for further proceedings pursuant to ORS 419C.370(2)(b);

c. As provided by ORS 419C.306 and 419C.374, a summons shall be issued to the parent or other person having physical custody of the juvenile, requiring the parent or other person to appear with the juvenile before the Court at the time and place stated in the summons. The summons may be served by mailing a copy thereof to the parent or other person as provided by ORS 419C.374(3).

d. For all property offenses, the Court shall notify the Juvenile Department of the disposition of each case as provided by ORS 419C.370(3)(a).

e. For any juvenile previously adjudicated in the Tigard Municipal Court under this Rule, the Court may waive the juvenile to the Juvenile Department for further proceedings.

f. Notify victims, as identified in police reports, of the pendency of the case and the time set for hearing.

g. Provide for restitution where appropriate pursuant to ORS 419C.450.

h. If any juvenile fails to appear as summoned, or is placed on probation or diversion and is alleged to have violated a condition of probation or diversion, the Court shall notify the Juvenile Department for further proceedings as provided by ORS 419C.370(3)(b). As appropriate, the Court may also enforce its orders by a contempt order pursuant to ORS 419A.180.

i. Expunction of juvenile records shall be subject to the provisions of ORS 419A.260.

j. Cases in which a juvenile enters a plea of "not guilty" shall be set for trial in the usual course. As provided by ORS 419C.200(1), juveniles accused of violations shall not be entitled to court-appointed counsel.

k. Juveniles referred by the Tigard Peer Court for failure to comply with a condition of diversion shall be scheduled to appear at a special hearing to determine an appropriate disposition.

**4. DISPOSITION OF JUVENILE CASES:** In order to prevent further law violations, the Court will seek dispositions based on the following principles:

a. As provided by ORS 419C.001, swift and decisive intervention by the Court for juvenile first offenders, emphasizing the goals of enhanced public safety and prevention of further criminal activity;

b. Imposition of appropriate monetary sanctions, including restitution, to promote a sense of accountability and help deter future criminal conduct;

c. Use of community-based programs, including alternative community service and other forms of diversion, that seek to rehabilitate the juvenile and enhance awareness of the consequences of criminal behavior; and,

d. Promote the active and continuing involvement of parents or legal guardians in every phase of the process.

**5. INDEPENDENT EVALUATION:** The Court will assist in any evaluation of its programs, policies and services by the Juvenile Department or any other agency designated by the City of Tigard.

/ / / /

/ / / /

DATED this 24th day of January, 2002.

_____

Michael J. O'Brien, Presiding Judge
Tigard Municipal Court

Agenda Item No.: 4.4
Meeting of: February 26, 2002

Packet Materials for

# Approve Bull Run Regional Drinking Water Agency Joint Funding Agreement

will be available in hard copy on Friday, February 22, 2002

Contact the City Recorder's Office at 503-639-4171
for more information

AGENDA ITEM # _____
FOR AGENDA OF February 26, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Washington Square Phase II, Implementation

PREPARED BY: Julia Hajduk DEPT HEAD OK _____ CITY MGR OK _____

## ISSUE BEFORE THE COUNCIL

Should the Council implement the Washington Square Regional Center Plan, zoning and amendments and adopt the proposed Comprehensive Plan and Development Code changes to the previously approved Washington Square Regional Center Plan elements?

## STAFF RECOMMENDATION

Implement the Washington Square Regional Center Plan and Comprehensive Plan and Development Code Amendments by adopting the attached Resolution (Attachment 1).

Adopt the proposed Comprehensive Plan (Exhibit A) and Development Code (Exhibit B) amendments by adopting the attached Ordinance (Attachment 2).

## INFORMATION SUMMARY

At the January 22, 2002 City Council meeting, Council heard the staff report and public testimony on the implementation of the Washington Square Regional Center Plan and proposed minor amendments to the Development Code and Comprehensive Plan to reflect the implementation phase recommendations. Council allowed the record to remain open for 7 days for additional written testimony. Attached (Attachment 3) is summary and response to the main issues raised at the hearing and in the written testimony. Attachment 4 is copies of the written testimony received by January 29, 2002 at 5:00 PM. The following issues are addressed in the attached memo: notice, statewide land use goals, Goal 5, upzoning/maximum density, openspace-greenbelt concept, development in wetlands and floodplain, funding, urban renewal, boundary of the Regional Center Plan, widening of Hall, Metro's target capacity and a response to the drainage issue raised by Dr. Davis at the City Council hearing. All of the issues raised have been addressed in the attached memo or previously in the record and Staff continues to recommend that the Regional Center Plan and associated standards be implemented and that the proposed amendments be adopted.

At the meeting on February 26, 2002, Council is asked to consider two actions:

1. Adopt resolution implementing the Washington Square Regional Center Plan. Although Council approved the Regional Center Plan in February, 2000, the implementation was delayed until recommendations could be developed for transportation, stormwater, natural resources and parks and open spaces.

2. Adoption of the proposed Comprehensive Plan and Development Code amendments as recommended by the Planning Commission on December 3, 2001.

## OTHER ALTERNATIVES CONSIDERED

- Provide additional comments or changes to the proposed Development Code and Comprehensive Plan changes.
- Take no action at this time.
- Adopt the proposed Development Code and Comprehensive Plan changes but continue to delay implementation of the Regional Center Plan.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #1 – Accommodate growth while protecting the character and livability of new and established areas, strategy 1 and 3.

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ATTACHMENT LIST

Attachment:

1 – Draft Resolution implementing the Washington Square Regional Center Plan, including: zoning, development code, and Comprehensive Plan amendments adopted previously by Ordinance number 00-18

2 – Draft Ordinance adopting the Comprehensive Plan and Development Code Changes for the Washington Square Regional Center (CPA2001-00002/ZOA2001-00002)

Exhibit A – Proposed Development Code changes

Exhibit B – Proposed Comprehensive Plan changes

Exhibit C – Staff Report

3 – Memo to Council summarizing issues raised

Exhibit A – Minutes from Feb 8, 2000 City Council meeting where issues were raised and addressed

Exhibit B – February 1, 2000 memo from the Planning Division to Council

Exhibit C – Draft map showing areas adjacent to low density residential zones with no specified maximum density

Exhibit D – August 8, 2001 Memo from City Attorney regarding urban renewal

Exhibit E – Response from Engineering regarding the issue raised by Dr. Davis

4 – Written testimony received between January 22nd and January 29th, 2002

5 -- February 15, 2002, memo from Jim Hendryx to Mayor & Council regarding the proposed Metro Ballot Measure

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FISCAL NOTES

There are no costs associated with the proposed Comprehensive Plan and Development Code amendments, however, there will be long term costs associated with the implementation of the Washington Square Regional Center Plan. The financing strategy is being prepared.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-

A RESOLUTION IMPLEMENTING THE WASHINGTON SQUARE REGIONAL CENTER PLAN, INCLUDING: ZONING, DEVELOPMENT CODE, AND COMPREHENSIVE PLAN AMENDMENTS ADOPTED PREVIOUSLY BY ORDINANCE NUMBER 00-18.

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WHEREAS, the City of Tigard, with the assistance of neighboring jurisdictions, affected agencies and citizens, developed a plan for the Washington Square Regional Center (Regional Center Plan); and

WHEREAS, the Regional Center Plan was generally supported by the City Council but there was concern about the implementation of the Regional Center Plan, specifically in four areas: transportation, storm water, natural resources, and parks and open spaces; and

WHEREAS, Council adopted the Regional Center Plan, amendments to the Comprehensive Plan map, amendments to the Comprehensive Plan text and amendments to the Development Code text by Ordinance 00-18 but delayed implementation until development of recommendations for storm water, open space, environmental and natural resources and preparation of strategies and a financial plan for transportation improvements could be completed; and

WHEREAS, Ordinance 00-18 says that the amendments of the Comprehensive Plan text and map, amendments to the Development Code text and adoption of the Regional Center Plan shall be effective when the Council, by resolution, finds that the recommendations for storm water, drainage, recommendations for open space and strategies and a financial plan for transportation improvements for the Washington Square Regional Center have been prepared and adopted by the City Council; and

WHEREAS, the original Task Force was reconvened, and four (4) Technical Advisory Sub-committees created, to review in detail each area of concern to develop recommendations and to determine if there were “fatal flaws” in the original Regional Center Plan which may need to be fixed or addressed in order to implement the Regional Center Plan; and

WHEREAS, the Implementation Plan (summarized in the Summary Report) provides recommendations for the implementation of the Regional Center Plan for transportation, storm water, natural resources, parks and open spaces and financing which will serve as a guide for the future actions in this area; and

WHEREAS, one of the recommendations was an amendment to the Development Code to allow flexibility of development and density standards for sites adjacent to natural resource areas with the intent of allowing increased preservation of the resource area, and amendments to the Comprehensive Plan to reflect the Implementation Plan work products; and

WHEREAS, the recommended Comprehensive Plan and Development Code amendments have been approved by the City Council at the January 22, 2002 public hearing.

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

SECTION 1: The City Council finds that the findings and recommendations of the Implementation Plan adequately address the specified areas of concern.

SECTION 2: The recommended actions identified in the summary report should act as a guide for staff in future work programming with the understanding that an implementation program is currently being developed and will be brought to Council at a future date for their endorsement and adoption by Ordinance.

SECTION 3: This resolution is effective immediately upon passage, however the Washington Square Regional Center Plan, amendments to the Comprehensive Plan map and text, and amendments to the Development Code text, as adopted by Ordinance 00-18 and amended by Ordinance 02- ___ shall take effect 30 days after the passage of this resolution.

PASSED: This _____ day of _____ 2002.

_____
Mayor - City of Tigard

ATTEST:

CITY OF TIGARD, OREGON

ORDINANCE NO. 02-_____

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN AND DEVELOPMENT CODE CHANGES FOR THE WASHINGTON SQUARE REGIONAL CENTER (CPA2001-00002/ZOA2001-00002).

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WHEREAS, The City Council adopted the Washington Square Regional Center Plan, Zone change, Comprehensive Plan text changes and Development Code text changes in March, 2000 but delayed implementation until recommendations on several areas of concerns could be developed; and

WHEREAS, The Washington Square Regional Center Implementation Task Force has met to discuss the recommendations and has prepared a report which includes conclusions and recommendations for the successful implementation of the Washington Square Regional Center Plan and amendments; and

WHEREAS, the Task Force recommended several changes to the Development Code and Comprehensive Plan text that was previously adopted; and

WHEREAS, Staff has prepared findings which show that the proposed amendments to the Development Code and Comprehensive Plan comply with Community Development Code Section, 18.390.060; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, 3.4.2.D, 8.1.1, and 8.2.1; Statewide Planning Goals 1, 2, 5, and 12; Metro Functional Plan Titles 1, 3, 4, and 7 and the Regional Transportation Plan; and

WHEREAS, the Planning Commission held a public hearing, which was noticed in accordance with the City standards, on December 3, 2001 and voted to recommend approval of the requested amendments to the City Council; and

WHEREAS, the City Council held a public hearing, which was noticed in accordance with City standards, on January 22, 2002, and continued to February 26, 2002, and voted to approve the proposed amendments.

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

SECTION 1: The adopted Comprehensive Plan text amendment and Development Code text amendments, are shown in Exhibits A and B.

SECTION 2: The requested amendments are approved based on the analysis and findings in the staff report (Exhibit C).

SECTION 3: The approved amendments shall be effective on the date that the Washington Square Regional Center Plan and associated amendments become effective, but no less than 30 days after its passage by the City Council.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2002.

_____
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2002.

_____
James E. Griffith, Mayor

Approved as to form:

_____
City Attorney

_____
Date

# WASHINGTON SQUARE REGIONAL CENTER
## Proposed Text Amendments to the Tigard Development Code

**Amendments to the following sections of the development code are necessary in order to implement the Washington Square Regional Center Plan:**

18.360 – Site Development Review
18.370 – Variances and Adjustments
18.520 – Commercial Zoning Districts
18.630 – Washington Square Regional Center
18.760 – Non-Conforming Situations

Following is the proposed text which reflects a combination of changes. When the Washington Square Regional Center Plan was adopted, a new code section, 18.630 was adopted at that time as well but not implemented and incorporated into the development code since the implementation of the Plan was delayed. Since that time, changes were made to the code and staff identified the need for formatting and clerical changes to allow the adopted language to better fit into the existing development code. In addition, the Washington Square Regional Center Implementation Plan Task Force identified the need for additional code amendments. In order to visualize the impetus behind each change, staff has identified each change as follows:

Previously adopted Washington Square standards that have been re-formatted to fit into the existing development code is highlighted (No changes to the content, just moved around within the development code).

Text that has been added to cross-reference with the WSRC standards, to clarify existing adopted standards or to fix clerical errors is double underlined, (New text but no major content changes, just added language to clarify the original intent and to cross reference for easier usage of the code).

Task Force recommended changes to previously adopted Washington Square text is ***bold and italicized*** (New text and content that was not previously provided for).

# 18.360
# SITE DEVELOPMENT REVIVEW

## 18.360.030 Approval Process

A. New developments and major modifications. Site development review for a new development or major modification of an approved plan or existing development, as defined in Section 18.360.030A, shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.360.090.

B. Minor modifications. Minor modifications of an approved plan or existing developments, as defined in Section 18.360.060, shall be processed as a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Section 18.360.060.

C. Approval period. Site development review approval by the Director shall be effective for a period of 1-1/2 years from the date of approval. The site development review approval by the Director shall lapse if:

1. Substantial construction of the approved plan has not begun within a one-and-one-half years period; or

2. Construction on the site is a departure from the approved plan.

D. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original site development review plan as approved by the Director;

2. The applicant can show intent of initiating construction on the site within the one year extension period; and

3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

E. Phased development.

1. The Director shall approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for site development review.

2. The criteria for approving a phased site development review proposal is that all of the following are satisfied:

a. The public facilities are constructed in conjunction with or prior to each phase;

b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard;

c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and

d. The Director's decision may be appealed as provided by Subsection 18.390.040.G. No notice need

be given of the Director's decision.

3. The Director may waive or modify the approval period for projects within the Washington Square Regional Center in accordance with 18.630.020.C.

# Chapter 18.370
# VARIANCES AND ADJUSTMENTS

**Sections:**

**18.370.010 Variances**
**18.370.020 Adjustments**

## 18.370.010 Variances

A. Purpose. The purpose of this section is to provide standards for the granting of variances from the applicable zoning requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific property, the literal interpretation of the provisions of the applicable zone would cause an undue or unnecessary hardship, except that no use variances shall be granted.

B. Applicability of provisions.

1. The variance standards are intended to apply to individual platted and recorded lots only.

2. An applicant who is proposing to vary a specification standard for lots yet to be created through a subdivision process may not utilize the variance procedure unless otherwise specified in Section 18.730.030, Zero Lot Line Setback Standards, or Chapter 18.430, Subdivisions.

C. Approval process and standards.

1. Variances shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using standards of approval contained in Subsection 2 below.

2. The Director shall approve, approve with conditions, or deny an application for a variance based on finding that the following criteria are satisfied:

   a. The proposed variance will not be materially detrimental to the purposes of this title, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;

   b. There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;

   c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

   d. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected any more than would occur if the development were developed as specified in the title; and

   e. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

3. The Director shall approve, approve with modifications, or deny an application for a subdivision variance subject to the criteria set forth in Section 18.160.120.

**18.370.020 Adjustments**

A. Purpose. The purpose of this section is to establish two classes of special variances:

1. "Development adjustments" which allow modest variation from required development standards within proscribed limits. Because such adjustments are granted using "clear and objective standards," these can be granted by means of a Type I procedure, as opposed to the more stringent standards of approval and procedure for variances.

2. "Special adjustments" which are variances from development standards which have their own approval criteria as opposed to the standard approval criteria for variances contained in Section 18.370.010C.

B. Development adjustments.

1. The following development adjustments will be granted by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Subsection B2 below:

   a. Front yard setbacks. Up to a 25% reduction of the dimensional standards for the front yard setback required in the base zone. Setback of garages may not be reduced by this provision.

   b. Interior setbacks. Up to a 20% reduction of the dimensional standards for the side and rear yard setbacks required in the base zone.

   c. Lot coverage. Up to 5% increase of the maximum lot coverage required in the base zone.

2. Approval criteria. A development adjustment shall be granted if there is a demonstration of compliance with all of the applicable standards:

   a. A demonstration that the adjustment requested is the least required to achieve the desired affect;

   b. The adjustment will result in the preservation of trees, if trees are present in the development area;

   c. The adjustment will not impede adequate emergency access to the site;

   d. There is not a reasonable alternative to the adjustment which achieves the desired affect.

C. Special adjustments.

1. Adjustments to development standards within subdivisions (Chapter 18.430). The Director shall consider the application for adjustment at the same time he/she considers the preliminary plat. An adjustment may be approved, approved with conditions, or denied provided the Director finds:

   a. There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;

   b. The adjustment is necessary for the proper design or function of the subdivision;

   c. The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; and

d. The adjustment is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this title.

2. Adjustment to minimum residential density requirements (Chapter 18.510). The Director is authorized to grant an adjustment to the minimum residential density requirements in 18.510.040, by means of a Type I procedure, as governed by 18.390.030 as follows:

a. For development on an infill site as follows:

(1) In the R-25 zone, sites of .75 acre or smaller.

(2) In the R-40 zone, sites of .75 acre or smaller.

b. For development on sites larger than those contained in 1 above, if the applicant can demonstrate by means of detailed site plan that the site is so constrained that the proportional share of the required minimum density cannot be provided and still meet all of the development standards in the underlying zone.

c. To be granted an adjustment in either Subsections a or b above, the applicant must demonstrate that the maximum number of residential units are being provided while complying with all applicable development standards in the underlying zone. There is nothing in this section which precludes an applicant for applying to a variance to these standards, as governed by Section 18.370.010.

3. For adjustments to density requirements in the Washington Square Regional Center, the standards of 18.630.020.E apply.

4. For Modifications to dimensional and minimum density requirements for developments within the Washington Square Regional Center that include or abut designated Water Resource overlay areas, the standards of 18.630.020.F apply.

5. Adjustment to access and egress standards (Chapter 18.705).

a. In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using approval criteria contained in Subsection 2b below.

b. The Director may approve, approve with conditions, or deny a request for an adjustment from the access requirements contained in Chapter 18.705, based on the following criteria:

(1) It is not possible to share access;
(2) There are no other alternative access points on the street in question or from another street;
(3) The access separation requirements cannot be met;
(4) The request is the minimum adjustment required to provide adequate access;
(5) The approved access or access approved with conditions will result in a safe access; and
(6) The visual clearance requirements of Chapter 18.795 will be met.

6. Adjustments to landscaping requirements (Chapter 18.745)

   a. Adjustment to use of existing trees as street trees. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the use of existing trees to meet the street tree requirements in Section 18.745.030 providing there has been no cutting and filling around the tree during construction which may lead to its loss, unless the following can be demonstrated:

      (1) The ground within the drip-line is altered merely for drainage purposes; and
      (2) It can be shown that the cut or fill will not damage the roots and will not cause the tree to die.

   b. Adjustment for street tree requirements. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the adjustments to the street tree requirements in Section 18.745.030, based on the following approval criteria:
      (1) If the location of a proposed tree would cause potential problems with existing utility lines;
      (2) If the tree would cause visual clearance problems; or
      (3) If there is not adequate space in which to plant street trees.

7. Adjustments to parking standards (Chapter 18.765).
   a. Reduction from minimum parking requirements. By means of a Type II procedure, as governed by Section 18.390.040, the Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070H when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites that:

      (1) Use of transit, demand management programs, and/or special characteristics of the customer, client employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standards Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements, and
      (2) A reduction in parking will not have an adverse impact on adjacent uses.

   b. Reductions in minimum parking requirements in new developments for transit improvements. The Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070H by means of a Type II procedure, as governed by Section 18.390.040, when the applicant:

      (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
      (2) Documents operational characteristics indicating the number of transit users, or number of non-auto users for a particular facility.

c. Reductions in minimum parking requirements in existing developments for transit improvements. The Director may authorize up to a 10% reduction in the total minimum vehicle parking spaces required in Section 18.765.070H at a conversion ratio of one space per 100 square feet of transit facility by means of a Type I procedure as governed by Section 18.390.030, when the applicant:

(1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
(2) Meets the following requirements:
(a) A transit facility must be located adjacent to a street with transit service. The facility should be located between the building and front property line, within 20 feet of an existing transit stop, or the facility may include a new transit stop if approved by Tri-Met.
(b) A transit facility shall include a covered waiting or sitting area.

d. Increases in the maximum parking requirements. The Director may approve off-street parking in excess of the maximum allowed parking spaces in Section 18.765.070G by means of a Type II procedure, as governed by Section 18.390.040, when the applicant can demonstrate that all of the following criteria are met:

(1) The individual characteristics of the use at that location requires more parking than is generally required for a use of this type and intensity;
(2) The need for additional parking cannot be reasonably met through provision of on-street parking or shared parking with adjacent or nearby uses; and
(3) The site plan shall indicate how the additional parking can be redeveloped to more intensive transit-supportive use in the future.

e. Reduction in required bicycle parking. The Director may approve a reduction of required bicycle parking per Section 18.765.050E by means of Type II procedure, as governed by Section 18.390.040, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

f. Use of alternative parking garage layout. By means of a Type II procedure, as governed by Section 18.390.040, the Director may approve an alternative design of parking garage which differs from the dimensional standards contained in Figure 18.765.2 when it can be shown that 1) the proposed structure meets design guidelines of the Urban Land Institute's (ULI) Dimension of Parking, Current Edition (199X); or 2) a similar structure functions efficiently using proposed modified layout, circulation and dimensions.

g. Reduction in length of stacking lane. By means of a Type I procedure, as governed by 18.390.030, the Director may allow a reduction in the amount of vehicle stacking area required in 18.765.040 D2 if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

8. Adjustments to sign code (Chapter 18.780).

a. By means of a Type II procedure, as governed by 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the sign code based on findings that at least one of the following criteria are satisfied:

(1) The proposed adjustment to the height limits in the sign code is necessary to make the sign visible from the street because of the topography of the site, and/or a conforming building or sign on an adjacent property would limit the view of a sign erected on the site in conformance with Chapter 18.780, Signs;

(2) A second freestanding sign is necessary to adequately identify a second entrance to a business or premises that is oriented towards a different street frontage;

(3) Up to an additional 25% of sign area or height may be permitted when it is determined that the increase will not deter from the purpose of Chapter 18.780, Signs. This increase should be judged according to specific needs and circumstances which necessitate additional area to make the sign sufficiently legible. The increase(s) shall not conflict with any other non-dimensional standards or restrictions of this chapter;

(4) The proposed sign is consistent with the criteria set forth in Subsection 18.780.130 G;

(5) The proposed exception for a second freestanding sign on an interior lot which is zoned commercial or industrial is appropriate because all of the following apply:

(a) The combined height of both signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;

(b) Neither sign will pose a vision clearance problem or will project into the public right-of-way; and

(c) Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district.

b. In addition to the criteria in Subsection a above, the Director shall review all of the existing or proposed signage for the development and its relationship to the intent and purpose of Chapter 18.780, Signs. As a condition of approval of the adjustment, the Director may require:

(1) Removal or alteration of nonconforming signs to achieve compliance with the standards contained in Chapter 18.780, Signs;

(2) Removal or alteration of conforming signs to establish a consistent sign design throughout the development; and

(3) Application for sign permits for signs erected without permits or removal of such illegal signs.

9. Adjustments to setbacks to reduce tree removal (Chapter 18.790). By means of a Type I procedure, as governed by Section 18.390.030, the Director may grant a modification from applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development. Such modification may reduce the required setback by up to 50%, but shall not be more than is necessary for the preservation of trees on the site. The setback modification described in this section shall supersede any special setback requirements or exceptions set out elsewhere in this title, including but not limited to Chapter 18.730, except Section 18.730.040.

10. Adjustments to wireless communication facilities (Chapter 18.798).

a. By means of a Type II procedure, as governed by 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be set back at least the height of the tower from any off-site residence based on findings that at the following criteria are satisfied:

(1) The proposed location of the tower complies with the setback requirements for the underlying zone in which the property is located;

(2) A structural engineer certifies that the tower is designed to collapse within itself;

(3) Because of topography, vegetation, building orientation and/or other factor, a site closer to an off-site residence will equally or better reduce the visual impacts associated with the tower upon the off-site residence.

b. By means of a Type I procedure, as governed by 18.390.030, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be located 2,000 feet from another tower in a residential zone or 500 feet from another tower in a non-residential zone based on findings that the following criteria are satisfied:

(1) The applicant has fully complied with the collocation protocol as provided in 18.797.080; and

(2) A registered radio engineer certifies that a more distant location is not technically feasible and/or sites at a more appropriate location are not available; or

(3) A location closer than the required separation will reduce visual or other impacts on surrounding uses better than sites beyond the required separation.

11. Adjustments for street improvement requirements (Chapter 18.810). By means of a Type II procedure, as governed by 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the street improvement requirements, based on findings that the following criterion is satisfied: Strict application of the standards will result in an unacceptably adverse impact on existing development, on the proposed development, or on natural features such as wetlands, steep slopes or existing mature trees. In approving an adjustment to the standards, the Director shall determine that the potential adverse impacts exceed the public benefits of strict application of the standards.

# Chapter 18.520
# COMMERCIAL ZONING DISTRICTS

**Sections:**

**18.520.010 Purpose**
**18.520.020 List of Zoning Districts**
**18.520.030 Uses**
**18.520.040 Development Standards**
**18.520.050 Special Limitations on Uses**
**18.520.060 Additional Development and Design Guidelines**

## 18.520.010 Purpose

A. Provide range of commercial services for City residents. One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the City so that residents can fulfill all or most of their needs within easy driving and, ideally within easy walking and/or biking distance of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities, in new and re-developing commercial areas.

B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

## 18.520.020 List of Zoning Districts

A. C-N: Neighborhood Commercial District. The C-N zoning district is designed to provide convenience goods and services within a small cluster of stores adjacent to residential neighborhoods. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots and facilities with drive-up windows, are permitted conditionally.

B. C-C: Community Commercial District. The C-C zoning district is designed to provide convenience shopping facilities which meet the regular needs of nearby residential neighborhoods. With a service area of about 1.5 miles, such commercial centers typically range in size from 30,000 - 100,000 gross square feet on sites ranging from 2 - 8 acres. Separated from other commercially-zoned areas by at least one-half mile, community commercial centers are intended to serve several residential neighborhoods, ideally at the intersection of two or more major collector streets or at the intersection of an arterial and collector street. Housing is permitted on or above the second floor of commercial structures at a density not to exceed 12 units/net acre, e.g., the maximum density permitted in the R-12 zone. A limited number of other uses, including but not limited to car washes, gas stations, religious institutions, and transit-related park-and-ride lots, are permitted conditionally. In addition to mandatory site development review, design and development standards in the C-C zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

C. C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.

D. C-P: Professional/Administrative Commercial District. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.

E. CBD: Central Business District. The CBD zoning district is designed to provide a concentrated central business district, centered on the City's historic downtown, including a mix of civic, retail and office uses. Single-family attached housing, at a maximum density of 12 units/net acre, equivalent of the R-12 zoning district, and multi-family housing at a minimum density of 32 units/acre, equivalent to the R-40 zoning district, are permitted outright. A wide range of uses, including but not limited to adult entertainment, utilities, facilities with drive-up windows, medical centers, major event entertainment and gasoline stations, are permitted conditionally.

F. MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to 1) support alternative modes of transportation to the greatest extent possible; and 2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.

G. (MUE-1 and MUE-2): Mixed Use Employment Districts. The MUE 1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.

H. (MUC): Mixed Use Commercial District. The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.

I. MUC-1: Mixed Use Commercial – 1. The MUC-1 zoning district, which is designed to apply to that portion of the Durham Quarry site within the City of Tigard, is a mixed-use commercial district bounded by 72nd Avenue, Findlay Street and the Tigard, Tualatin and Durham city limits. This site is the subject of an intergovernmental agreement between the cities of Tigard and Tualatin. Pursuant to that agreement the City of Tualatin shall furnish all planning, building and associated development review/permit services for the property. This zoning district is intended to mirror the City of Tualatin's Mixed Use Commercial Overlay District (TDC, Chapter 57). It permits a wide range of uses including commercial lodging, general retail, offices and housing; the latter includes multi-family housing at a minimum density of 25 units/acre and a maximum of 50 units/acre. Additional uses, including but not limited to major event entertainment and motor vehicle retail fuel sales, are permitted conditionally. In addition to the standards of this chapter, development within this zone is subject to the standards of 18.640.

J. (MUR): Mixed Use Residential Districts. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district.

**18.530.030 Uses**

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 18.130.030;

2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;

3. A conditional use (C) is a use the approval of which is at the discretion of the Hearings Officer. The approval process and criteria are set forth in Chapters 18.370. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 18.130.030;

4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, limited, conditional and prohibited uses in Commercial zones is presented in Table 18.520.1.

C. Accessory structures.

1. Accessory structures are permitted in all commercial zones providing the site is still in compliance with all development standards, including but not limited to setbacks, height, lot coverage and landscaping requirements, of the base zone. All accessory structures shall comply with all requirements of the Uniform Building Code. All accessory structures except those less than 120 square feet in size require a building permit.

2. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Wireless Communication Facilities (Chapter 18.798), shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments.

# TABLE 18.520.1
# USE TABLE: COMMERCIAL ZONES

| USE CATEGORY | C-N[1] | C-C[5] | C-G | C-P | CBD | MUE[20] | MUC-1 | MUC[28] | MUE 1 and 2[28] | MUR 1 and 2[28] |
|---|---|---|---|---|---|---|---|---|---|---|
| RESIDENTIAL | | | | | | | | | | |
| Household Living | N | R[6] | R[11] | R[13] | R[17] | R[21] | P[26] | P | P | P |
| Group Living | N | N | C | N | P | N | C | R[29]/C | R[29]/C | R[29]/C |
| Transitional Housing | N | N | C | N | C | N | C | C | C | C |
| Home Occupation | R[2] | R[2] | R[2] | R[2] | R[2] | R[2] | P | R[2] | R[2] | R[2] |
| | | | | | | | | | | |
| HOUSING TYPES | | | | | | | | | | |
| Single Units, Attached | N/A | N/A | N/A | N/A | N/A | N/A | N/A | R[30] | R[30] | P |
| Singel Units, detached | N/A | N/A | N/A | N/A | N/A | N/A | N/A | R[30] | R[30] | R[30] |
| Accessory Units | N/A | N/A | N/A | N/A | N/A | N/A | N/A | R[31] | R[31] | R[31] |
| Duplexes | N/A | N/A | N/A | N/A | N/A | N/A | N/A | R[30] | R[30] | P |
| Multi-family Units | N/A | N/A | N/A | N/A | N/A | N/A | N/A | P | P | P |
| Manufactured Units | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N | N | N |
| Mobile Home Parks, Subdivisions | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N | N | N |
| | | | | | | | | | | |
| CIVIC (INSTITUTIONAL) | | | | | | | | | | |
| Basic Utilities | C | N | N | C | C | C | C | C[32] | C[32] | C[32] |
| Colleges | N | N | N | N | N | C | C | C | C | C |
| Community Recreation | N | P | N | N | P | C | N | P | C | C |
| Cultural Institutions | P | P | P | P | P | P | P | P | P | N |
| Day Care | P | P | P | P | P | P | P | P | P | P/C[33] |
| Emergency Services | P | P | P | P | P | P | P | P | P | N |
| Medical Centers | C | N | C | C | C | C | C | C | C | C |
| Postal Service | P | P | P | P | P | P | P | P | P | N |
| Public Support Facilities | P | P | P | P | P | P | P | P | P | P |
| Religious Institutions | C | C | P | C | P | P | C | P | P | C |
| Schools | N | N | N | N | N | C | C | C | C | C |
| Social/Fraternal Clubs/Lodges | C | C | P | P | P | P | P | P | P | C |
| | | | | | | | | | | |
| COMMERCIAL | | | | | | | | | | |
| Commercial Lodging | N | N | P | R[14] | P | P | P | P | P | N |
| Eating and Drinking Establishments | C | P | P | R[15] | P | P | P | P | P | R[34/35] |
| Entertainment-Oriented | | | | | | | | | | |
| - Major Event Entertainment | N | N | C | N | C | N | C | C | N | N |
| - Outdoor Entertainment | N | N | P | R[15] | P | N | N | C | N | N |
| - Indoor Entertainment | P | P | P | P | P | P | P | P | P | N |
| - Adult Entertainment | N | N | C | N | C | N | N | C | N | N |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| General Retail | | | | | | | | | | |
| - Sales-Oriented | P | P[7] | P | R[16] | P | R[22] | R[25] | P | R[22] | R[34/35] |
| - Personal Services | P | P | P | P | P | R[22] | R[25] | P | R[22] | R[34/35] |
| - Repair-Oriented | P | P | P | N | P | R[22] | R[25] | R[22] | R[22] | N |
| - Bulk Sales | N | N | P | N | N | R[22] | R[25] | R[22] | R[22] | N |
| - Outdoor Sales | N | N | P | N | N | N | N | N | N | N |
| - Animal-Related | N | N | N | N | N | P | P | N | N | N |
| Motor Vehicle Related | | | | | | | | | | |
| - Motor Vehicle Sales/Rental | N | N | P/C[12] | N | C | N | N | R[24] | R[24] | N |
| - Motor Vehicle Servicing/Repair | N | C[8] | P/C[12] | N | R[18] | R[22] | R[25] | N | N | N |
| - Vehicle Fuel Sales | C | C | C | N | C | N | C | C | C | N |
| Office | P | R[9] | P | P | P | P | P | P | P | R[34/35] |
| Self-Service Storage | N | N | C | N | N | N | N | N | N | N |
| Non-Accessory Parking | C | C | P | P | P | P | P | P | P | N |
| | | | | | | | | | | |
| INDUSTRIAL | | | | | | | | | | |
| Industrial Services | N | N | N | N | N | N | N | N | N | N |
| Manufacturing and Production | | | | | | | | | | |
| - Light Industrial | N | N | N | N | N | R[23] | N | N | R[23] | N |
| - General Industrial | N | N | N | N | N | N | N | N | N | N |
| - Heavy Industrial | N | N | N | N | N | N | N | N | N | N |
| Railroad Yards | N | N | N | N | N | N | N | N | N | N |
| Research and Development | N | N | N | N | N | R[24] | R[24] | N | R[23] | N |
| Warehouse/Freight Movement | N | N | N | N | N | R[24] | N | N | R[23/24] | N |
| Waste-Related | N | N | N | N | N | N | N | N | N | N |
| Wholesale Sales | N | N | N | N | C | N | N | N | R[23/24] | N |
| | | | | | | | | | | |
| OTHER | | | | | | | | | | |
| Agriculture/Horticulture | N | N | N | N | N | N | N | | | |
| Cemeteries | N | N | N | N | N | N | N | | | |
| Detention Facilities | N | N | C | N | C | N | N | | | |
| Heliports | N | N | C | C | C | N | N | | | |
| Mining | N | N | N | N | N | N | N | | | |
| Wireless Communication Facilities | P/R[3] | P/R[3] | P/R[3] | P/R[3] | P/R[3] | P/R[3] | P/R[27] | | | |
| Rail Lines/Utility Corridors | P | P | P | P | P | P | P | | | |
| Other | C[4] | C[10] | NA | NA | C[19] | NA | NA | | | |

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

[1]All permitted and conditional uses subject to special development standards contained in 18.520.050A.

[2]Permitted subject to requirements Chapter 18.742.

[3]See Chapter 18.798 Wireless Communication Facilities, requirements for permitted and restricted facilities.

[4]Uses operating before 7:00 AM and/or after 10:00 PM are conditional uses.

[5]All permitted, limited and conditional uses must meet special development standards in 18.520.050B.

[6]Residential units permitted by right, as a mixed use in conjunction with a commercial development, on or above the second floor of the structure, at densities not to exceed 12 units/net acre.

[7]Limited to 10,000 gross square feet in size, except retail food and beverage outlets, which are limited to 40,000 gross square feet or less.

[8]Limited to motor vehicle cleaning only.

[9]When combined in single structure, each separate establishment shall not exceed 5,000 gross square feet.

[10]Uses operating before 6:00 AM and/or after 11:00 PM; or drive-up windows are conditional uses.

[11]A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multi-family housing is permitted as part of a PD, subject to Chapter 18.350.

[12]Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.

[13]Multi-family residential units, developed at R-40 standards, as a mixed-use in conjunction with commercial development on or above the second floor of the structure, only in the C-P District within the Tigard Triangle and Bull Mountain Road district.

[14]Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.

[15]As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.

[16]May not exceed 10% of the total square footage within an office complex.

[17]Single-family attached and multi-family residential units, developed at R-40 standards, except the area bounded by Fanno Creek, Hall Boulevard, O'Mara, Ash Avenue and Hill Street, within which property zoned for CBD development which shall be designated R-12 PD and shall be developed as planned developments in conformance with the R-12 District standards.

[18]Motor vehicle cleaning only.

[19]Drive-up windows permitted conditionally.

[20]All permitted and conditional uses subject to special development standards contained in 18.520.050C.

[21]Multi-family residential, at 25 units/gross acre, allowed outright. Pre-existing detached single-family dwellings are permitted outright.

[22] New Retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle, except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.

[23]All activities associated with this use, except employee and customer parking, shall be contained within buildings.

[24]Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.

[25]Permitted provided the use is no larger than 60,000 square feet of gross floor area per building or business.

[26]Household living limited to single units, attached, and multi-family including but not limited to apartments, attached condominiums, townhouses and rowhouses at a minimum density of 25 dwelling units per acre and a maximum density of 50 dwelling units per acre.

[27]Wireless only as attached to structure within height limit – see Chapter 18.798

[28]All Permitted and Conditional Uses subject to special development standards contained in 18.630

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

[30]Pre-existing housing units permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of Chapter 18.630

[31]Permitted for pre-existing housing units, subject to requirements Chapter 18.710.

[32]Except water, storm and sanitary sewers, which are allowed by right.

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

[34]This use is allowed only in mixed-use developments in the Washington Square Regional Center. Commercial uses shall occupy no more than 50% of the total floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met.

[35]The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 7,500 square feet.

**18.520.040 Development Standards**

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters18.370.

2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

# TABLE 18.520.2
# COMMERCIAL DEVELOPMENT STANDARDS

| | | | | | | CBD | | MUE | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | RESIDENTIAL | | | R-25 | | | | | | |
| **STANDARD** | **C-N** | **C-C [9]** | **C-G** | **C-P** | **CBD** | **R-40** | **R-12** | **C-G** | **MF DU*** | **MUC –1** | **MUC [17][18]** | **MUE 1 [17][18]** | **MUE 2 [17][18]** | **MUR 1 [17][18]** | **MUR 2 [17][18]** |
| Minimum Lot Size | 5,000 sq ft | 5,000 sq ft | None | 6,000 sq ft | None | None | None | None | - | None | None | None | None | None | None |
| Detached unit | - | - | - | - | - | - | - | - | 1,480 sq ft | - | - | - | - | - | - |
| Boarding, lodging, rooming house | - | - | - | - | - | - | - | - | 6,100 sq ft | - | - | - | - | - | - |
| Minimum Lot Width | 50 ft | 50 ft | 50 ft | 50 ft | None | None | None | 50 ft | None | None | None | None | None | None | None |
| Minimum Setbacks | | | | | | | | | | | | | | | |
| Front yard | 20 ft | 0/20 ft [10] | 0 ft [11] | 0 ft [11] | 0/30 ft [12] | 20 ft | 20 ft | 0 ft [11] | 20 ft | See 18.640. 050 (B) | 0’[19] | 0’[21] | 0’[21] | 0’[21] | 10’[21] |
| Side facing street on corner & through lots [1] | 20 ft | - | - | - | 0/30 ft [12] | 20 ft | 20 ft | - | 20 ft | | 0’[19] | 0’[21] | 0’[21] | 5’[21] | 10’[21] |
| Side yard | 0/20 ft [8] | 0/20 ft [8] | 0/20 ft [8] | 0/20 ft [8] | 0/30 ft [12] | 10 ft [14] | 10 ft [14] | 0/20 ft [8] | 10 ft | - | 0’[19][20] | 0’[20] | 0’[20] | 0’[20] | 0’[20] |
| Side or rear yard abutting more restrictive zoning district | - | - | - | - | - | - | - | - | 30 ft | - | - | - | - | - | - |
| Rear yard | 0/20 ft [8] | 0/20 ft [8] | 0/20 ft [8] | 0/20 ft [8] | 0/30 ft [12] | 20 ft [14] | 20 ft [14] | 0/20 ft [8] | 20 ft | - | 0’[19][20] | 0’[20] | 0’[20] | 0’[20][22] | 0’[20][22] |
| Distance between front of garage & property line abutting a public or private street. | - | - | - | - | - | 20 ft | 20 ft | - | 20 ft | - - | N/A | N/A | N/A | N/A | N/A |
| Minimum building height | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2 stories | 2 stories | None | 2 stories | None |
| Maximum height | 35 ft | 35 ft | 45 ft | 45 ft | 80 ft [13] | 60 ft | 60 ft | 45 ft | 45 ft | 70 ft | 200’ | 200’ | 60’ | 75’ | 45’ |
| Maximum Site Coverage [2] | 85 % | 80 % | 85 % | 85 % | 85% | 80 % | 80 % | 85 % | 80 % [16] | 90% | 85% | 85% | 85% | 80% | 80% |
| Minimum Landscape Requirement | 15 % | 20 % | 15 % | 15 % | 15% | 20 % | 20 % [15] | 15 % | 20 % | 10% | 15% | 15% | 15% | 20% | 20% |
| | | | | | | | | | | | | | | | |
| Minimum FAR [3] | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 1.25 | 1.25 | 0.6 | 0.6 | 0.3 |
| Minimum Residential Density [4][5][6] | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 50 unit/acre | 50 unit/acre | 25 unit/acre | 50 unit/acre | 25 unit/acre |
| Maximum Residential Density [5][6][7] | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | None | None | 50 unit/acre | None | 50 unit/acre |

[1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.
[2] Includes all buildings and impervious surfaces.
[3] Applies to all non-residential building development and mixed use development which includes a residential component. In mixed use development, residential floor area is included in the calculations of floor area ratio to determine conformance with minimum FAR.
[4] Notwithstanding the requirements of 18.715.020, minimum and maximum density shall be determined for residential only projects using the number of residential units per acre shown in the above table. The provisions for density transfer described in 18.715.030.B apply, using the minimum and maximum density shown in the above table. Any mixed-use or commercial only development does not have a minimum density requirement.
[5] For purposes of determining floor area ratio and residential densities, the net development area shall be uses to establish the lot area, determined per Section 18.715.020.A
[6] Adjustments to minimum density in the Washington Square Regional center area subject to the standards set forth in 18.630.020.E
[7] The maximum density requirements for developments that include or abut designated Water Resources Overlay district Riparian setbacks per 18.797 are described in 18.630.020.D
[8] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.
[9] See Section 18.520.050B for site and building design standards.
[10] No front yard setback shall be required, except a 20 foot front yard setback shall apply within 50 feet of a residential district.
[11] There shall be no minimum front yard setback requirement; however, conditions in Chapters 18.745 and 18.795 must be met.
[12] There are no setback requirements, except 30 feet where a commercial use within a district abuts a residential zoning district.
[13] The maximum height of any building in the CBD zone within 100 feet of any residential zoning district shall not exceed 40 feet.
[14] Where the side or rear yard of attached or multiple-family dwellings abut a more restrictive zoning district, such setbacks shall not be less than 35 feet.
[15] Landscaped areas on existing developed property in the CBD shall be retained. Buffering and screening requirements set forth in Chapter 18.745 shall be met for existing and new development.
[16] Lot coverage includes all buildings and impervious surfaces.
[17] Modifications to dimensional and minimum density requirements for developments that include or abut designated Water Resources Overlay District Riparian setbacks per Section 18.797 are described in Section 18.630.040(f).
[18] The requirements contained in the Buffer Matrices in Tables 18.745.1 and 18.745.2 shall be used in calculating widths of buffering/screening and required improvement s to be installed between proposed uses in the MUC, MUE and MUR zones within the Washington Square Regional Center (WSRC) and abutting zoning districts not included within the WSRC, or zoning districts within the WSRC which are not mixed-use. For MUC and MUE zones, the requirements for Commercial Zones apply. For MUR zones, the requirements for the Neighborhood Commercial Zone apply.
[19] For Commercial and Mixed-use developments, the maximum front and street side yard setback is 10 feet. For Residential only developments, the maximum front and street side yard setback is 20 feet
[20] Side and rear yard setbacks shall be 20' when the zone abuts residential districts shown in 18.510.020 except R-25 and R-40.
[21] The maximum setback is 20 feet
[22] The maximum setback is 10 feet

*Multiple-family dwelling unit

C-N - Neighborhood Commercial District
C-C - Community Commercial District
C-G - General Commercial District
C-P - Professional/Administrative Office Commercial
CBD - Central Business District

MUC1 – Mixed Use Commercial
MUC – Mixed Use Commercial
MUE 1 – Mixed Use Employment/high density
MUE 2 – Mixed Use Employment/medium density
MUR 1 – Mixed Use Residential/high density
MUR 2 – Mixed Use Residential/medium density

**18.520.050 Special Limitations on Uses**

A. In the C-N zone. Special limitations in the C-N zoning district are as follows:

1. The use shall be conducted wholly within an enclosed structure, except as allowed in Section 3 below;

2. No use shall have a gross floor area greater than 4,000 square feet;

3. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment; and

4. Uses operating before 7:00 AM and after 10:00 PM shall be subject to the conditional use provisions, as governed in Chapter 18.330.

B. In the C-C zone. Special limitations in the C-C zoning district are as follows:

1. Such centers shall be developed preferably as a single unit and occupy only one quadrant of the intersection at which it is located;

2. The use shall be conducted wholly within an enclosed structure, except for outside play areas for children's day care facilities, and as allowed in Sections 3 and 4 below;

3. No use shall have a gross floor area greater than 5,000 square feet except for the retail sales of food and beverages, when the maximum floor area shall not exceed 40,000 gross square feet, and all other sales-oriented retail, where the maximum floor area shall not exceed 10,000 gross square feet;

4. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandising uses only shall constitute no more than 5% of the gross building floor area of any individual establishment;

5. Accessory open-air dining or drinking areas shall be permitted for approved eating and drinking establishments or retail food stores only. Outside dining areas are not permitted within 200 feet of any developed residential area. Public or private sidewalk areas around dining areas may not be reduced to less than five feet of clear walkway; and

6. Uses operating before 6:00 AM and/or after 11:00 PM and drive-up windows are subject to conditional use provisions, as governed by Section 18.330.

C. In the MUE zone. Special limitations in the MUE zoning district are as follows:

1. The maximum floor area ratio (FAR) for all commercial and industrial use types and mixed-use developments shall not exceed 0.40. Residential use types, including transient lodging, shall not be subject to this requirement;

2. On lots greater than three acres, general retail sales uses are limited to 30,000 square feet of gross leasable area plus one additional square foot of gross leasable area of general retail sales use for each additional four square feet of non-general retail sales use.

D. In the MUC-1 zone. In addition to the standards of this Chapter, development in the MUC-1 zone is subject to Chapter 18.640 and an Intergovernmental Agreement between the cities of Tigard and Tualatin.

E. In the MUC, MUE-1, MUE-2, MUR-1 and MUR-2 zones within the Washington Square Regional Center, the standards of Chapter 18.630 shall also apply.

**18.520.060 Additional Development and Design Guidelines**

C. Washington Square Regional Center
See Section 18.630 for additional development and Design Guidelines

# CHAPTER 18.630
# WASHINGTON SQUARE REGIONAL CENTER DESIGN STANDARDS

**Sections:**

**18.630.010 Purpose and Applicability**
**18.630.020 Development Standards**
**18.630.030 Pre-existing Uses**
**18.630.040 Street Connectivity**
**18.630.050 Site Design Standards**
**18.630.060 Building Design Standards**
**18.630.070 Signs**
**18.630.080 Entry Portals**
**18.630.090 Landscaping and Screening**
**18.630.100 Street and Accessway Standards**
**18.630.110 Design Evaluation**

## 18.630.010 Purpose and Applicability

A. Purpose

1. This Chapter will implement the vision, concepts and principles contained in the *Washington Square Regional Center Plan*, ***and the recommendations contained in the Phase II Implementation Plan Summary Report***, prepared by a Task Force appointed by the City of Tigard.

2. Metro's Regional Urban Growth Management Functional Plan target growth capacity for the Washington Square Regional Center will be met by permitting mixed use development within the Regional Center at densities appropriate for an urban center.

3. A mixed use Regional Center will contain a variety of districts that vary in scale, predominant use, and character. Distinct districts, connected to each other and to the rest of the region by a multi-modal transportation system, will provide a range of working, living and shopping opportunities.

4. Improved multi-modal transportation links, higher densities, variety of land uses, and enhanced environmental qualities will all contribute to create a desirable, livable community in the face of dramatic population and employment growth.

5. New mixed-use zoning districts, along with existing residential zoning districts in established areas, are appropriate for the Regional Center.

B. Design principles. Design standards for public street improvements and for new development and renovation projects have been prepared for the Washington Square Regional Center. These design standards address several important guiding principals adopted for the Washington Square Regional Center, including creating a high-quality mixed use area, providing a convenient pedestrian and bikeway system, and utilizing streetscape to create a high quality image for the area.

C. Development conformance. All new developments, including remodeling and renovation projects resulting in new non single family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the Development and Building Codes, developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center.

D. Permitted and Conditional Uses. Permitted and Conditional uses are those uses permitted outright, with restrictions, or conditionally within the MUC, MUE 1, MUE 2, MUR 1 or MUR2 zones pursuant to 18.520.030.

E. Conflicting standards. The following design standards apply to all development located within the Washington Square Regional Center within the MUC, MUE and MUR zones. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern.

**18.630.020 Development Standards**

A. Compliance Required. All development must comply with:

1. All applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370, and Sub-Sections C through E of this Section;

2. All other applicable standards and requirements contained in this title.

B. Development Standards. Development standards which apply within mixed-use zones in the Washington Square Regional Center are contained in Table 18.520.2. Existing developments which do not meet the standards specified for a particular district may continue in existence and be altered subject to the provisions of Section 18.630.030.

C. Phasing of Development Standards. Projects may use the Site Development Review process (Chapter 18.360) to develop a site by phasing compliance with the development standards established in this Chapter. Such projects must demonstrate how future development of the site, to the minimum development standards established in this Chapter or greater, can be achieved at ultimate build out of the site. The Planning Director may waive or modify the approval period (Section 18.360.030 C) and phased development time schedule (Section 18.360.030 E.1) for projects approved under this section. If a time period greater than that specified in 18.360.030.C is necessary, it must be requested at the time of original application with a detailed time line for completion.

D. Density Requirements for Developments Including or Abutting Riparian Setback. Notwithstanding the density requirements in Table 18.520.2, the maximum residential density and mixed-use and non-residential floor area ratio for developments that include or abut Riparian Setbacks shall be no greater than 110 percent of the minimum residential density and floor area ratios in all Mixed Use Zones, except when the following are met:

1. Wetlands within the development are expanded or enhanced in conformance with the Oregon Division of State Lands Wetlands Restoration and Enhancement Program, and if applicable

2. Fish Habitat within the development is enhanced in conformance with the Oregon Division of State Lands Fish Habitat Enhancement Program, and if applicable

3. The overall flood storage capacity of the 100-year floodplain within the development is increased by 10 percent.

If the enhancements described above are approved, or if enhancements are already in existence, the maximum residential density standards shown in Table 18.520 and no maximum floor area ratio standards for mixed use and non-residential developments shall apply.

E. Adjustments to Density Requirements in the Washington Square Regional Center. The density requirements shown in table 18.520.2 are designed to implement the goals and

policies of the Comprehensive Plan. These requirements apply throughout the Washington Square Regional Center zoning districts, but the City recognizes that some sites are difficult to develop or redevelop in compliance with these requirements. The adjustment process provides a mechanism by which the minimum density requirements may be reduced by up to twenty five percent (25%) of the original requirement if the proposed development continues to meet the intended purpose of the requirement and findings are made that all approval criteria are met. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purpose of the code.

1. Approval Criteria. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria 1 through 4 below, are met.

    a. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

    b. The proposal will be consistent with the desired character of the area; and

    c. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;

    d. Any impacts resulting from the adjustment are mitigated to the maximum extent possible.

2. Procedure. Requests for an adjustment are processed as a Type I application, along with the development proposal for which the application has been filed.

3. Ineligible regulations. Adjustments are prohibited for the following items:

    a. To allow a primary or accessory use that is not allowed by the regulations;

    b. As an exception to any restrictions on uses or development which contain the words "prohibited" or "not allowed";

    c. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development.

    d. As an exception to a definition or classification

    e. As an exception to the procedural steps of a procedure or to change assigned procedures.

***F.*** ***Modifications to Dimensional and Minimum Density Requirements for Developments That Include or Abut Designated Water Resources Overlay District Riparian Setbacks. Notwithstanding the dimensional and minimum density requirements in Table 18.520.2, the minimum and maximum dimensional requirements and the minimum residential density and mixed-use and non-residential floor area ratio for developments that include or abut Riparian Setbacks shall be subject to modification when modification is necessary to assure that environmental impacts are minimized. Modification reviews provide flexibility for unusual situations and allow for alternative ways to meet the purpose of the code, while assuring potential environmental impacts are minimized.***

***1. Approval Criteria. Modification requests will be approved if the review body finds that the applicant has shown that approval criteria a through d below, are met.***

***a. Evidence is provided that the modification(s) are necessary in order to secure approval under any of the following applicable regulations: federal Endangered Species Act, National Pollutant Discharge Elimination System Permit, Section 404 or 401 of the federal Clean Water Act, and Oregon Removal-Fill Law; and***

***b. The proposal will be consistent with the desired character of the area as specified in the Plan; and***

***c. If more than one modification is being requested, the cumulative effect of the modifications results in a project that is still consistent with the overall purpose of the zone;***

***d. The modification(s) proposed are the minimum required to grant the applicable permit(s) listed in criteria a.***

***2. Procedure. Requests for a modification are processed as a Type II procedure along with the development proposal for which the application has been filed.***

***3. Eligible regulations. Modifications are only available for the dimensional requirements and minimum density requirements shown on Table 18.520.2 and do not circumvent or supercede any local, regional, state or federal requirements in regards to natural resources.***

**18.630.030 Pre-Existing Uses and Developments within the Washington Square Regional Center Mixed Use Districts**

A. Applicability. Pre-existing housing units in mixed use districts are permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of this Chapter. Notwithstanding the provisions of Section 18.760.040, uses prohibited and structures that would be nonconforming in any of the Regional Center Mixed Use zoning districts that were lawfully in existence at the time of adoption of the Regional Center Mixed Use districts are considered to be approved uses and structures. However, future additions, expansions, or enlargements to such uses or structures, shall be limited to the property area and use lawfully in existence at the time of adoption of this ordinance (date).

1. An addition, expansion, or enlargement of such lawfully preexisting uses and structures up to twenty (20%) of the gross floor area lawfully in existence at the time of adoption of this ordinance will be allowed provided the applicant of such proposed addition, expansion or enlargement demonstrates substantial compliance with all appropriate development standards in this Code, or that the applicant demonstrates that the purposes of applicable development standards are addressed to the extent that the proposed addition, expansion or enlargement allows.

2. All additions, expansions, or enlargements of existing uses or structures that take place after using the 20 percent addition, expansion, or enlargement exception shall be in conformance with the development standards of this Code. Projects may use the Site Development Review process (Chapter 18.360) to develop a site by phasing compliance with the development standards established in this Chapter per Section 18.630.020.C.

3. If a pre-existing use is destroyed by fire, earthquake or other Act of God, then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within three (3) years of the date of the loss. The reestablished use shall be in conformance with the development standards of this Code. Projects may use the Site

Development Review process (Chapter 18.360) to develop a site by phasing compliance with the development standards established in this Chapter per Section 18.630.020.C.

**18.630.040 Street Connectivity**

A. Purpose: The standards provide a way for creating continuity and connectivity within the Washington Square Regional Center. They provide incremental street and accessway development that is consistent with WSRC needs and regional and state planning principles for connectivity. The primary objective is to create a balanced, connected transportation system that distributes trips within the WSRC on a variety of streets.

B. Demonstration of standards. All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Chapter 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

1. Design Option

a. Local street spacing shall provide public street connections at intervals of no more than 530 feet.

b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more that 330 feet.

2. Performance Option

a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.

b. The shortest vehic le trip over public streets from a major building entrance to a collector or greater facility is no more than twice the straight-line distance.

c. The shortest pedestrian trip on public right-of-way from a major building entrance to a collector or greater facility is no more than one and one-half the straight-line distance.

**18.630.050 Site Design Standards**

A. Compliance. All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan may be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010 C2, governing criteria for granting a variance, is satisfied.

1. Building placement on Major and Minor Arterials

a. Purpose: Architecture helps define the character and quality of a street and can make a strong statement about the overall community and City at large. The placement and design of buildings provides the framework for the streetscape and defines the edges of the public right-of-way. Architecture and ground floor uses can activate the street, either by its design presence or by those who come and go from it. At intersections, investing in building frontages can create gateways and special places that add to the character of the area.

b. Standard: Buildings shall occupy a minimum of 50% of all street frontages along Major and Minor Arterial Streets. Buildings shall be located at public street intersections on Major and Minor Arterial Streets.

2. Building setback –
   a. Purpose: Buildings and investment in architecture is most conspicuous when it is visible from the street. The presence of buildings closely sited at the edge of the right-of-way creates an envelope for the street and a sense of permanence.
   b. Standard: The minimum and maximum building setback from public street rights-of-way shall be in accordance with 18.520.2.

3. Front yard setback design –
   a. Purpose: The front yard is the most conspicuous face of a building and requires special attention. Places for people and pedestrian movement helps create an active and safer street. Higher level of landscape anticipates a more immediate visual result.
   b. Standard: For setbacks greater than 0', landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B and Table 18.520.2.

4. Walkway connection to building entrances –
   a. Purpose: As density increases and employee and resident populations increase, it is expected that more people will move between businesses within the WSRC. Provisions should be made to encourage people to walk from business to business, and housing to business rather than use automobiles.
   b. Standard: A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner adjacent to a public street intersection are required. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B, Table 18.520.2.

5. Parking location and landscape design –
   a. Purpose: The emphasis on pedestrian access and a high quality streetscape experience requires that private parking lots that abut public streets should not be the predominant street feature. Where parking does abut public streets, high quality landscaping should screen parking from adjacent pedestrian areas.
   b. Standard: Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified by the City where this requirement applies. In general, streets with higher functional classification will be identified as primary streets unless specific design or access factors favor another street. If located on the side, parking is limited to 50% of the primary street frontage and must be behind a landscaped area constructed to an L- I Landscape Standard. The minimum depth of the L- I landscaped area is five feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to a L-2 Landscape Standard, except where a side yard abuts a public street, where it shall be landscaped to an L- I Landscape Standard.

**18.630.060 Building Design Standards**

All new buildings constructed in the MUC, MUE and MUR zones within the WSRC shall comply with the following design standards. Variance to these standards may be granted if the criteria found in Section 18.370.010 C2, criteria for granting a variance, is satisfied.

1. Ground floor windows –
   a. Purpose: Blank walls along the street frontage tend to be neglected, and are not pedestrian friendly. Windows help keep "eyes on the street" which promotes safety and security, and can help create a lively street frontage by displaying activities and products within the building. Lighting at night from ground floor windows also adds to the presence of activity and the sense that someone is home.
   b. Standard: All street-facing elevations within the Building Setback (0 to 10 feet) along public streets shall include a minimum of 50% of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50% of the ground floor window requirement may be met on an adjoining elevation as long as the entire requirement is located at a building corner.

2. Building facades –
   a. Purpose: Straight, continuous, unarticulated walls lack interest, character and personality. The standard provides minimum criteria for creating a diverse and interesting streetscape.
   b. Standard: Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least 1 foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building's structural system. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.

3. Weather protection –
   a. Purpose: Weather protection is encouraged to create a better year-round pedestrian environment and to provide incentive for people to walk rather than drive.
   b. Standard: Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

4. Building Materia ls –
   a. Purpose: High quality construction and building materials suggest a level of permanence and stature appropriate to a Regional Center.
   b. Standard: Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 2 feet.

5. Roofs and roof lines –
   a. Purpose: Roof line systems that blur the line between the roof and the walls of buildings should be avoided. This standard simply states that roofing materials should be used on the roof and that wall finish materials should be use on building walls. The premise is that future buildings in the WSRC should have a look of permanence and quality.
   b. Standard: Except in the case of a building entrance feature, roofs shall be designed

as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

6. Roof-mounted equipment –
   a. Purpose: Roof top equipment, if not screened properly, can detract from views of adjacent properties. Also roofs and roof mounted equipment can be the predominant view where buildings are down slope from public streets.
   b. Standard: All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.

**18.630.070 Signs**

A. Sign standards. In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:

1. Zoning district regulations - Residential only developments within the MUC, MUE and MUR zones shall meet the sign requirements for the R-40 zone 18.780.13OB; non-residential developments within the MUC zone shall meet the sign requirements for the commercial zones, 18.780.13OC; non-residential development within the MUE zone shall meet the sign requirements of the C-P zone, 18.780.130D and non-residential development within the MUR zones shall meet the sign requirements of the C-N zone, 18.780.130E.

2. Sign area limits - The maximum sign area limits found in 18.780.130 shall not be exceeded. No area limit increases will be permitted.

3. Height limits - The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted.

4. Sign location - Freestanding signs within the Washington Square Regional Center shall not be permitted within required L- I landscape areas.

**18.630.080 Entry Portals**

A. Required locations. (Reserved)

**18.630.090 Landscaping and Screening**

A. Applicable levels. Two levels of landscaping and screening standards are applicable. The locations were the landscaping or screening is required and the depth of the landscaping or screening are defined in other sub-sections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

1. L-1 Low Screen - For general landscaping of landscaped and screened areas within parking lots and along local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. In addition the L-1 standard applies to setbacks on major and minor arterials, and where parking lots abut public streets. Where the setback is a minimum of 5 feet between the parking lot and a street, trees shall be planted at 3 ½ inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a 3-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.

2. L-2 General Landscaping - For general landscaping of landscaped and screened areas within parking lots, and along local collectors and local streets, planting standards of Chapter 18.745, Landscaping and Screening, shall apply. In addition, trees shall be provided at a minimum 2 ½ inch caliper, at a maximum spacing of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

**18.630.100 Street and Accessway Standards**

A. Functional Classifications and Street Sections. The Recommended Roadway Functional Classification Map and Street Cross Sections attached shall govern the improvement and construction of major streets within the Washington Square Regional Center.

**18.630.110 Design Evaluation**

The provisions of Section 18.620.090-Design Evaluation apply within the Washington Square Regional Center.

## 18.760.040 Criteria for Nonconforming Situations

A. Development of nonconforming lots of record.

1. Except as provided in Subsection A2 and Subsections B and C below, no nonconforming lot of record at the effective date of this title or amendment thereto shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended or reconstructed,
   except that the enlargement or expansion of a single-family residence will be allowed in the CBD zone only;

2. If on the date of adoption of this title a lot does not meet the lot size requirements of the applicable zoning district in which the property is located, the lot may:

   a. Be occupied by one use permitted outright in a commercial zoning district, if the lot is located within a commercial zoning district; or

   b. Be occupied by single-family residential units and accessory structures if located in a residential zoning district.

3. In any district, construction on a single nonconforming lot of record existing at the effective date of this title or amendment thereto, notwithstanding limitations imposed by other provisions of this title, are subject to the following:

   a. The nonconforming lot shall be in a separate ownership and not contiguous with other lots in the same ownership; and

   b. All setback, height and other applicable provisions of the zoning district shall be satisfied unless appropriate variances and/or adjustments are obtained.

4. If two or more lots, or combinations of lots and portions of lots in single ownership are of record at the effective date of this title and are made nonconforming as to lot area, width or depth by this title the lots involved shall be considered to be an undivided parcel for the purposes of this title; and:

   a. No portion of the aggregated parcels shall be conveyed, transferred or used in any manner which violates or creates a violation of this title; and

   b. No division of the parcel shall be made which creates any lot remaining with the area, width or depth which does not meet the requirements of this title.

B. Nonconforming uses. Where at the time of adoption of this title a lawful use of land exists which would not be permitted by the regulations imposed by this title, and where such use involves no structure or building other than a single sign or accessory structure, the use may be continued as long as it remains otherwise lawful, provided:

1. No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this title;

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this title;

3. The nonconforming use of land is not discontinued for any reason for a period of more than six months;

4. If the use is discontinued or abandoned for any reason for a period of six months any subsequent use of land shall conform to the regulations specified by this title for the zone in which such land is located; and

5. For purposes of calculating the six-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

    a. On the date when the use of land is vacated;

    b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

    c. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; and

    d. On the date a request for final reading o water and power meters is made to the applicable utility districts.

6. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.

C. Nonconforming development.

1. Where a lawful structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

    a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be enlarged or altered in a way that satisfies the requirements of this title or will decrease its nonconformity; or

    b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 60% of its current value as assessed by the Washington County assessor, it shall not be reconstructed except in conformity with the provisions of this title; and

    c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

D. Nonconforming use of structures.

1. If a single lawful use contained in a single structure involving that structure or structure and premises in combination (except for a single, accessory structure) existed as of March 16, 1983, it would not be allowed in the zoning district in which it is located, or which is nonconforming because of inadequate off-street parking, landscaping or other deficiency (under the terms of this title or amendment thereto), the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

    a. No existing structure devoted to a use not permitted by this title in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved

or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located;

b. Any nonconforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building;

c. A change of use for a single use in a single structure may occur under the following conditions:

(1) The nonconforming use status was registered with the Director in the manner provided by Subsection 3 for the purpose of establishing the use classification as listed in any of the permitted use subsections of this title;

(2) The new use is within the registered permitted use classification; and

(3) The new use conforms to the zoning ordinance provisions.

d. When a nonconforming use of a structure and premises is discontinued or abandoned for six months the structure and premises shall not thereafter be used except in full conformity with all regulations of the zoning district in which it is located. For purposes of this section, a use shall be deemed to be discontinued or abandoned upon the occurrence of the first of any of the following events:

(1) On the date when the structure or premises is vacated;

(2) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

(3) On the date of termination of any lease or contract under which the nonconforming use has occupied the premises; or

(4) On the date a request for final reading of water and power meters is made to the applicable utility districts.

e. Where a nonconforming use status applies to a structure and premises, removal or destruction of the structure shall eliminate the nonconforming use status of the land:

(1) Destruction for the purpose of this subsection is defined as damage to an extent of more than 60 percent of its current assessed value by the Washington County assessor; and

(2) Any subsequent use shall conform fully to all provisions of the zoning district in which it is located.

2. If a single structure or a structure and premises containing a number of lawful uses (except for a single accessory structure) existed as of March 16, 1983, and those uses would not be allowed in the zoning district in which they are located, or which are nonconforming because of inadequate off-street parking, landscaping or other deficiency (under the terms of this chapter or amendment thereto), the lawful uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

a. No existing structure devoted to a use not permitted by this title in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved

or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located;

b. Any nonconforming use may be extended throughout any existing parts of a building which was manifestly arranged or designed for such use as of March 16, 1983, but no such use shall be extended to occupy any land outside such building except as limited by Subsection (e) below;

c. A change of use may occur as follows:

(1) The nonconforming use status was registered with the Director in the manner provided by Subsection 3 below for the purpose of establishing the use classification as listed in any of the permitted use subsections of this title;

(2) The new use is within the registered use classifications;

(3) The new use does not cause an increase in the total number of square feet in the registered use classification; or

(4) The new use conforms to the zoning ordinance provisions.

d. Where a structure had vacant units as of March 16, 1983, such vacant spaces shall be classified with the most restrictive use classification applicable to the structure; and

e. When the use of the structure, including all uses, is discontinued or abandoned for three months, the structure and premises shall not thereafter be used except in full conformity with all regulations of the zoning district in which it is located. For purposes of this section, a use shall be deemed to be discontinued or abandoned upon the occurrence of the first of any of the following events:

3. The provisions of Section 18.132.040 shall not be interpreted as granting an owner of a nonconforming use a vested right. The provisions of the section may be revised in a manner which does not change the rights granted by this section under this chapter.

E. Non-Conforming Situations in Washington Square Regional Center. For non-conforming uses and developments in the Washington Square Regional Center, the standards of 18.630.030 apply.

**EXHIBIT B**

# WASHINGTON SQUARE REGIONAL CENTER
## Proposed Text Amendments to the Comprehensive Plan

Amendments to the comprehensive Plan to reflect changes recommended by the Task Force are shown as **bold and double underlined.**

There are also several changes that were adopted after the original Washington Square Comprehensive Plan changes were adopted. These changes were approved as part of the Durham Quarry amendment. There are also some changes that needed to be made to the adopted text to reflect the Durham Quarry amendments. They are identified by **bold text**

**WASHINGTON SQUARE REGIONAL CENTER STUDY**

# Final Draft

# Recommendations for Comprehensive Plan Amendments to Implement the Washington Square Regional Center Plan

August 25, 1999 (Revised 8-30-2001)

***Add the following to implementation strategies, under policies 1.1.1 and 1.1.2:***

Implementation strategies

1. The Comprehensive Plan Future Land Use Map and the Official Zoning District map will reflect the plan policies and apply land use categories in the following manner:

   n. Mixed Use Commercial District - Principle development in these areas will be high density office buildings, retail and service uses. **MUC districts will encourage larger buildings with parking under, behind or alongside the structures. There are two applicable mixed use commercial zoning districts: MUC and MUC-1.** A zoning designation of MUC will also allow mixed-use development and housing at densities of 50 units an acre. ~~MUC districts will encourage larger buildings with parking under, behind or alongside the structures.~~ The Regional Center Plan recommends that land around the Washington Square Mall and land immediately west of Highway 217 be ~~designated a mixed-use commercial district~~ **MUC. A zoning designation of MUC-1 will allow mixed-use development and housing at densities of 25 to 50 units an acre. The MUC-1 district is applied to the Durham Quarry site.**

   o. Mixed Use Residential District - The MUR designation is appropriate for predominantly residential areas where mixed uses are permitted when compatible with the residential use. Areas will be designated high density (MUR-1) or moderate density (MUR-2). Locations within the Washington Square Regional Center are appropriate for this mixed-use designation.

***Add the following to policies under 5.5 – Economy:***

5.5 THE CITY SHALL PROHIBIT RESIDENTIAL DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS EXCEPT:

COMPLIMENTARY RESIDENTIAL DEVELOPMENT SHALL BE PERMITTED ABOVE THE FIRST FLOOR IN THE CENTRAL BUSINESS DISTRICT, AND ABOVE THE SECOND FLOOR IN COMMERCIAL PROFESSIONAL DISTRICTS. (THE DENSITY OF RESIDENTIAL DEVELOPMENT SHALL BE DETERMINED IN ACCORDANCE WITH THE R-40 DISTRICTS.) ~~AND~~;

EXISTING SINGLE FAMILY HOMES WITHIN THE MIXED USE EMPLOYMENT ZONE SHALL BE CONSIDERED PERMITTED USES AND NEW MULTI-

FAMILY DEVELOPMENT SHALL BE PERMITTED AND ENCOURAGED TO DEVELOP AT R-40 DENSITIES~~.~~**; AND**

WITHIN THE MUC, MUR 1 AND 2 AND MUE 1 AND 2 ZONES WITHIN THE WASHINGTON SQUARE REGIONAL CENTER, WHERE RESIDENTIAL USES SHALL BE PERMITTED AND ENCOURAGED AT HIGH DENSITIES RANGING FROM R-25 (MUE 2 AND MUR 2) TO R-50 (MUC, MUE 1 AND MUR 1).

**WITHIN THE MUC-1 DISTRICT, WHERE RESIDENTIAL USES SHALL BE PERMITTED AND ENCOURAGED TO DEVELOP AT A MINIMUM OF 25 UNITS PER ACRE TO A MAXIMUM OF 50 UNITS PER ACRE. RESIDENTIAL USES WHICH ARE DEVELOPED ABOVE NON-RESIDENTIAL USES AS PART OF A MIXED USE DEVELOPMENT SHALL NOT BE SUBJECT TO THESE DENSITIES.**

***Add a new section 11.~~8~~ 9 with the following:***

## 11.~~8~~9 WASHINGTON SQUARE REGIONAL CENTER

In 1995, Metro Council adopted a visionary plan for regional development. The 2040 Growth Concept described strategies to make the most efficient use of urban land in the face of dramatic population growth, to create and preserve livable neighborhoods, and to promote a useful, accessible transportation system.

One of the key elements of the 2040 Growth Concept, was the designation of regional centers. These are areas of concentrated commerce, local government services and housing served by high-quality transit. Washington Square is one of three regional centers in Washington County and one of nine in the region.

The 2040 Growth Concept resulted from extensive regional discussion about the future of the Portland metropolitan area. Metro, working with local jurisdictions, then developed the Urban Growth Management Functional Plan in 1996 to implement the Growth Concept. Local citizens and governments were then to determine the best way to create regional centers given the values, interests and needs of residents and businesses of that community.

The following findings and policies summarize the results of a thorough public discussion about the future of the Washington Square Regional Center area. It demonstrates the way the people of Tigard and Washington County incorporated their expectations for the future into the Regional Center Plan.

Findings

**1.** With the adoption of the Urban Growth Management Functional Plan, local governments, businesses, residents and property owners in Washington County began a study of land use, transportation and other functions around Washington Square.

2. In 1998, the Tigard City Council appointed 23 people to serve on the Washington Square Regional Center Task Force. Task Force members represent neighborhoods, schools, business

and property owners, state and local governments and public interest groups. The task force's charge was to identify issues and set general policy for recommendations about land use, transportation, open space, aesthetics and other issues relevant to development around Washington Square. The Task Force also oversaw a public involvement process.

3. The Task Force agreed on a study area that includes 1250 acres, with Washington Square Mall approximately in the center. The area is bounded by Fanno Creek on the west, SW Greenburg Road and Hall Blvd. on the east, Progress Downs Golf Course to the north, and Highway 217 and Ash Creek on the south.

4. The Task Force members agreed on a set of principles that would guide development of all recommendations. These principles are as follows:

***Creation/Preservation of Area Identity***

1. Reinforce a distinctive Regional Center while recognizing and respecting the character of the nearby residential community.
2. Retain and develop quality housing, including affordable housing, for all income levels.
3. Facilitate transitions from one use to another; for example, single to multifamily residential uses.
4. Preserve and enhance Metzger Park and consider additional parks.
5. Encourage environmentally friendly development.
6. Try to keep historic trees.
7. Build for our children: Have a sense of stewardship.
8. Think creatively and be innovative in improving/maintaining quality of life.
9. Consider market forces and development patterns.
10. Maintain and preserve floodplains and wetlands.

***Government/Institutional Issues***

1. Consider all political boundaries and facilitate cooperation among jurisdictions.
2. Maintain neighborhood schools.
3. Identify and reinforce what makes the learning (educational) environment viable.

***Transportation***

1. Strive for a self-sufficient, connected transportation system.
2. Consider transportation needs for the whole study area.
3. Plan for a multi-modal transportation system that accommodates increased auto and non-auto travel needs.
4. Respect and enhance local street networks and neighborhood livability.
5. Maintain an acceptable level of service and safety on regional roads, minimizing the effect on regional roads outside the study area.
6. Provide good transportation access to the rest of the region.
7. Make the community accessible for all people and modes with connections for cars, bikes, pedestrians and transit.
8. Maintain a high level of accessibility within and to the regional center.
9. Use appropriate street and streetscape design.
10. Encourage attractive, high quality development.

11. Promote long-term viability for the area. Assure infrastructure is available prior to or with development.

***The Regional Center Plan Should***

1. Be understandable to lay people
2. Be implementable within a reasonable, staged period of time
3. Help develop a sense of community with a common vision, hope and optimism
4. Be based on statistics and facts for population, employment and other factors
5. Use existing resources as much as possible
6. Encourage compatible and complementary uses
7. Contain solutions to common problems
8. Avoid conflict with other regional centers.

5. The Washington Square Regional Center study area includes land within the City of Tigard, the City of Beaverton and in unincorporated Washington County. The study covers approximately 1,074 acres exclusive of public rights-of-way and 1,250 total acres. About 4.2 percent of the net land area within the study area is vacant.

6. The Task Force evaluated all lands within the study area for future development or redevelopment capacity through 2020. Land identified as having development or redevelopment potential if it is currently vacant, has infill capacity, holds an opportunity for redevelopment or currently is used as a large (greater than one acre) surface parking lot. The vast majority of growth potential will come from redevelopment of existing structures and infill on sites currently used for surface parking. Over the next 20 years, approximately 192 acres of land will become available to accommodate employment and residential growth within the study area.

7. Metro's Regional Urban Growth Management Functional Plan established "target growth capacity" for each jurisdiction in the region. The goal of setting these target numbers is for each part of the region to be prepared to accommodate housing and job growth. The target growth capacity for the Washington Square Regional Center is based on accommodating the following new jobs and housing units between 1998 and 2020:

| | | |
|---|---|---|
| **Employment:** | | 9,804 jobs |
| Retail: | 1,188 jobs | |
| Office: | 8,436 jobs | |
| Lodging: | 180 jobs | |
| **Housing:** | | 1,500 units |
| Residents: | 2530 people | |

8. A development program for the Washington Square Regional Center provides for the target employment and housing growth capacity. Areas including the districts around the Washington Square Mall, the Lincoln Center office complex, and an emerging mixed-use district south of Locust will develop at relatively high densities. Areas north of Locust and west of Highway 217 will develop at more moderate intensities, but generally greater than existing intensity in these areas. Density assumptions are summarized below:

| **Land Use:** | **High Density:** | **Moderate Density**: |
|---|---|---|
| Office | @ FAR 1.25 | @ FAR 0.6 |
| Retail | @ FAR 0.6 | @ FAR 0.3 |
| Lodging | @ FAR 1.0 | @ FAR 1.0 |
| Housing | @ 50 DU/Acre | @ 25 DU/Acre |

9. This development program will require approximately 170-200 acres over the next 20 years. Adequate development and redevelopment capacity exists within the study area as a whole to accommodate development as long as densities assumed above are achieved.

10. The Regional Center Task Force reached agreements on basic elements of urban development, environmental protection, and transportation facilities. The Washington Square Regional Center Plan describes the vision for the regional center.

11. The Task Force demonstrated an impressive amount of interest in mixed-use neighborhoods and developments. Increasing land value and transportation costs will contribute to the desire of workers and employers for proximity of housing and work sites. The regional center′s urban design concept incorporates the need for improved transportation links, higher density, variety of land uses and services and a quality of environment necessary to create a desirable, livable community in the face of dramatic population growth.

12. Major roadways in the study area experience significant traffic congestion during weekday peak periods. Highway 217, Greenburg Road, Hall Boulevard and Scholls Ferry Road are subject to traffic delays. The major capacity constraints occur at the Hall Boulevard/Scholls Ferry Road intersection, the Scholls Ferry Road/Nimbus Avenue intersection, and the Greenburg Road/Highway 217 ramp intersections. In addition, Highway 217 itself is highly congested.

13. The majority of the arterial and collector streets in the study area have sidewalks. Scholls Ferry Road and Hall Boulevard have bike lanes within the study area. Highway 217 presents a major barrier for pedestrians and bicyclists. The only connections between the east and west sides of the highway in the study area are overcrossings on Hall Boulevard, Scholls Ferry Road and Greenburg Road. Of these three crossings, sidewalks are found only on Hall Boulevard and Greenburg Road, with bicycle lanes only on Scholls Ferry Road. The only bike lanes on the east side of the Washington Square Mall are on Hall Boulevard.

14. The Washington Square Transit Center is located in the northeast parking area of the Washington Square Mall. This transit center serves as a bus stop for routes 43, 45, 56, 62, 76 and 78. These routes connect Washington Square to transit centers in downtown Portland, Beaverton, Tigard and Lake Oswego, as well as providing service to the Tualatin area. A wider selection of transit tools could create a less congested, auto-dependent transportation system within and connecting to the study area.

15. In the future, those areas already identified as experiencing traffic congestion will continue to be clogged. In addition, other sections of Hall Boulevard, Greenburg Road, and Cascade Avenue and Oleson Road will also experience congestion. Traffic estimates do not predict congestion on local Metzger area streets directly east of Washington Square Mall.

16. The Tigard City Council approved the *Washington Square Regional Center Plan*, September 1999 (*WSRC Plan*) and related Comprehensive Plan and Zoning Code amendments, but withheld enactment of these policies and standards until a number of transportation, natural resource, stormwater, and parks and open space issues were addressed.

17. The City provided resources and secured grants from the Transportation and Growth Management (TGM) Program, State of Oregon, and the Department of Land Conservation and Development (DLCD), State of Oregon, to undertake additional technical studies to address these issues during the Phase II Implementation process.

18. The Phase II Implementation work effort focused on a number of issues that were first articulated by the Tigard City Council, and then defined as charges to the Task Force, Subcommittees. These charges were:

    1. Advise whether the major transportation improvements identified in the Regional Center Plan are physically feasible, and whether environmental or other permitting issues represent a "fatal flaw" for project implementation.
    2. Determine whether the proposed Regional Center Plan zoning creates the need for significant additional transportation improvements compared with existing zoning.
    3. Prepare a transportation demand management strategy for the Regional Center.
    4. Develop a long-range transportation implementation program that addresses public policy, financial resources and responsibilities, and short-term priorities.
    5. Map and confirm the hydrological characteristics (wetlands and fish habitat) of the Fanno and Ash Creek Watersheds within the Regional Center.
    6. Compile policies and standards for these watersheds related to development impacts, including the extent that parks and open spaces activities can exist within the 100-year floodplain area.
    7. Recommend modifications (as necessary) to the City's natural resource regulations.
    8. Assess the stormwater management needs for the Regional Center Plan and a recommended approach for storm water management.
    9. Develop a long-term funding strategy for storm water management.
    10. Confirm the parks and open space needs for the Regional Center Plan and a recommended approach for identifying, acquiring, improving and maintaining parks and open space in the area.
    11. Develop a long-term funding strategy for parks/open space.

19. Based on the work of the Task Force, Technical Subcommittees, and consultation with the public, the following findings and conclusions are made:

    1. The results of the engineering and environmental analysis show that all of the transportation recommendations from the *WSRC Plan* can be implemented, and none of the projects are fatally flawed.

    2. A comparison of traffic trip generation potential of current zoning within the Regional Center to that proposed in the *WSRC Plan* showed very similar future peak hour trips, and that the transportation system required to serve the *WSRC*

*Plan* is the same as that required to serve the area under current zoning.

3. A long-term transportation implementation program is described later in this report, including a transportation demand management strategy. A financing strategy is recommended that produces sufficient revenues over a 20-year period to implement the improvement program.

4. Detailed field reconnaissance was undertaken, and existing vegetative communities and wetlands within the Regional Center were mapped. It is recommended that the Tigard Wetlands and Stream Corridors Map be amended to reflect this work.

5. Existing federal, state and local regulations and impact review procedures applicable to public and private developments within the Regional Center address the protection of identified natural resource areas. These existing regulations and any new regulations protecting natural resources take precedence over any local zoning designations, existing or proposed.

6. Proposed zoning designations applying to resource areas do not in and of themselves threaten natural resource values or potentially cause environmental impacts any more or less significantly compared to existing or less intensive zoning.

7. Modifications to City of Tigard development standards that apply to sites that include natural resource areas along Ash and Fanno Creeks are recommended in order to minimize environmental impacts. Applicable development standards include waiving minimum FAR and residential density standards, adjusting building setbacks and others.

8. The results of an assessment of existing and future flooding and water quality needs within the Regional Center showed that existing stormwater facilities are inadequate, and identified regional stormwater improvements remain unfounded.

9. A long-term stormwater management program is described later in this report. A financing strategy is recommended that produces sufficient revenues over a 20-year period to implement the improvement program.

10. A Greenbelt, Parks and Open Spaces Concept Plan is recommended which refines the proposals made in the *WSRC Plan*. All elements of the Concept Plan were found to be feasible.

11. A long-term greenbelt, parks and open spaces implementation program is described later in this report A financing strategy is recommended that produces sufficient revenues over a 20 year period to implement the improvement program.

20. A financing strategy was developed in detail for transportation, stormwater, and parks & open space improvements. Based on the analysis of revenue expected from the variety of sources described in the strategy, adequate resources were determined to be available during

the next 20 years to adequately fund the public improvements necessary to implement the *WSRC Plan*. The primary elements of the financing strategy are:

1. Aggressively pursue federal highway trust fund sources through Metro's Metropolitan Transportation Improvement Program (MTIP). Metro estimates that approximately $874 million in federal highway trust fund money will be allocated directly to the Metro region during the years 2000 through 2020.

2. Establish priorities so that locally generated fees from existing businesses and residents and new development activity located within the Regional Center are focused on the transportation and infrastructure needs within the Regional Center.

3. Pursue the formation of local improvement district(s) (LIDs) where existing businesses and residents will directly benefit from improvements to existing transportation and stormwater facilities, or relatively modest new improvements are needed that benefit multiple property owners.

4. Aggressively pursue regional, state, and national grants and funding programs for specific improvements, and pursue dedications, donations and contributions from the private sector.

5. Establish an urban renewal district for the Regional Center as a local funding source for major transportation, stormwater, resource enhancement and parks and open space improvements that benefit the entire area. Based on the growth projection utilized for the *Washington Square Regional Center Plan*, approximately $92-162 million in accumulated urban renewal revenues would be available for project activities within the Regional Center over a 20-year period. An important recommendation of the financial strategy is the creation of a new urban renewal district. It is recommended that the urban renewal district be created to include areas within the City of Tigard, City of Beaverton, and unincorporated Washington County. This will assure that the entire Regional Center will be eligible for urban renewal investments.

**POLICIES**

11.~~8~~9.1 THE CONCEPTS AND PRINCIPLES CONTAINED IN THE WASHINGTON SQUARE REGIONAL CENTER PLAN SHALL PROVIDE THE OVERALL GUIDING FRAMEWORK FOR MORE DETAILED IMPLEMENTING ACTIONS FOR THE AREA. THE IMPLEMENTING ACTIONS INCLUDE AT A MINIMUM:

a. Comprehensive plan map and zoning map amendments including transportation plan.
b. A public facilities plan for the area including a financing plan.

c. A transportation improvement plan for the area including a financing plan.

d. A parks and open space plan for the area including a financing plan.

e. A recognition of the Regional Center Boundary for the purpose of establishing local,

regional and state funding priority in order to accomplish the concepts and principles of the plan.

11.~~8~~9.2 THREE DISTINCT TYPES OF MIXED USE DISTRICTS SHALL BE ESTABLISHED FOR THE WASHINGTON SQUARE REGIONAL CENTER. THESE DISTRICTS ARE:

a. **MIXED USE COMMERCIAL DISTRICTS (MUC)**. THE REGIONAL CENTER PLAN RECOMMENDS THAT LAND AROUND THE WASHINGTON SQUARE MALL AND LAND IMMEDIATELY WEST OF HIGHWAY 217 BE DESIGNATED A MIXED USE COMMERCIAL DISTRICT. PRINCIPAL DEVELOPMENT IN THESE AREAS WILL BE OFFICE BUILDINGS, RETAIL AND SERVICE USES. A ZONING DESIGNATION OF MUC WILL ALSO ALLOW MIXED-USE DEVELOPMENT AND HOUSING AT DENSITIES OF 50 UNITS AN ACRE. MUC DISTRICTS WILL ENCOURAGE LARGER BUILDINGS WITH PARKING UNDER, BEHIND OR ALONGSIDE THE STRUCTURES.

b. **MIXED USE EMPLOYMENT DISTRICT (MUE).** MIXED USE EMPLOYMENT DISTRICTS REFER TO AREAS WITH CONCENTRATIONS OF OFFICE, RESEARCH AND DEVELOPMENT, AND LIGHT MANUFACTURING INDUSTRIAL USES. COMMERCIAL AND RETAIL SUPPORT USES ARE ALLOWED, BUT ARE LIMITED. THE ZONING WILL PERMIT RESIDENTIAL DEVELOPMENT COMPATIBLE WITH THE DISTRICT'S EMPLOYMENT CHARACTER. LINCOLN CENTER IS AN EXAMPLE OF AN AREA DESIGNATED MUE-1, THE HIGH DENSITY MIXED-USE EMPLOYMENT DISTRICT. THE NIMBUS AREA IS DESIGNATED MUE-2, REQUIRING MORE MODERATE DENSITIES.

c. **MIXED USE RESIDENTIAL DISTRICTS (MUR).** THE MUR DESIGNATION IS APPROPRIATE FOR PREDOMINANTLY RESIDENTIAL AREAS WHERE MIXED USES ARE PERMITTED WHEN COMPATIBLE WITH THE RESIDENTIAL USE. AREAS WILL BE DESIGNATED HIGH DENSITY (MUR-1) OR MODERATE DENSITY (MUR-2).

~~***Proposed Amendment to Chapter 8. Transportation***. Add a new Policy:~~

~~8.1.9 THE CITY SHALL ADOPT THE FOLLOWING TRANSPORTATION IMPROVEMENT STRATEGY IN ORDER TO ACCOMMODATE PLANNED LAND USES IN THE WASHINGTON SQUARE REGIONAL CENTER:~~

~~a. Addition of bus service for employees in the Nimbus office development. This service has been identified as a priority in Tri-Met's Transit Choices for Livability study. Tri-Met expects to begin service within one to five years.~~

~~b. Improvements to the Transit Center Amenities in Sub-Area A, including a covered pedestrian path of the mall and improved connections to other retail and commercial~~

~~establishments would create a significant difference in this area's pedestrian environment.~~

~~c. In cooperation with the City of Beaverton and Tri-Met, identification of a new Park & Ride site to replace the existing site that was intended to be temporary.~~

~~d. Sidewalks on Greenburg Road and completion of sidewalk system on Hall Boulevard will improve connectivity and access, plus construction of pedestrian crossings on Greenburg and Hall.~~

~~e. A pedestrian trail within and/or around the Progress Downs Public Golf Course presents an opportunity to provide a safe neighborhood walking/exercise area and to serve more of the population using existing resources.~~

~~f. Recommended mall area street improvements include bringing SW Eliander Lane, SW Washington Square Road, SW Palm Boulevard and the roadway around the cemetery to full street standards. This includes building sidewalks and bicycle lanes.~~

~~g. Within the mall area parking area, recommend raised pedestrian refuges and designated walkways to connect bicyclists and pedestrians to the mall and adjacent retail establishments.~~

~~h. Improve multi-modal accessibility, safety and neighborhood traffic management on Locust Street between Lincoln Street and Hall Boulevard, Lincoln Street Between Locust and Oak Streets, Oak Street between Lincoln Street and Hall Boulevard, and on other streets as the need arises. The goal is to improve safety, bicycle accessibility, pedestrian crossing, control traffic speed and improve pedestrian connections.~~

~~i. Develop Oak, Lincoln and Locust as collectors. Acquire right-of-way to allow a five-lane roadway, and develop Hall Boulevard to a three-lane facility as an initial phase.~~

~~j. Provide pedestrian/bicycle connections between SW Borders Street and Greenburg Road.~~

~~k. Provide pedestrian/bicycle connections on local streets to, from and within new developments and redevelopments.~~

~~l. Create a two-lane, local level over-crossing of Highway 217, from Washington Square to Nimbus Avenue, including pedestrian and bike facilities and people mover extending to Fanno Creek Bikeway.~~

~~m. Extend Nimbus Avenue to Greenburg Road, including bike and pedestrian facilities. This includes realignment of Greenburg Road and related improvements.~~

~~n. Construct a regional level over-crossing of Highway 217 connecting Locust Street to Nimbus Avenue and providing for a people mover.~~

~~o. Reinforce need for interchange capacity improvements at Hall Boulevard and Scholls Ferry Road in the upcoming Highway 217 Major Investment Study.~~

~~p. Design a frontage road to improve access to Washington Square Mall.~~

~~q. Add bike and pedestrian facilities on Cascade Avenue.~~

~~r. Identify potential bicycle network alignments with connections to existing bikeways, neighborhoods and activity centers, with particularly emphasis on extending the Fanno Creek Bikeway along Ash Creek.~~

~~s. Strongly support commuter rail service and a commuter rail station within the Regional Center. Connect the station with other activity centers by an efficient people mover system~~

~~t. Adopt the functional classification plan for streets internal to the Washington Square Regional Center as shown on Figure 1. The following policies apply to local streets within the regional center:~~

~~1. Local street spacing shall be a maximum of 530 feet.~~
~~2. Access way spacing shall be a maximum of 330 feet.~~
~~3. Spacing of signalized intersections on Major Arterials shall be a minimum of 600 feet.~~
~~4. Existing rights of way will, to the greatest extent possible, be utilized for a local street system. Right of way vacations will be considered only when all other policies in this subsection are met.~~

~~u. The transportation projects described in this section should be added to the City of Tigard's Transportation System Plan. The City, ODOT and Metro should work to include these improvements in regional and state implementation programs.~~

Proposed Amendment to Chapter 8. Transportation. Add new Policies:

8.1.9 THE CITY SHALL ADOPT THE FOLLOWING PEDESTRIAN, BICYCLE AND PUBLIC TRANSIT IMPROVEMENT STRATEGY IN ORDER TO ACCOMMODATE EXISTING AND PLANNED LAND USES IN THE WASHINGTON SQUARE REGIONAL CENTER:

1. Commuter Rail Service and Station: Washington County has proposed commuter rail services from Wilsonville to Beaverton on the existing freight line to the west of Highway 217. The City supports a commuter rail station in the vicinity of the North: Mall to Nimbus Overcrossing.

2. Pedestrian Improvements – SW Greenburg Road: Construct pedestrian improvements on SW Greenburg Road between SW Hall Boulevard and Highway 217 to improve pedestrian crossing opportunities and safety.

3. Pedestrian Improvements- SW Hall Boulevard: Construct pedestrian crossing refuge (median) on SW Hall Boulevard between SW Pfaffle Street and SW Locust Street to improve pedestrian crossing opportunities and safety.

4. Pedestrian And Bicycle Improvements- SW Locust Street: Realign SW 90th Avenue across SW Locust Street to provide a four-legged intersection at Locust Street. Construct curb extensions, sidewalks and bicycle lanes to provide improved non-auto accessibility across and along Locust Street.

5. Pedestrian Access Improvements- Washington Square Mall: Construct pedestrian improvements (e.g. sidewalks, landscaping, and connections from parking to the mall and surrounding arterials) in the Washington Square Mall area.

6. Identify potential bicycle network alignments with connections to existing bikeways, neighborhoods and activity centers, with particular emphasis on extending the Fanno Creek Bikeway along Ash Creek.

7. Construct a pedestrian trail within and/or around the Red Tail Public Golf Course. This presents an opportunity to provide a safe neighborhood walking/exercise area and to serve more of the population using existing resources.

8. Provide pedestrian/bicycle connections on local streets to, from and within new developments and redevelopments.

9. Identify potential bicycle network alignments with connections to existing bikeways, neighborhoods and activity centers, with particular emphasis on extending the Fanno Creek Bikeway along Ash Creek.

10. Shuttle/People Mover: Develop local area transit service operating between the Washington Square Mall area, the Nimbus/Cascade districts and Lincoln Center. The service could use the proposed connections across Highway 217. Initially a shuttle bus, in the future this service could be converted to some type of fixed route system.

11. Transit Center Improvements: Construct capacity and facility improvements (e.g. real time transfer information, lighting, covered connections to the Mall, and additional bus bays) to the existing transit center at the Washington Square Mall.

12. Transit System Improvements: The City supports transit routing and frequency improvements in the Regional Center. Tri-Met has provided an outline of potential service improvements and planning that would need to occur to implement these improvements. The range of improvements include relocating the Transit Center to provide better connections into the Mall, coordinating park and ride facilities with the future commuter rail service, providing bus stop improvements in the Regional Center area, and decreasing transit service headways. Tigard, Tri-Met and employers or developers in the district should begin to develop a transit improvement plan for the district.

13. Travel Demand Management Program: The City recognizes the importance of developing a travel demand management program for the Regional Center area. A key features of this program will be a Transportation Management Association (TMA) that coordinates the means of decreasing demand for single occupant vehicles within the Regional Center area, parking management strategies, transit system improvements, and travel demand management programs. The City of Tigard, Beaverton, Washington County, Tri-Met, Metro, ODOT and employers in the area should begin to work together to refine this framework into a detailed plan for the area.

8.1.10 THE CITY SHALL ADOPT THE FOLLOWING AUTO AND ROADWAY IMPROVEMENT STRATEGY IN ORDER TO ACCOMMODATE EXISTING AND PLANNED LAND USES IN THE WASHINGTON SQUARE REGIONAL CENTER:

1. Near Term Traffic Operations Improvements: Small-scale roadway operations improvement projects shall be implemented in the near future. These improvements correct existing system deficiencies or provide needed pedestrian, bicycle or transit facilities:

    a. Develop signal timing improvements on Greenburg Road between Highway 217 and the Washington Square Mall.
    b. Construct a separate eastbound right turn lane from Hall Boulevard to Scholls Ferry Road. This could require Hall Boulevard overcrossing improvements.
    c. Construct pedestrian improvements throughout the district.
    d. Develop a shuttle system connecting Lincoln Center, Washington Square Mall and Nimbus Business Park.
    e. Evaluate and confirm that the southbound Hall Boulevard right turn only lane into the Washington Square Mall at Palmblad Lane should be eliminated. Restripe as appropriate.
    f. Develop signal timing improvements on Hall Boulevard that include capabilities to allow buses that have fallen behind schedule to travel to the front of the queue and travel through the signal prior to other traffic ("queue jumping capabilities").
    g. Develop direct access from the Washington Square Mall to the Target Store so that motorists do not have to travel on Hall Boulevard when traveling between the two facilities.
    h. In cooperation with the City of Beaverton and Tri-Met, identify a new Park & Ride site to replace the existing site that was intended to be temporary.

2. Highway 217 Improvements: Identify and plan for the implementation of improvements to Highway 217 and its interchanges between Interstate 5 and Highway 26.

3. North: Mall to Nimbus Connection: Construct a bridge over Highway 217 connecting the Washington Square Mall with the Nimbus Business Center. The bridge would include a two-lane roadway, bike lanes, sidewalks and facilities for transit. The bridge is intended to be a facility for local travel within the Regional Center.

4. SW Nimbus Avenue: There are two components of the SW Nimbus Avenue Improvements:

   a. North of Scholls Ferry Road: Modify the existing roadway (north of Scholls Ferry Road) to a 3-lane facility with parking, bike lanes and sidewalks. Potential for streetscape improvements including solid median with specific turn slots to individual properties.
   b. Nimbus to Greenburg Connection: Extend SW Nimbus Avenue to meet Greenburg Road. This would be a 5-lane roadway with bike lanes and sidewalks, but no on-street parking.

5. SW Lincoln Street: Modify Lincoln Street to provide a 3-lane section with parking, bike lanes and sidewalks between SW Locust Street and SW Oak Street.
6. SW Hall Boulevard: The Washington Square Regional Center Task Force identified this project as the fifth priority for implementation in the Regional Center area. The project would first be constructed to 3-lane standards with sidewalks and bike lanes at five lane limits between Oleson Road and Highway 217. If after other project recommendations have been constructed, it is found that Hall Boulevard still needs to be a five-lane facility the roadway would then be widened again. In the interim, and as possible the City of Tigard or ODOT would acquire the right of way necessary for a five-lane section

   As a three or five-lane facility, this project includes landscaped median with designated left turn pockets that also provide for improved pedestrian crossing opportunities. This is consistent with Metro the Regional Boulevard Designation for Hall Boulevard.

7. SW Cascade Avenue: Improve the existing roadway (north and south of Scholls Ferry Road) to 3-lane standard with parking, bike lanes and sidewalks. Potential for streetscape improvements including solid median with specific turn slots to individual properties.

8. SW Locust Street: Modify Locust Street between Hall Boulevard and Greenburg Road to include a three-lane section with parking, bike lanes, sidewalks and other streetscape improvements to maintain as a lower speed street.

9. SW Oak Street: Modify the roadway to provide 2-lane section with parking, bike lanes and sidewalk between SW Hall Boulevard and SW Lincoln Street.

10. Washington Square Internal Roads: Construct improvements to existing Washington Square Mall internal circulation roads to public street standards with bike lanes and sidewalks.

11. Adopt the functional classification plan for streets internal to the Washington Square Regional Center as shown on Figure 1. The following policies apply to local streets within the regional center:
    a. Local street spacing shall be a maximum of 530 feet.
    b. Access way spacing shall be a maximum of 330 feet.
    c. Spacing of signalized intersections on Major Arterials shall be a minimum of 600 feet.
    d. Existing rights of way will, to the greatest extent possible, be utilized for a local street

system. Right of way vacations will be considered only when all other policies in this subsection are met.

12. The transportation projects described in this section should be added to the City of Tigard's Transportation System Plan. The City, ODOT and Metro should work to include these improvements in regional and state implementation programs.

11.8.3 NECESSARY PUBLIC FACILITIES INCLUDING SEWER, WATER AND DRAINAGE FACILITIES, SHOULD BE IN PLACE OR PLANNED TO BE CONSTRUCTED IN TIME TO SUPPORT NEW DEVELOPMENTS.

11.8.4 NECESSARY TRANSPORTATION FACILITIES, AS DETERMINED BY A TRAFFIC IMPACT ASSESSMENT, SHOULD BE IN PLACE OR PLANNED TO BE CONSTRUCTED IN TIME TO SUPPORT NEW DEVELOPMENTS.

***Proposed Amendment to Chapter 12. Locational Criteria.***

*Add a new Section 12.5:*

12.5 MIXED USE DISTRICTS

POLICY

12.5.1 THE CITY SHALL PROVIDE FOR MIXED USE DEVELOPMENTS IN ACCORDANCE WITH:

a. APPLICABLE PLAN POLICIES;

b. APPLICABLE PURPOSE STATEMENTS; AND

c. APPLICABLE COMMUNITY DEVELOPMENT CODE PROVISIONS.

1. Mixed Use Commercial

A. The purpose of the Mixed Use Commercial (MUC) land use designation is:

1. To create a dense mixed-use commercial district that forms the commercial core of the Washington Square Regional Center;

2. To create a high quality, mixed use commercial district, in conjunctions with the City of Tualatin, on the site of the former Durham Quarry.

3~~2~~. To provide opportunities for major retail goods and services, office employment, and housing in close proximity, and with good access to transportation services;

4~~3~~. To implement the Metro 2040 Growth Concept and Urban Growth Management Functional Plan for areas designated Regional Center within the City of Tigard.

2. Mixed Use Employment

A. The purpose of the Mixed Use Employment (MUE) land use designation is:

1. To create a mixed-use employment district that is complementary to the rest of the community and the region;

2. To provide opportunities for employment and for new business and professional services in close proximity to retail centers and major transportation facilities;

3. To provide for major retail goods and services accessible to the general public, and minor retail goods and services accessible to the public which works and lives within the MUE district;

4. To provide for groups and businesses in centers;

5. To provide for residential uses which are compatible with and supportive of retail and employment uses;

6. To implement the Metro 2040 Growth Concept and Urban Growth Management Functional Plan for areas designated Regional Center and Employment within the City of Tigard.

3. Mixed Use Residential

A. The purpose of the Mixed Use Residential (MUR) land use designation is:

1. To create moderate and high density mixed use residential districts in close proximity to other mixed-use districts;

2. To provide opportunities for a variety of housing types and densities, and to produce that housing in ways that residents have a high degree of pedestrian amenities, recreation opportunities and access to transit;

3. To incorporate limited commercial and service uses within mixed-use projects that provide benefits and amenities to residents, but are compatible with residential uses.

4. To implement the Metro 2040 Growth Concept and Urban Growth Management Functional Plan for areas designated Regional Center within the City of Tigard.

Policies

12.5.2 THE CITY SHALL APPLY A MIXED USE COMMERCIAL LAND USE DESIGNATION FOR AREAS SHOWN AS REGIONAL CENTER IN THE METRO 2040 GROWTH CONCEPT OR TO OTHER AREAS IDENTIFIED BY THE CITY AS APPROPRIATE FOR MIXED USE COMMERCIAL DEVELOPMENT.~~.~~

12.5.3 THE CITY SHALL APPLY A MIXED USE EMPLOYMENT LAND USE DESIGNATION FOR AREAS SHOWN AS REGIONAL CENTER AND EMPLOYMENT IN THE METRO 2040 GROWTH CONCEPT.

12.5.4 THE CITY SHALL APPLY A MIXED USE RESIDENTIAL LAND USE DESIGNATION FOR AREAS SHOWN AS REGIONAL CENTER IN THE METRO 2040 GROWTH CONCEPT.

IMPLEMENTATION STRATEGIES

1. The Community Development Code shall:

   a. Include ~~a~~ two Mixed Use Commercial Districts; MUC and MUC-1

   b. Include high density and moderate density Mixed Use Employment Districts;

   c. Include high density and moderate density Mixed Use Residential Districts.

   d. Require that:

      1. Minimum residential densities and floor area ratios (FAR) be achieved;
      2. Certain commercial uses be limited so that a pedestrian-oriented development pattern is achieved;
      3. Design standards for pubic improvements, site design, building design, signs and landscaping are achieved in order to create high quality, pedestrian-oriented developments;
      4. All areas be subject to Site Development Review.

   e. Provide for:

      1. Limited adjustments, and phasing so that development standards can be achieved over time;
      2. Limited adjustments in development standards, including minimum density and FAR requirements, in cases where adjustments are necessary to avoid environmental impacts;
      3. Improvements to pre-existing uses and developments so that existing residents and businesses may continue to thrive;
      4. Incentives to preserve and enhance significant wetlands, streams and

floodplains.

# STAFF REPORT TO THE TIGARD CITY COUNCIL

CITY OF TIGARD
Community Development
Shaping A Better Community

## SECTION I. APPLICATION SUMMARY

**CASE NAME:** **WASHINGTON SQUARE PHASE II**

**CASE NO.:** **Comprehensive Plan Amendment (CPA) CPA2001-00002**
**Zone Ordinance Amendment (ZOA) ZOA2001-00002**

**PROPOSAL:** Modify the adopted Development Code and Comprehensive Plan text as it relates to the Washington Square Regional Center. The Washington Square Regional Center Plan (Regional Center Plan) was adopted by the City Council in March of 2000, however Council voted to delay implementation of the Plan and code changes until an implementation plan was completed addressing specific areas of concern. The original Task Force was reconvened to work on the Washington Square Regional Center Plan: Phase II, Implementation (Implementation Plan). After 8 months of work by the Task Force, staff and consultant team, the Implementation Plan was completed and it was determined that additional amendments were needed to the Development Code and Comprehensive Plan in order to reflect the Implementation Plan findings. In addition, staff found several areas within the adopted text that needed to be clarified or cross referenced in the Development Code prior to it being used. The proposed amendments reflect the Implementation Plan recommendations and minor changes identified by staff. The proposal in front of the Planning Commission is to amend portions of: Development Code sections 18.360, 18.370, 18.520, 18.630, 18.760 and portions of Comprehensive Plan 1.1.1, 11.9 (previously numbered 11.8), 8.1.9 and 12.5.2.

**APPLICANT** City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

**OWNER:** Various

**LOCATION:** The area is bounded generally by Fanno Creek on the west, SW Greenburg Road and Hall Boulevard on the east, Red Tail Golf Course to the north, and Highway 217, including the Ash Creek area on the southern border.

**APPLICABLE REVIEW CRITERIA:** The criteria applicable to the proposed amendments to the previously adopted Development Code and Comprehensive Plan are: Community Development Code Sections, 18.390.060; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, 3.4.2.d, 8.1.1, and 8.2.1; Statewide Planning Goals 1, 2, 5, and 12; and Metro Functional Plan Titles 1, 3, 4, and 7 and the Regional Transportation Plan.

## SECTION II. RECOMMENDATION

The Planning Commission voted to recommend **APPROVAL** of the requested Comprehensive Plan amendment and Development Code amendments to the City Council.

## SECTION III. BACKGROUND INFORMATION

### History

In 1996, Metro adopted a visionary plan for regional development. This regional plan is known as the Metro 2040 Growth Concept. Focusing development and growth in regional centers represented a key aspect of supporting growth of the area and preserving livability. The Washington Square Regional Center represents one of three regional centers in Washington County and one of seven in the metropolitan region. The area consists of 1,250 acres of land and includes land in Tigard, unincorporated Washington County and the City of Beaverton. With funding from a Transportation and Growth Management Grant (TGM), a master planning effort was undertaken by the City of Tigard, the City of Beaverton and Washington County to develop the boundaries and a plan for the regional center. A 23 member Task Force was assembled and met for over a year to develop the plan. Once the Plan was complete and accepted by the Task Force, the Planning Commission and City Council held hearings and determined that there were several areas of concern that needed additional review before the Plan and development and design standards should become effective. The original Task Force was reconvened (with a few new members, for a 25 member Task Force) and 4 sub-committees were formed to review the remaining issues in detail. On July 25, 2001 the Task Force accepted the findings and recommendations from the sub-committees and passed a resolution forwarding the Implementation Plan components to the City Council so that they could implement the Regional Center Plan. As a piece of the Task Force findings, it was determined that minor changes were needed to the Development Code and Comprehensive Plan above and beyond the changes previously adopted.

A joint Planning Commission and City Council work session was held on August 21, 2001 to review the Task Force's recommendations. At this meeting, City Council directed staff to move forward with the implementation process for the Washington Square Regional Center and final adoption of the Comprehensive Plan and Development Code amendments. The Planning Commission held a public hearing on December 3, 2001 to consider the proposed amendments and voted to recommend approval.

### Vicinity Information

The affected parcels and street system are within the area known as the Washington Square Regional Center. The area consists of 1,250 acres of land and includes land in Tigard, unincorporated Washington County and the City of Beaverton. The area is bounded generally by Fanno Creek on the west, SW Greenburg Road and Hall Boulevard on the east, Red Tail Golf Course to the north, and Highway 217, including the Ash Creek area on the southern border.

### Proposal description

The Washington Square Regional Center consists of 1,250 acres, the majority of which is in the City of Tigard. When the Regional Center Plan was adopted by Council in March of 2000, Development Code and Comprehensive Plan text amendments were also adopted but implementation was delayed. The Task Force working on the Implementation Plan identified several additional amendments needed in order to implement the Regional Center Plan. In addition, staff found several formatting and clarification issues that needed to be addressed before the previously approved amendments could be effectively implemented. The proposal is to adopt the changes to the previously approved Development Code and Comprehensive Plan to reflect the Washington Square Regional Center Implementation Plan recommendations.

The following provides a summary of the Comprehensive Plan changes:

- Added findings of the section of the Comprehensive Plan regarding the Washington Square Regional Center to reflect work of the implementation plan.
- Replaced the transportation improvement strategy section that was previously adopted with a more comprehensive strategy including pedestrian, bicycle, and transit. The new transportation strategy is based on recommendation from the (Transportation Technical Advisory Subcommittee) TTAS and Task Force.
- Staff added language in the locations criteria information to allow for additional mixed use sites such as the Durham Quarry.
- Included language that provides for adjustments to development standards and minimum density when necessary to avoid environmental impacts.

The following provides a summary of the Development Code changes:

- Amended 18.360 (Site Development Review, 18.370 (Variances and Adjustments), 18.520 (Commercial zoning Districts), 18.630 (Washington Square Regional Center), and 18.760 (Non-Conforming Situations) to re-format the adopted standards to fit into the existing Development Code and to clarify and cross reference the standards throughout the code.
- Added text, based on the Task Force recommendation, to allow for modifications to the dimensional standards and minimum density requirements for developments abutting water resources areas.

## SECTION IV SUMMARY OF REPORT

- Applicable criteria, findings and conclusions
  - Tigard Development Code 18.390
  - Statewide Planning Goals
  - Applicable Comprehensive Plan Policies
  - Applicable Metro Standards
- Additional City staff and outside agency comments

## SECTION V. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

### Tigard Development Code 18.390

**Chapter 18.390.060G states that for legislative map and text amendments (Comprehensive Plan and Development Code) the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:**

- **The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**
- **Any federal or state statutes or regulations found applicable;**
- **Any applicable Metro regulations;**
- **Any applicable Comprehensive Plan policies; and**
- **Any applicable provisions of the City's implementing ordinances.**

This report addresses the applicable standards listed above and demonstrates that the proposed amendments comply with all applicable Statewide Planning Goals, Metro regulations, Comprehensive Plan policies and provisions of the Development Code. There are no applicable federal or state regulations other than those previously listed.

FINDING: As discussed in detail throughout this report, the proposed amendments comply, or can be conditioned to comply, with the standards outlined in 18.390.060.G.

**Statewide Planning Goals**

The following Statewide Planning Goals were found to be inapplicable to the proposed Development Code and Comprehensive Plan amendments:
Statewide Planning Goal 3 – Agricultural Lands,
Statewide Planning Goal 4 – Forest Lands,
Statewide Planning Goal 6 – Air, Water and Land Resource Quality,
Statewide Planning Goal 7 – Natural Disasters and Hazards,
Statewide Planning Goal 8 – Recreational needs,
Statewide Planning Goal 9 – Economic Development,
Statewide Planning Goal 10 – Housing,
Statewide Planning Goal 11 – Public Facilities and Services,
Statewide Planning Goal 13 – Energy Conservation,
Statewide Planning Goal 14 – Urbanization,
Statewide Planning Goal 15 – Willamette River Greenway,
Statewide Planning Goal 16 – Estuarine Resources,
Statewide Planning Goal 17 – Coastal shorelands,
Statewide Planning Goal 18 – Beaches and Dunes, and
Statewide Planning Goal 19 – Ocean Resources.

**Statewide Planning Goal 1 – Citizen Involvement:**
**This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents**.

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. In addition, notice was mailed to all property owners within the Washington Square Regional Center and within 500 feet of the regional center and notice was published in the Tigard Times prior to the hearing. Two public hearings are held (one before the Planning Commission and the second before the City Council) in which an opportunity for public input is provided.

**Statewide Planning Goal 2 – Land Use Planning:**
**This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals**.

The Development Code implements the Comprehensive Plan. The Development Code establishes a process and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies, with which to evaluate a request for amending the Code consistent with Goal 2. As discussed within this report, the proposed amendments comply with the Development Code and Comprehensive Plan criteria.

**Statewide Planning Goal 5 – Natural Resources**
**Requires the inventory and protection of natural resources, open spaces, historic areas and sites suitable for removal and processing of mineral and aggregate resources.**

This goal is met because the proposed code amendment allows for flexibility of standards when a project is adjacent to Natural Resources to protect resources above and beyond the protections already in place on a local, regional, state and federal level.

**Statewide Planning Goal 12 - Transportation:**
**This goal is intended to provide and encourage a safe, convenient and economic transportation system. This Goal is implemented by Oregon Administrative Rule 660-12, which is also known as the Transportation Planning Rule (TPR). Section 660-12-060 states that plan amendments which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.**

The proposed amendments will not significantly alter the planned improvements previously approved. The amendments refine the necessary transportation improvements based on the Task Force findings and provide for more multi-modal development as policy in the Comprehensive Plan. The revised Comprehensive Plan language will continue to encourage a safe, convenient and economic transportation system.

FINDING: Based on the analysis above, staff finds that the proposed amendments do not violate applicable Statewide Planning Goals.

**Applicable Comprehensive Plan Policies**

**Policy 1.1.1(a) requires that legislative changes are consistent with statewide planning goals and the regional plan adopted by Metro.**

The proposal is consistent with Statewide Planning Goals as addressed above under “Statewide Planning Goals”. The proposal conforms with the applicable portions of the Metro "Urban Growth Management Functional Plan" that was adopted in October, 1996, by Metro, as discussed within this report.

**Citizen Involvement: Policy 2.1.1 states that the City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process. Policy 2.1.2 states that opportunities for citizen involvement shall be appropriate to the scale of the planning effort.**

The Planning Commission and City Council hearings have been legally advertised. Notice has been sent to property owners within 500' of all properties within the Washington Square Regional Center and has been published in the Tigard Times to ensure that citizens will have the opportunity to learn about the hearing and to participate in it.

**Natural Areas: Policy 3.4.2.d states that the City shall address Goal 5 requirements pertaining to the preservation of wetlands and that citizens will participate in making policy recommendations.**

The proposed Development Code amendments are based on recommendations from the Washington Square Regional Center Task Force which was made up of citizens, representatives from the business community and agency staff. The standards go further to protect natural areas by providing for additional flexibility to underlying zoning standards in order

to protect the natural resources. In addition, there are already standards in place which limit the density of development adjacent to the natural resource areas and regulates buffers.

**Traffic ways: Policy 8.1.1 states that the City shall plan for a safe and efficient street and roadway system that meets current needs and anticipated future growth and development.**

The amendments to the Comprehensive Plan refine the original amendments which provide a plan for a transportation system, including alternative modes of transportation, that are safe and efficient.

**Public Transportation: Policy 8.2.1 states that the City shall coordinate with Tri-met to provide a system that meets both the current and projected needs of the community.**

Tri-met was an active participant in both phases of the Washington Square Regional Center Plan. The amendments to the Comprehensive Plan regarding transportation, transit and other alternative modes of transportation are based on comments and input from the Task Force.

FINDING: Based on the analysis above, the proposed amendments comply with the applicable Comprehensive Plan standards and criteria.

**Applicable Metro standards**

**2040 Growth Concept/Functional Plan**

The Metro 2040 Growth Concept map identifies the Washington Square area as a regional center. The 2040 Plan required Tigard to demonstrate how it could comply with the concepts of the 2040 plan including housing and jobs. The Washington Square Regional Center Plan has been adopted by the City Council but implementation was delayed until further study could be done on several areas of concern including: transportation, parks and open spaces, natural resources and storm water. The proposed amendments to the Comprehensive Plan and Development Code are in response to the additional work done to complete the implementation plan. Because the amendments are needed to fully address the regional center plan vision and goals, the proposed changes support the regional center plan, the 2040 Plan and the Metro growth concept. The elements of the Functional Plan that are applicable to these code amendments are: Title 1, Title 3, and the Regional Transportation Plan. The remaining elements of the functional plan do not apply to the proposed Development Code or Comprehensive Plan changes. The Washington Square Regional Center Plan and original Development Code and Comprehensive Plan changes were previously reviewed for compliance with the Metro Functional Plan and findings made that confirmed the plan complies with the Metro standards.

**Metro Functional Plan Title 1 – Requirements for Housing and Employment Accommodations**

**Functional Plan policies in Title 1 seek ways to increase the capacity within the urban growth boundary, such as changing local zoning to accommodate development at higher densities in locations supportive of the transportation system.**

While the proposed amendments allow for flexibility of development standards and density for developments adjacent to natural resource areas, the City would continue to meet its target population. The Washington Square Regional Center Plan provides an excess capacity "safety

net" for the City therefore, a possible reduction in density will not bring the City below its required target populations.

**Metro Functional Plan Title 3 – Water Quality, Flood Management, and Fish/Wildlife Habitat Conservation protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.**

As stated previously in this report, a portion of the Development Code is proposed to be amended to allow flexibility for developments when they are adjacent to natural resource areas. This is in addition to the City's, Clean Water Services (formally USA), state and federal standards protecting natural resource areas. The Clean Water Services standards are intended to comply with Metro's Title 3. The proposed amendments, therefore, do not conflict with Title 3 requirements.

**Regional Transportation Plan – The RTP provides a regional plan for transportation improvements and requires City's plans to be consistent. The RTP also provides plans for Transit, TDM and pedestrian mobility. The RTP replaces Metro Functional Plan Title 6.**

The proposed Comprehensive Plan amendments refine the necessary transportation improvements based on the Task Force findings and provide for more multi-modal development as policy in the Comprehensive Plan. The revised Comprehensive Plan language will continue to encourage a safe, convenient and economic transportation system and is consistent with the RTP.

FINDING: Based on the analysis above, the proposed amendments comply with the applicable Metro standards.

## SECTION VI. ADDITIONAL CITY STAFF AND OUTSIDE AGENCY COMMENTS

The Regional Center Plan was reviewed by a 25 member Task Force which included representatives from Washington County, Beaverton and Metro. In addition, staff sent request for comments to the following agencies and staff for comments on the proposed amendments:

**City of Tigard Engineering Department, Clean Water Services, Metro, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of Land Conservation and Development, Oregon Department of Transportation, Oregon Division of State Lands, Washington County, and the City of Beaverton**. No comments were received.

January 9, 2002

PREPARED BY: Julia Hajduk
Associate Planner

DATE

January 9, 2002

APPROVED BY: Barbara Shields DATE

Long Range Planning Manager

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CITY OF TIGARD
*Community Development*
*Shaping A Better Community*

# MEMORANDUM

## CITY OF TIGARD

TO: Tigard City Council

FROM: Jim Hendryx, Community Development Director

DATE: February 1, 2002

SUBJECT: Response to issues raised at January 22, 2002 Public Hearing and additional written comments.

At the public hearing on January 22, 2002, several issues were raised which will be addressed in this memo. In general, the issues raised are not new and have been addressed previously. Attached to this memo is a copy of the minutes from the February 8, 2000 City Council meeting (Exhibit A) and a February 1, 2000 memo from the Planning Division (Exhibit B) in which many of these same issues were addressed. The issue before Council, at this time, is whether the already adopted Washington Square Regional Center Plan and Code amendments should be implemented and whether to amend portions of: Development Code sections 18.360, 18.370, 18.520, 18.630, 18.760 and portions of Comprehensive Plan 1.1.1, 11.9 (previously numbered 11.8), 8.1.9 and 12.5.2. to reflect the Task Force recommendations from the Phase II implementation plan.

The following is a summary and response to the issues raised at the January 22, 2002 City Council meeting and written comments received during the 7 day open record period after the close of the public hearing. For the purpose of answering the diverse range of questions, some of which were repeated, questions were grouped by category and answered separately. For instance, notification was raised by several people. It was not the intent to answer each person's question separately, but to group like questions and answers. The questions dealt with notice, statewide land use goals, Goal 5, upzoning/maximum density, openspace-greenbelt concept, development in wetlands and floodplain, funding, urban renewal, boundary of the Regional Center Plan, widening of Hall Bldg., Metro's target capacity and a response to the drainage issue raised by Dr. Davis at the City Council hearing.

### 1. Notice

The issue of inadequate notice was raised on several occasions both in the oral testimony and written comments received. The following details the extensive notice that has been provided for this project:

Washington Square Regional Center Plan Adoption Phase (Phase I)

- Public events - September 1998
  Notice was mailed to more than 2000 residents by direct mail, two articles were printed in the Oregonian and the Tigard Times and notice was also announced at the Tigard Citizen Involvement Team (CIT) meeting and in the Metzger CPO 4M newsletter.

Adoption public hearings - 2000

- One notice for 4 dates was provided to residents inside and within 500 feet of the regional center (this included property owners in the subdivision north of the golf course). The notice was mailed on October 22, 1999 for the following hearing dates: Planning Commission, November 15, 1999; City Council presentation, December 14, 1999; City Council Public Testimony, January 25, 2000; and City Council deliberation, February 8, 2000. In addition, notice was published in the Tigard Times and there were numerous articles in the Tigard Times prior to the City Council hearings.

Washington Square Regional Center Plan Implementation Plan Phase (Phase II)

- Public events for implementation phase - 2001
  Public events were held in April and June at Metzger Park Hall. Notices were distributed to all CIT representatives, Washington Square Implementation Task Force members, Technical Advisory Subcommittee members, and everyone who had testified at previous hearings or indicated that they wished to receive notification during the adoption process. Press releases were sent to the Tigard Times, The Oregonian and the Regal Courier. Notices were posted in City Hall and the Library and were made available to Task Force members who distributed approximately 100 flyers. Notice was posted on the City website.

Public hearings for implementation phase - 2001

- One notice for both the Planning Commission and City Council hearing was mailed to all property owners within the Regional Center boundary and within 500 feet. Notice was published in the Tigard Times.

In summary, every attempt was made to provide notice to all affected property owners and the City has exceeded all state and local notification requirements.

**2. Statewide Land Use Goals**

The original staff report addressed all applicable goals and the Regional Center Plan and Comprehensive Plan amendments were acknowledged by the Department of Land Conservation and Development (DLCD) whose role it is to review plans for compliance with Statewide Land Use Goals. The original staff report is not part of the issue for consideration by the City Council. Because findings were already approved and adopted for the Washington Square Regional Center Plan and original Development Code and Comprehensive Plan amendments, it is not necessary to provide additional findings. Based on the comments raised at the Planning Commission hearing, staff expanded upon the findings originally provided for Goal #6, Goal #7 and Goal #11 in the memo to Council located in the 1/22 City Council packet.

The only amendments proposed and under consideration at this time provide additional flexibility for developments adjacent to natural resource areas in order to ensure that density

and design standards do not conflict with regulations to protect the natural resource areas, to reflect the implementation plan findings and to re-format the Development Code. The applicable Statewide goals for the amendments under consideration at this time are: 1, 2, 5, and 12. These goals are addressed in Attachment 2, Exhibit C of this council packet. Notice was sent to DLCD regarding the proposed Development Code and Comprehensive Plan amendments and they have no objections to the compliance with the Statewide Land Use Goals.

**3. Goal 5/Metro update**

A question was raised regarding how Goal 5 would apply to the Regional Center. This question was in reference to current work being done by Metro. Standards are currently in place which protect the natural resource areas. As new and more detailed standards are adopted by the State and Metro to implement Goal 5, Tigard will continue to comply and/or make necessary adjustments to the Development Code to incorporate the adopted standards. Any new development will have to demonstrate compliance with the Metro Goal 5 protection measures.

**4. Upzoning/Maximum Density**

With the development of the Washington Square Regional Center, the City of Tigard will meet its target capacity requirements. The residential density will be increased in some areas from R-4.5 to densities of 25 to 50 units per acre (most of the residential zones remain the same as the current zoning). Higher densities were assigned in the Tigard portion of the Washington Square Regional Center area in order to capture some of the County's capacity targets and maintain much of the existing residential neighborhoods, such as the Metzger area, at the density they are today.

The following zoning densities do not have maximum densities defined as a number of units per acre: MUC, MUE-1 and MUR –1. The maximum density in these zones is defined by natural constraints and by development standards. The natural constraints of the site size, shape, location, access and geographic features affect the maximum residential and commercial density a site can achieve. The development standards, including site coverage (must maintain a certain percentage of openspace/landscaping), setbacks, parking requirements and building heights, ultimately limit the density of a development.

A majority of the Regional Center area has a zoning designation with specified limits on maximum density. These zoning district are: R-4.5, R-5, R-7, R-12, MUE-2, MUR-2 and Institutional. In addition, there are very few areas where a low density residential site is adjacent to a zone that does not provide a maximum density. The attached draft map (Exhibit C) shows the parcels with one of the zones that has no specified maximum density adjacent to a low density residential zone. Within this group of sites, many of the lots are already developed with businesses or multi-family structures such as the Lincoln Center.

**5. Open space – Greenbelt concepts**

The Greenbelt exists today as an incomplete green space around the Regional Center. Fanno and Ash Creeks form a natural greenbelt around the west, south, and eastern edges of the Regional Center study area. The greenbelt concept includes connections from the existing Fanno Creek greenway trail to the Regional Center and to other parks and trails; development of the Ash Creek linear park, establishing connections along Ash Creek and to the Fanno Creek trail system and Hwy. 217 crossing; a connection over Hwy. 217 between

the Fanno Creek greenway to Whitford School and the Red Tail Golf Course; connections through or around the golf course; and sidewalk widening and improvements along Hall Blvd. to Metzger Park. A continuous Greenbelt trail system will provide access and links to residential, employment and commercial districts and provide pedestrian and bicycle connectivity between destinations in the area. A Greenbelt trail system will also balance increased densities with opportunities for recreation, as well as preservation of open space and natural resources. The greenbelt concept will be developed further in master plans that are part of a long term implementation program.

**6. Development adjacent to wetlands and floodplain**

Several people indicated that the Plan would allow for high density development in the wetland or floodplain. This is not correct. The City, in compliance with Goal 7 and Goal 5 has regulations which restrict development in floodplains and wetlands. Any development in the floodplain must demonstrate that it will result in no increase in the water surface elevation of the 100 year flood and obtain approvals from the Division of State Lands and US Army Corps of Engineers. Development within wetlands must be permitted by the agencies listed above and Clean Water Services. The standards in place which regulate run off, setbacks, and protections of Sensitive Lands are adequate to protect the existing stream and wetlands from any additional degradation. In addition, any required mitigation would act to increase the value of the wetlands and floodplains by following the guidelines and requirements of the regulatory agencies. The existing regulations may change in the future in response to regional, state or federal requirements to provide greater protection of the natural resource areas. It should be stressed that the overall density anticipated does not include development of the floodplain or wetland areas.

**7. Funding**

Several people raised the issue that funding was not in place to pay for needed improvements identified in the Washington Square Regional Center Plan. It should be emphasized that the improvements identified in the Plan are needed based on existing traffic congestion and existing development potential regardless of whether or not the zoning changes and the Plan are implemented. By having the Plan adopted and implemented, it provides a framework from which to seek funding for the improvements that are needed.

The Implementation Plan identifies a funding strategy that shows how the needed funding could be obtained. This is a strategy for assisting the City in obtaining funding, however, it is not the only way in which funds may be obtained. The City, in coordination with other jurisdictions is continuing to work towards a financing program as part of a long term implementation program.

**8. Urban Renewal**

There was a question about what mechanisms could be used to establish an urban renewal agency incorporating the Washington Square Area and whether a vote would be required. The City Charter, Section 45, requires voter approval of an urban renewal authority. The City Attorney's office provided a memo dated August 8, 2001 (Exhibit D) which looked at issues relating to the establishment of an urban renewal agency, with particular attention to consistency with the City's Charter provisions that require voter approval of any urban renewal plan that involves tax increment financing or taxation outside the renewal area.

## 9. Boundary of the Regional Center Plan

Several people continued to raise the issue of the boundary of the Washington Square Regional Center, wanting the boundary to be changed so as to exclude their neighborhood. The boundary was established to provide a study area from which to base assumptions. Washington County adopted the boundary as part of their Comprehensive Plan in 2000 as well. Being within the Regional Center boundary does not mean that a property will be taxed differently. The design standards apply to non-single family developments, therefore, existing single family homes will have no additional development regulations. The boundary was adopted with the Regional Center Plan in March 2000. In order to change the boundary, it would require a Comprehensive Plan amendment in the City of Tigard and Washington County and would require a re-evaluation of the Plan if properties currently designated for mixed use were removed from the study area.

## 10. Widening of Hall Boulevard

This issue has continued to be brought up throughout the planning process. Based on traffic projections in the area, it appears that widening of Hall will be ultimately necessary in order to accommodate the increased traffic. Hall is shown to be widened to 5 lanes in the City's Transportation System Plan and the Regional Transportation System Plan. The Washington Square Regional Center Task Force recommendation is to widen Hall to 3 lanes and obtain right of way for 5 lanes in the event that widening to 5 lanes is necessary in the future. The Task Force recommendation is that Hall be widened to 5 lanes only if necessary after all other improvements have been completed

## 11. Additional issues/concerns

- <u>Target Capacity</u>
  A concern was expressed about reports that West Linn and Lake Oswego were asking Metro to reconsider density requirements and, if granted, would result in Tigard having to take more than its share. Metro does have a process for reviewing exceptions the target capacity numbers, however there have been no formal requests for an exception and there is no indication that it would result in Tigard absorbing more than their current target capacity.

- <u>Dr. Davis issue</u>
  Dr. Davis raised an issue in his testimony that the City of Tigard was dumping water onto his property. This issue is addressed in a separate memo from the City of Tigard Engineering Department (Exhibit E).

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- Council President Moore reconvened the meeting at 9:25 p.m.

5. **CONTINUATION OF PUBLIC HEARING FROM JANUARY 25, 2000 – WASHINGTON SQUARE REGIONAL CENTER – CPA 1999-00002/ZON 1999-00001/ZOA 1999-00004 WASHINGTON SQUARE REGIONAL CENTER**

| | |
|---|---|
| **REQUEST:** | A request for approval of a legislative Comprehensive Plan map and development code language, rezone, and text amendments to the Tigard Development Code within the area designated as the Washington Square regional Center. Specifically, the request includes re-designation from Low Density Residential, Medium-Density Residential, Medium-High Density Residential, Neighborhood Commercial, General Commercial, Commercial Professional, and Industrial Professional to the new designation of Mixed Use Commercial, Mixed Use Employment-1, Mixed Use Employment-2, Mixed Use Residential-1, Mixed Use Residential-2, and to the existing R-12 zone. The findings of this plan will be forwarded to Beaverton City Council, Washington County Commissioners, and Portland City Council for their approval. |
| **LOCATION:** | Generally, south and west of Hall Boulevard; north of Highway 217; the Nimbus Business Park area between Schools Ferry Road and SW North Dakota; Cascade retail center south of Scholls Ferry Road and north of Greenburg Road. |
| **ZONE:** | CG (General Commercial), CP (Commercial Professional), CN (Neighborhood Commercial), IP (Industrial Professional), R-4.5 (Low-Density Residential), R-12 (Medium-Density Residential, R-25 (Medium High-Density Residential), R-40 (Medium High Density Residential). |
| **APPLICABLE REVIEW CRITERIA:** | Statewide Goals 1, 2, 9, 10, 12, and 13; Oregon Administrative Rule 660-12; Comprehensive Plan Policies 1.1.1, 2.1.1, 6.1.1, 6.6.6, 8.1.1, 8.2.2, 9.1.1, 9.1.3, 12.1.1, and 12.2.2, and Community Development Code Chapter 18.22 and 18.32, Metro Functional Plan. |

a. **Council President Moore reconvened the public hearing.**

b. **Public Testimony Portion was closed on January 25, 2000; written testimony closed February 1, 2000**

Council President Moore noted that the Council did received additional written testimony in its packet.

Mr. Ramis reviewed the hearing procedures for the evening. He informed the Council that he cautioned staff to stick to the evidence in the record when responding to Council questions. He asked the Council to do the same in framing its questions. He listed the options available to Council during its deliberations: adoption as proposed, denial, modification of the proposal or tabling the proposal indefinitely or for a specific time. He suggested, if the Council chose to modify the proposal, that the Councilors state what their modifications were and allow staff to return with a draft of those modifications.

Mr. Ramis mentioned the opportunity to adopt the proposal and to delay the implementation to a specified date or until certain tasks were accomplished. He said that this option was similar to the Planning Commission's recommendation of "endorsement followed by implementation steps." He pointed out that the City did not have a legal tool called "endorsement" but the Council could delay the implementation of an adopted plan to a date certain or indefinitely.

**c. Staff Recommendation**

Mr. Hendryx recalled that staff made its overall presentation on December 15 followed by a public hearing on January 25 to hear public testimony and receive written comments. He noted that the Council closed the oral testimony on January 25 but held the record open until February 1 to receive written testimony. He stated that the public testimony comments that staff intended to rebut tonight fell into three areas: the public involvement process, environmental issues, and implementation and infrastructure issues.

- **Elaine Cogan, Cogan Owens and Cogan, addressing the public involvement process**

Ms. Cogan mentioned her 25 years of experience in a consulting firm that specialized in designing and facilitating processes. She stated that she has rarely seen a public involvement process so inclusive. She discussed the 25-member Citizen Task Force appointed by Council at the beginning of the process, noting the careful selection of representative interests and the allocation of three representatives to the Metzger area. She indicated that all Task Force members (except one Metzger representative) recommended adoption of the report.

Ms. Cogan discussed the public involvement at the 18 Task Force meetings (from June 1998 to August 1999), the four public events, and the questionnaires. She emphasized that the Washington Square event allowed them to reach people who would not attend a meeting or fill out a questionnaire. She stated that the Task Force listened carefully to all citizen input, weighing that input along with the information provided by the consultants.

Ms. Cogan described the Task Force process of developing a plan based upon the guiding principles that the members agreed upon at the start of the process. She emphasized that this was a citizen-driven and citizen-derived plan, thoroughly discussed and reviewed by the Citizen Task Force. She stated that the recommendation was a balance between the wishes and the wants of a responsible group of people who worked long and hard to deal with the issues of land use, aesthetics, transportation and environment.

Councilor Patton noted the comment heard several times by the Council that the public events were inadequate for the purpose of making this kind of recommendation. She asked for Ms. Cogan's opinion on whether a more formal process (as opposed to the informal process used) would have made a difference in the decision-making process. Ms. Cogan explained that the more formal events, such as a City Council meeting, provided those who were well-organized and good public speakers a better forum for stating their opinions than it did the average citizen. She said that the informal process they used provided the average citizens with many opportunities to present their viewpoint without the expectation of having to be a polished speaker.

Ms. Cogan said that, in her experience, the informal process garnered more breadth and depth of information than the formal process did because of the number of opportunities to present input and the lack of intimidation. She cited the Washington Square public event as an example of the informal process bringing in people who normally would have said nothing. She stated that, while she understood the criticism of the informal process, she thought that they needed to use the informal process when they really wanted to hear from the people.

- **Nadine Smith, Long Range Planning Manager, addressing the environmental issues**

Ms. Smith stated that the Task Force recommendation did not propose any development in any wetlands or required wetlands buffers. She said that staff did not count wetlands and undevelopable sensitive areas in its distribution of housing and jobs in the area, as required by Metro. She noted that any development proposed for the area would have to go through the same rigorous review process that any development in sensitive areas in the City of Tigard (or the region) would have to go through to meet the applicable federal, state and local regulations.

Ms. Smith said that staff would incorporate any changes made to federal and state regulations into Tigard's regulations. She noted the recent adoption of Title 3 by USA into their design and construction standards. She said that the City now had to apply those standards to development in the city.

Mr. Hendryx confirmed to Councilor Scheckla that those standards went into effect countywide on Friday, February 4, 2000.

Councilor Scheckla mentioned his concern with the requirement that Tigard use Metro's jobs and housing numbers. Mr. Ramis confirmed that Metro was powerful enough to require Tigard to use those numbers or face losing access to transportation dollars. Councilor Scheckla commented that he did not think that Tigard received much transportation funding from Metro.

Councilor Patton noted comments made that the Task Force ended up with more density than required by Metro. She asked for clarification from staff. Ms. Smith explained that Washington County had identified rezoning a portion of the Metzger neighborhood to high density residential as one way to meet the number of housing units Metro assigned to the County. She said that staff asked the Task Force to look at adding 200 plus units to the density of the Washington Square Regional Center area (given the vacant land and redevelopment ability available) so that the County would not have to rezone a portion of single-family residential Metzger to high density residential.

**Laurie Nicholson, Associate Planner**, clarified that the County's plan to accommodate the Metro numbers allocated 660 units as the Regional Center's share.

Councilor Patton mentioned the comments made with respect to development resulting from the upzoning of wetland and sensitive areas. She asked for staff clarification on the Plan recommendation to upzone those areas when staff said that those areas would not be developed. Ms. Smith explained that the upzoning was part of the mixed-use zoning concept intended to build up with a smaller footprint than out with a larger footprint over more land area.

Ms. Smith said that the mixed-use concept also looked at developing the area as a single development rather as a series of single-family lots. She indicated that one property owner could do more to restore the degraded wetlands in the area than having a series of single-family lots adjacent to a wetland.

Councilor Patton asked why the Plan slated those areas for upzoning when the concern was to preserve those sensitive areas from development. She commented that upzoning appeared to create an incentive for development.

**John Spencer, Planner**, explained that the City of Tigard zoned all land for residential, commercial or industrial uses. The City placed other layers of zoning (called overlay zones) on top of the base zone to create environmental and other protection zones. He confirmed that these sensitive areas would have a new base zone but he emphasized that the environmental protection overlay zones still prevailed with respect to development. He indicated that development would focus on the upzoned uplands property.

Mr. Spencer said that upzoning would stimulate new development activity. He said that staff saw that as a positive thing because a major redevelopment could bring more resources for environmental enhancement and wetland improvement than single-family lots with backyards abutting a wetland could. He pointed out that if growth did not go in the upzoned areas, then it would probably go somewhere else at lower densities than proposed by the Plan. Lower densities used more land, created impervious surface, and had more potential environmental impacts than concentrating density in a smaller area did..

Councilor Patton asked staff to address the issue of variances to the environmental rules allowing wetlands mitigation in other locations. Mr. Spencer conceded that wetlands mitigation in other locations was possible. He explained that the wetlands mitigation process was a function of how the City wanted to implement its own ordinances. He indicated that it was a federal process with environmental protection regulations imposed on all jurisdictions in the region. He commented that these regulations already closed some of the "loopholes" mentioned in the testimony tonight.

Mr. Ramis confirmed to Councilor Patton that the Council choosing to adopt but not to implement the plan immediately afforded the Council the opportunity to study the implications of the new regulations and how to implement them with respect to the City's regulations. He said that adopting but not implementing left the current regulations in place.

Councilor Hunt asked if Council could set a final implementation date, given that the environmental regulations changed continually. Mr. Ramis agreed that the regulations were a moving target. He said that Council could set an outside date for implementation or for staff to return with a completed proposal for Council consideration.

Councilor Scheckla asked why Tigard did not ask for more time to fine-tune its plan before adoption, as other Washington County jurisdictions did. Ms. Smith indicated that she did not think that they needed more time to deal with Metro, as they were ready to explain how they could accommodate the numbers. Councilor Scheckla stated that he thought that they did need more time.

Ms. Smith confirmed to Councilor Scheckla that staff recommended taking out Policy 11.8.3.

Councilor Scheckla questioned the Plan's recommendation to upzone wetlands areas in residential areas, given that the 2040 Plan no longer required that. Mr. Hendryx explained that when Metro looked at the capacity within the Urban Growth Boundary, it deducted out the areas with wetlands and resources areas from their inventory of vacant land. Councilor Scheckla mentioned his concern that people in the upzoned residential area would sell out and move.

Council President Moore explained that staff's recommendation was to adopt but not implement the plan in order to gain sufficient time to answer the types of questions raised by Councilor Scheckla and to deal with issues on an individual basis. He emphasized that adoption without implementation changed nothing in the City's development regulations and process.

Councilor Scheckla asked if the process would continue to allow public input. Mr. Ramis assured the Councilor that staff could craft the ordinance to state clearly that the existing regulations remained in effect, not the new ones, and to itemize which specific issues Council wanted addressed. He confirmed that staff would continue to receive public input.

Mr. Hendryx stated that he took exception to the statement that the City's Safe Harbor regulations contained loopholes. He referenced the extensive process staff went through to develop the City's environmental protection regulations, acknowledged by the State and other agencies as meeting the standard. He argued that staff built flexibility, not loopholes, into the Safe Harbor regulations at the Council's request as recognition of the unique circumstances in Tigard.

Mr. Hendryx addressed the issue of implementation. He mentioned the staff recommendations to develop a storm water drainage plan, to refine the open space opportunities, and to develop strategies and a financial plan for public improvements. He commented that staff needed an adopted plan in order to develop the strategies or they were shooting at a moving target.

Mr. Hendryx discussed his regret that the issue of the $80,000 grant came up because it put the Council in an awkward position. He said that the Council should not consider the grant in making its decision with respect to the Plan, as it was a separate issue that staff would deal with at the appropriate time.

Mr. Hendryx discussed the staff solution outlined in the February 4, 2000, memo. He recommended adoption of the Plan and amendments with implementation delayed until staff presented a strategy addressing four components: developing a recommendation for storm water drainage, refining recommendations for open space development, preparing a strategy on a financial plan for public improvements, and leaving the interim existing land use regulations in effect.

Mr. Ramis reiterated that staff could craft the ordinance to require the public involvement wanted by Council, to clarify that the existing regulations remained in effect, and to clarify that staff would not implement the adopted plan until the Council satisfied itself with respect to the implementation process.

Councilor Patton observed that many adopted plans were never implemented. She asked what the term "public improvements" encompassed. Mr. Hendryx explained that staff intended "public improvements" to include all the public facility and infrastructure needs in the area, including transportation.

Councilor Patton noted that the Plan recommended parks but did not identify any particular parks. Mr. Hendryx pointed out that the plan could not designate properties as parks without raising legal issues. He said that staff needed to identify the acreage and type of lands needed, and then to develop a financial plan to acquire the land. He mentioned dedication of land from developers as a possible tool.

Mr. Hendryx spoke to the issue of public process. He emphasized that staff would continue to converse with the public throughout this process. He indicated that staff could revisit the public involvement process or consider a different type of process at Council's direction.

Councilor Hunt asked for a comparison of this process with the Tigard Triangle process. Mr. Hendryx indicated that the Triangle process was more of a focus public involvement process as opposed to the broadscale nature and issues of the Washington Square Regional Center Plan. Ms. Nicholson cited the difficulties that staff ran into during the implementation of the Triangle Plan (as developments came through the process) as a reason why staff wanted to iron out the issues in the Washington Square Plan before implementing it.

Councilor Scheckla observed that a plan without maintenance would eventually fall apart.

**d. Council Deliberation**

**Motion by Councilor Hunt, seconded by Councilor Patton, to adopt the Washington Square Regional Center Plan, including the Zoning and Comprehensive Plan amendments.**

Councilor Patton thanked the Task Force for their excellent work in tackling a difficult issue. She characterized the Plan as providing the City with a foundation to start from in addressing the issues raised by the citizens this evening. She commented that she would not have supported adoption with immediate implementation but she could support the staff recommendation to adopt the Plan as the first step and to develop more detailed and focused implementation strategies as the second step.

Council President Moore pointed out that this area would develop with or without a plan. He spoke to the importance of having a plan that protected the area from poor development, as has occurred in other areas of the city developed without a plan. He supported the Plan and the amendments with adoption without immediate implementation as a solution to their dilemma.

Motion was approved by majority voice vote of the Council present. (Council President Moore, Councilors Hunt and Patton voted "yes." Councilor Scheckla voted "no.") [3-1]

**6. COUNCIL LIAISON REPORTS**

Council President Moore mentioned the Transportation Bond Measure Open House tomorrow night at Fowler Middle School at 7:30 p.m.

**7. NON AGENDA ITEMS:** None.

**8. EXECUTIVE SESSION:** None.

**9. ADJOURNMENT: 10:22 p.m.**

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

Brian Moore

~~Mayor, City of Tigard~~ Brian J. Moore, Council President

Date: 3/14/00

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# MEMORANDUM

TO: Mayor and City Council

FROM: Planning Division

RE: Washington Square Regional Center Issues

DATE: February 1, 2000

As indicated at the January 25th City Council meeting, staff will respond to questions that had arisen during this meeting. We will also provide further information on general issues that have been brought up throughout the public hearing process as part of our rebuttal at the beginning of the hearing on February 8th.

Enclosed with this memo is additional information from Brenda Bernards, a staff planner with Metro to answer questions of Metro and from Lidwien Rahman, TGM Grant Manager with the Oregon Department of Transportation regarding the proposed implementation grant.

Jere Retzer of the Tualatin Riverkeepers in his testimony indicated that "holes" existed in the Tigard Development Code (TDC) as it relates to water resources. Standards for protecting wetlands are applied throughout the City and our Safe Harbor standards were accepted by the Department of Land Conservation and Development. Water resource protection standards in the TDC were adopted to comply with Safe Harbor standards. What Mr. Retzer characterizes as "holes" were intended to provide flexibility in development standards while protecting wetlands by providing for variances when the appropriate criteria can be met. These standards will be applied throughout the City.

Additionally as of January 31, 2000, Title 3 water resource protection standards and, through USA's design and construction standards are now in effect.

On several occasions, members of the public mentioned the Beaverton Round project which is a public/private project funded by both developers and the City of Beaverton. There is no proposal for the City of Tigard to be directly involved in funding development projects in the Washington Square Regional Center. What is proposed in the plan is to change the Tigard Comprehensive Plan and Zoning for the Washington Square Regional Center area to accommodate expected future growth in the area.

Questions have been raised regarding how improvements will be implemented. As is the case for development in Tigard, staff applies the rough proportionality standard on

development projects. Development projects are evaluated in terms of what impacts the development will create on facilities in rough proportion to conditions that will be placed on development. The amount of infrastructure that will be funded by private development will depend on the type and intensity of development that occurs.

The Transportation Growth Management Grant (TGM) will perform planning for transportation projects that are regional in scope. This grant, for example, will do detailed planning on overcrossings over Highway 217, which are part of the proposed transportation plan for the Washington Square Regional Center.

In response to concerns expressed by members of the pubic regarding the impact of the plan on existing single-family neighborhoods, the Plan protects the Metzger neighborhood. Enhancing the single-family character of the Metzger neighborhood north of Locust Street is a major element of the Regional Center Plan. No changes to the existing R-5 zoning are proposed, and the retention of Metzger School and play fields is a high priority. The Task Force rejected Washington County's proposal to up-zone this entire area to R-24, and to provide for the County's 600 unit housing allocation in other areas of the Regional Center, primarily within the City of Tigard.

Further, the property owners support mixed-uses along Ash Creek. The Lincoln Center-Ash Creek area south of Locust Street is proposed for mixed-use employment and housing areas. All of the major property owners in this area participated on the Task Force and support this recommendation. The employment and housing growth targeted for this area assumed none of the wetlands and floodplain along Ash Creek would be developed.

Concerns have been expressed about the lack of parks in the area. Neighborhood parks are provided for in the plan. The plan calls for 8 acres of neighborhood parks located in the Lincoln Center-Ash Creek area. Four additional acres of park and plazas are planned for other areas in the Regional Center. Specific sites are not identified, but upland areas were assumed for all park locations.

CITY OF TIGARD
*Community Development*
*Shaping A Better Community*

# MEMORANDUM

# CITY OF TIGARD

TO: City Council

FROM: Nadine Smith
Long Range Planning Manager

DATE: January 31, 2000

SUBJECT: Attached Memo

Attached is a memo from Brenda Bernards, Senior Regional Planner with Metro. We requested that she respond to some of the issues that were brought up by the public that concerned Metro and the 2040 planning process and Metro greenspace issues.

January 28, 2000

**Prepared by:** Brenda Bernards

**Subject:** Response to Metro-related issues raised at the January 25, 2000 Tigard City Council public hearing on the Washington Square Regional Center

At the January 25, 2000 public hearing for the Washington Square Regional Center, a number of Metro related issues were raised. These included the designation of the area as a regional center, the redesignation of the Milwaukie Regional Center to the Milwaukie Town Center, the assumptions made in the September 1999 update to the Urban Growth Report and the acquisition by Metro of property along Ash Creek. These issues are addressed below.

## 1. Designation of Washington Square as a Regional Center

Regional Centers are a key element of Metro's growth management strategy. The 2040 Growth Concept, adopted by Metro Council in 1995, provides a general approach to where and how to accommodate future growth. The majority of the growth will be directed to mixed-use areas including centers and main streets.

The centers and main streets are compact areas of housing and employment in close proximity to transit service. This compact development in a walkable environment provides efficient access to goods and services and alternatives to auto travel such as walking, bicycling and transit. The 2040 Growth Concept provides a hierarchy of centers that are interrelated: the Central City, Regional Centers and Town Centers.

There are seven Regional Centers on the 2040 Growth Concept Map. These include the downtowns of Beaverton, Hillsboro, Gresham, and Oregon City as well as three large regional shopping areas, Clackamas Town Center, Gateway and Washington Square. Regional centers act as major nodes along regional transportation routes and serve hundreds of thousands of people and include commercial, recreational, institutional, cultural, employment and residential uses.

Metro staff in consultation with local jurisdictions and citizens recommended that the Washington Square area be designated as a regional center. This area had many of the characteristics of a regional center. These included the local government zoning in place, the intensity of existing development, and its size and location in proximity to downtown Portland, Beaverton and Hillsboro. The possibility of commuter rail and the consideration of the area as a potential light rail corridor were also consistent with its regional center designation.

The Washington Square area was included in the 2040 Growth Concept map that was adopted by resolution by Metro Council in December 1994. The City and County staff and planning commissions, the City Council and the County Commissioners were aware of the regional center designation. Over the course of 1995, many comments were received from local jurisdictions, citizens and other interested groups that were affected by the 2040 Growth Concept. While many changes were made to the original vision to respond to suggestions and concerns, Metro received no requests to alter the Washington Square regional center designation. The 2040 Growth Concept map was adopted by ordinance in December 1995. Metro Council's decision was reached through consultation and consensus with the citizens of the region and with its partners, the cities and counties.

## 2. City of Milwaukie

### Redesignation to Town Center

The City of Milwaukie was originally designated as a Regional Center on the 2040 Growth Concept. In 1999, the City requested and Metro Council granted a change in designation from Regional Center to Town Center. Milwaukie requested the change because it was concerned about the impact of a regional center designation on the adjacent neighborhoods and the potential loss of the small town feel in the downtown.

Milwaukie began the process of planning for its downtown in 1995 with the Milwaukie Vision project. The project stated a vision for the City that included a downtown with civic, commercial and cultural activities. The next step undertaken was the Regional Center Master Plan study. The purpose of this study was to establish the framework for the city center envisioned by the Milwaukie Vision statement. A key component of this study was to determine if Metro's regional center designation was appropriate for the Milwaukie downtown.

Milwaukie's target capacities for housing and employment are as follows:

| City of Milwaukie | City Wide Targets | Mixed-Use Areas |
|---|---|---|
| Housing | 3,514 | 2,571 |
| Employment | 7,478 | 6,444 |

Through the regional center planning undertaken between June 1996 and October 1997, the City was able to plan capacity in the downtown to reach 69 percent of the mixed-use housing target and 33 percent of the mixed-use employment target in the Metro Code. The City anticipates that the proposed town center will include all of the redevelopment opportunity sites of the regional center and the planned capacity will remain the same. Milwaukie is able to meet its citywide housing targets. This indicates that, while the City meets the overall target, the housing will be distributed more widely with less focus on the downtown and at an intensity that may be more appropriate for a town center.

**Comparison of Town Centers and Regional Centers**

| Town Centers | Regional Center |
|---|---|
| • 30 town centers<br>• serve a 2-3 mile radius<br>• provides day to day services primarily<br>• can include "regional draw" activities but focus is on local shopping, employment and recreational opportunities | • 7 regional centers<br>• provides services of a regional character<br>• also provides day to day services for employees and residents in the area |
| • emphasis on all modes of transport - walking, bicycling and transit use are considered as important as car use | • focus for regional transportation system (roads, rail - cars, buses, light rail)<br>• given priority for transportation spending<br>• (all modes: cars, transit, walking, bicycle |
| • third level of the hierarchy of centers<br>• serves tens of thousands of people<br>• at this time, there are 29 town centers throughout the region<br>• generally located in areas of existing commercial and residential development<br>• development is more concentrated than surrounding neighborhood/employment areas<br>• lower density and generally smaller in area than regional centers | • second level of the "hierarchy" of centers – the first level is the central city - downtown Portland - serving the entire Metro region<br>• regional centers serve hundreds of thousands of people<br>• limited in number<br>• concentrated focus of housing and employment opportunities |

### 3. 1997 Urban Growth Report Update – September 1999

A number of speakers at the January 25, 2000 Tigard Council meeting referred to the update of the 1997 Urban Growth Report (UGR) to demonstrate that Metro does not require the area around Ash Creek to be upzoned. This is an incorrect interpretation of the Urban Growth Report.

The purpose of the Urban Growth Report is to estimate a **regional** capacity and need for housing. This estimation is required by the State to ensure that there is sufficient capacity to accommodate a 20-year housing need. The Growth Report was completed in 1997. An update was undertaken in 1999 to refresh the data and assumptions of the Report. Cities and Counties in the region had made substantial progress in compliance with the requirements of the Urban Growth Management Functional Plan; density assumptions in the Report were updated to reflect these changes.

Zoning is a local responsibility. Now that Cities and Counties are in substantial compliance with the 2040 Growth Concept for neighborhood densities, the Report no longer assumes the need to upzone current densities because the new zoning regulations recently adopted by Cities and Counties reflect the necessary assumptions to accomplish 2040 Growth Concept goals.

However, because local compliance work is still incomplete in many of the centers, the vacant buildable land in these regional and town centers still require the additional step of upzoning. Until more jurisdictions come into compliance with the Functional Plan through local code amendments, this step of assuming up-zoning is necessary in the analysis of residential capacity for the UGR.

**4. Metro Acquisition of Property Along Ash Creek**

The property along Ash Creek in the southern end of the Regional Center is not included in the target area in Metro's open spaces acquisition program. The program objectives for the Fanno Creek area are to establish a continuous greenway along the main stem of the river. Local jurisdictions and non-profit groups are encouraged to participate in the protection and enhancement of the tributaries of Fanno Creek. Metro has a challenge grant program for the tributaries where a jurisdiction or non-profit group would have to provide a 25 percent match.

The Metro program is a "willing seller" program; that is, Metro cannot require an owner to sell. In addition, when purchasing a property, Metro cannot exceed market value. Discussions have been held between Metro staff and the property owner on the possible purchase of this property. To date, the asking price for the property cannot be met by Metro.

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The TGM program has been asked to make a determination about eligibility of funding the Washington Square Regional Center Plan Implementation grant even if the City Council elects not to adopt some or all of the plan and zoning map amendments recommended in the Plan. In essence, the City has asked for a grant to implement the WSRC plan. Our understanding in committing to fund this grant was and is that the Council supports and is prepared to adopt that plan. If the Council decides not to adopt the plan, TGM is obligated to reconsider whether the grant should proceed.

> The recommended Plan is a comprehensive plan which includes an overall
> Vision, Urban Design Concepts, Urban Design by District, Parks and Open
> Space recommendations, new land use districts, a parking strategy, and
> recommendations for implementation. City staff has prepared specific
> Comprehensive Plan and Zoning amendments to implement the recommended
> Plan. Provided Council adopt the majority of the Plan's recommendations,
> including the transportation recommendations and the new Mixed Use zones
> and associated development standards, and including plan/zone amendments
> for the majority of property in the planning area, the TGM program does
> not object to funding a follow-up grant to further implementation of the
> Plan's transportation recommendations. It has been our understanding that
> most of the transportation recommendations in the Plan would be prudent
> and necessary regardless of any changes in land use. We understand
> citizens' concern about approving any increase in density without
> assurance that the needed transportation improvements can be built, from a
> financial, environmental, and/or engineering standpoint. The follow-up
> grant is supposed to provide that assurance.
>
> At the same time, it has been the intent of the Regional Center Plan to
> reduce traffic by providing for a mix of uses in close proximity and at a
> density and design which can support transportation alternatives such as
> transit, carpooling, commuter rail, walking, and bicycling. Therefore, if
> Council were to defer adoption of the new mixed-use zones and development
> standards, and their application to a majority of parcels in the planning
> area, then this action would jeopardize receipt of the 1999-2001 TGM grant
> on the basis of failure to adopt the recommendations of the previous
> 1997-1999 grant. The Program acknowledges Council's responsibility to be
> responsive to the citizens of Tigard, and to make minor amendments to a
> staff and consultant proposal to reflect unique circumstances. However, if
> the deviation from the recommendations were such as to compromise the
> integrity of the Plan and the City's ability to comply with the Metro 2040
> growth targets, then such action would constitute ground to rescind the
> TGM grant.
>
> Lidwien Rahman
> TGM Grant Manager
> ODOT Region 1
> 123 NW Flankers
> Portland OR 97209
> phone: (503) 731-8229
> fax: (503) 731-8259
> e-mail: lidwien.rahman@odot.state.or.us
>
>

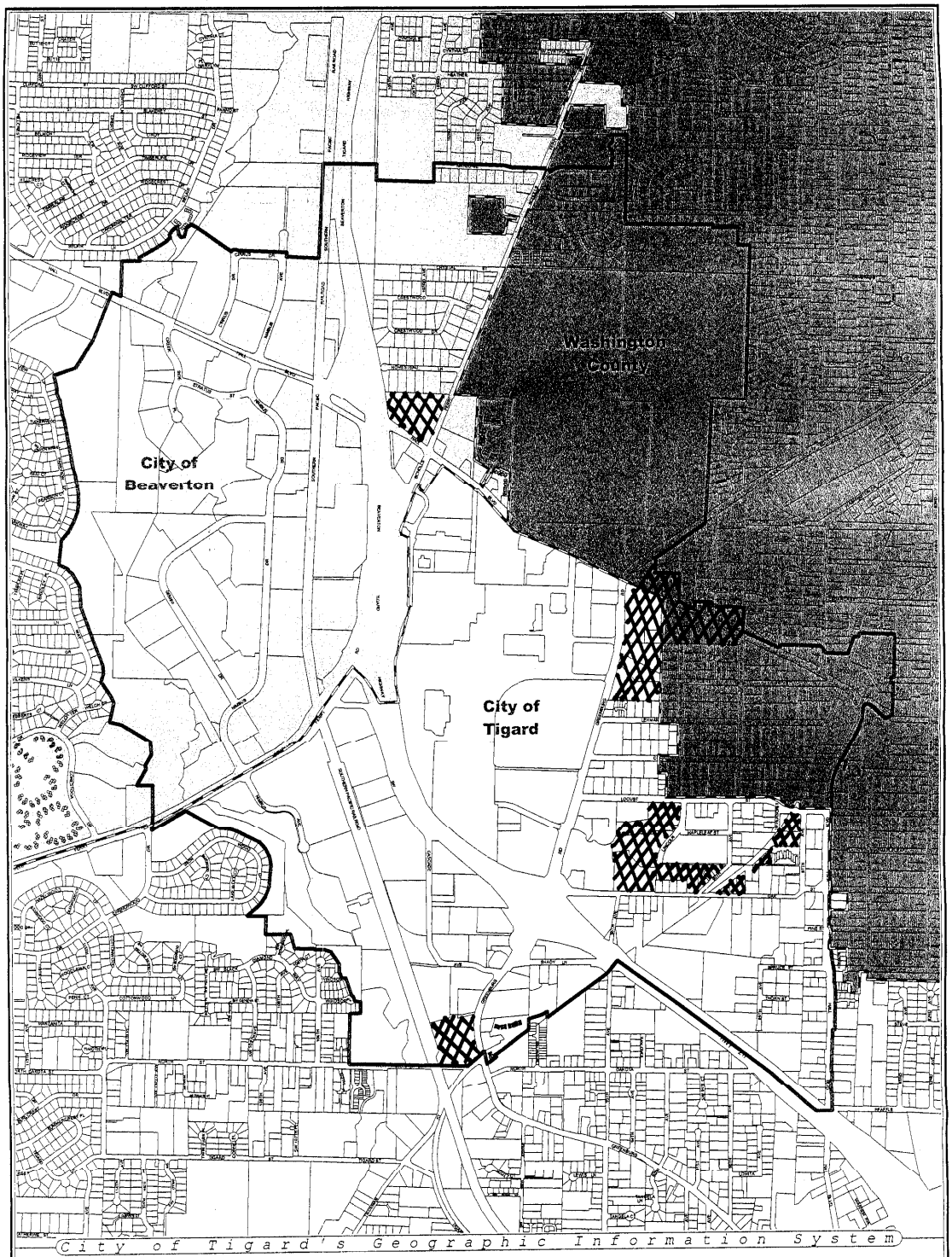


Exhibit C

Areas adjacent to low density residential zones with no specified maximum density

City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223
(503) 639-4171
Community Development

**DRAFT**

0 400 800 1200 Feet
1"= 900 feet

No specified maximum density, adjacent to a low density residential zone

Legend
Study Area
Jurisdictional Boundari
Beaverton
Tigard
Washington County

This map was derived from several data so
The City can not be held responsible for any
ofore, there are no warranties for this p
Plot date: Oct 1

Attachment 3, Exhibit C

Attachment 3, Exhibit D

RAMIS
CREW
CORRIGAN &
BACHRACH, LLP
Practicing as
Hibbard Caldwell Schultz
Ramis & Crew
in Oregon City

ATTORNEYS AT LAW

1727 N.W. Hoyt Street
Portland, Oregon 97209

(503) 222-4402
Fax. (503) 243-2944

# MEMORANDUM

TO: Jim Hendryx, Community Development Director, City of Tigard

FROM: Timothy V. Ramis, Gary Firestone, City Attorney's Office

DATE: August 8, 2001

RE: Urban Renewal Agencies

## BACKGROUND

There has been some discussion regarding the possibility of creating an urban renewal agency in the Washington Square area that would cover areas within Tigard, Beaverton and unincorporated Washington County. One proposal is to have Washington County establish the agency to cover the entire area. For the purposes of this memorandum, we assume that any urban renewal plan would involve tax increment financing.

You have asked us to look at legal issues relating to establishment of a urban renewal agency, with particular attention to consistency with the City's charter provisions that require voter approval of any urban renewal plan that involves tax increment financing or taxation outside the renewal area.

## ISSUES

Does Washington County have authority to establish an urban renewal agency for areas that includes part of Tigard?

Do the Tigard Charter provisions apply to action by the County?

## ANSWER

A county has some authority to establish an urban renewal agency for areas within incorporated cities. However, the statutes also restrict that authority. The statutes are unclear as applied to the situation the County and City are faced with.

Although Tigard Charter provisions do not apply directly to the County, if City action is required, the City will have to comply with the Charter.

## ANALYSIS

### The Applicable Statutes Are Ambiguous

A county urban renewal authority has authority "within the same area of operation given a housing authority of the [county] under ORS 456.060." ORS 457.035(2). ORS 456.060 gives a county housing authority to operate "[i]nside the territorial or urban growth boundary of any city unless the city has by ordinance prohibited such operation within the city or its urban growth boundary." It is unclear whether "such operation" refers specifically to operation by the county or would include any prohibition on housing authorities.

A city may prohibit operation of a housing authority because existing agency operations address the need for housing or if there is no need for low income housing. ORS 457.060(2)(b). Although Tigard has not passed an ordinance addressing the need for a housing authority, it has passed a charter provision stating that there is no need for an urban renewal agency in the City. Charter Section 45.[1]

Two interpretations of the relationship between ORS 457.035(2) and ORS 456.060 are possible. Under the plain language of the two statutes, the more persuasive interpretation, as applied to the County's authority in this situation, is that the County does have authority to operate an urban renewal authority. First, the City Charter is not binding on County authority. Second, the City has not specifically prohibited any operation by the County. Third, Charter Section 45 does not prohibit any action, it only states there is no longer a need for an urban renewal agency. Fourth, Charter Section 45 is directed to urban renewal agencies and ORS 457.060 (which is made applicable by ORS 457.035(2)) only mentions housing authorities, not urban renewal agencies.

However, this is not the only possible interpretation of the provisions. An opponent of the potential urban renewal authority could argue that, under these circumstances, the County has no authority to operate an urban renewal authority within Tigard because Tigard has prohibited the

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[1]Tigard City Charter Section 45 provides in relevant part; "The voters of the City of Tigard, exercising their powers as the ultimate governing body of the city as reserved to them by the ordinances of the city and by the Constitution of laws of the State of Oregon, do hereby find and determine that there no longer exists a need for an urban renewal agency in the city. Therefore, the Tigard Urban Renewal Agency, as established or activated by Ordinance No. 81-91, adopted in December, 1981, is terminated."

operation of urban renewal authorities within the City without voter approval. The argument would be that Charter Section 45 together with Sections 47 and 48 do prohibit the establishment of any urban renewal agency without voter approval and that any references to "housing authority" in ORS 456.060 should be interpreted to mean "urban renewal agency" when the County's authority to establish an urban renewal agency is at issue.[2]

Under the second possible interpretation, the County cannot establish an urban renewal agency that includes areas within Tigard unless Charter Section 45 is withdrawn or amended. Unlike most Charter provisions, Section 45 may be withdrawn or amended by the City Council by ordinance.

In deciding which approach to take to the matter, the City will need to consider not only which interpretation is most supportable under the statute, but the litigation risks and public opinion associated with each approach. Under either approach, the establishment of an urban renewal agency is uncertain. Amending Charter Section 45 and seeking voter approval of an urban renewal authority to operate in the Washington Square area creates less risk of a legal challenge but it is by no means certain that the voters would approve the urban renewal authority. Attempting to create the authority without voter approval could lead to litigation and a court decision that the county lacks authority within the City. Our view is that the stronger legal argument favors the first interpretation and that the County may create a district within the City. This is not a certainty, however, and does not address potential public concerns.

The Charter Provisions Do Not Apply to County Actions

City charters, while binding on cities, do not directly apply to counties. Sections 45, 47 and 48 of the Charter apply to City urban renewal agencies and restrict only City action.

County creation of an urban renewal district within the City would only involve the Tigard Charter only if Charter Section 45 was held to be an ORS 456.060 prohibition. In that case, no district could be created unless Section 45 was removed.

It is within the Council's authority to make the initial interpretation of this Charter provision. Please call me if you wish to discuss the procedure for such an interpretation.

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[2]The City of Tigard has decided that an urban renewal agency is not needed anywhere in Tigard. Charter Section 45. Although an urban renewal agency may be re-established in the City, a voter approval is required if the urban renewal plan will involve tax increment financing or if areas outside the urban renewal area are to be taxed. Charter Sections 47 and 48.

Attachment 3, Exhibit E

CITY OF TIGARD
Engineering Department
*Shaping A Better Community*

# MEMORANDUM


## CITY OF TIGARD

**13125 SW Hall Blvd.**
**Tigard, OR 97223**
**Phone 503-639-4171**
**Fax: 503-624-0752**


**TO:** Mayor and City Councilors
Bill Monahan, City Manager

**FROM:** Gus Duenas
City Engineer

**DATE:** February 6, 2002

**SUBJECT:** Drainage Issue on Dr. Davis' Property Adjacent to Oak Street

During the Public Hearing on the Resolution implementing the Washington Square Regional Center Plan, Dr. Gene Davis claimed that the City of Tigard had constructed improvements along Oak Street that dumped storm runoff on his property south of that street. The following explains the drainage patterns in that area and describes the improvements that the City had provided in that area during the past eight years.

**Background**

The overall drainage direction in the vicinity of Oak Street from Greenburg Road on the west to Hall Boulevard on the east is from north to south with the runoff eventually making its way to Ash Creek. Ash Creek flows under Highway 217 through existing culverts. There is an old, abandoned railroad right-of-way running northeast to southwest with ditches on both sides of the tracks (which have been long since removed). The right-of-way and ditches cross Oak Street near the vicinity of the 90th Avenue/Oak Street intersection. The ditches along the old railroad right-of-way intercept the runoff and direct it south sheet-flowing to Ash Creek. The old right-of way is now under private ownership with multiple owners throughout its length. Attached is an aerial photo showing Oak Street, the adjacent properties north and south of the street, the old railroad right-of-way, and Dr. Davis' properties crosshatched. The properties north of Ash Creek owned by Dr. Davis are located in the area beginning at 90th Avenue and proceeding west. The rest of the properties are well east of the railroad right-of-way and are relatively close to Hall Boulevard.

**City Improvements**

The City constructed the Metzger School Pathway project in 1994. This project installed a paved shoulder on the north side of Oak Street, eliminated the existing ditch on the north side, and installed

underground drainage, which terminated at the ditch along the railroad right-of-way. The existing 12-inch pipe crossing on the west side of the right-of-way had been looped at the south end of the crossing to connect back to the ditch on the east side. The looped 12-inch pipe was replaced (as part of the project) with a 15-inch line, which was then connected directly across the street to the existing ditch on the east side of the right-of-way. The ditch south of the road was graded to drain towards the creek. The attached As-Built drawing dated November 1994 shows the improvements made in that area. The drainage patterns were not changed and the only additional flow that could be attributed to the project is the 5-foot paved pathway that was installed along the north side of Oak Street. This project did not adversely impact any of Dr. Davis' properties.

The other improvement constructed by the City was the replacement in 1996 of an existing, broken pipe culvert crossing Oak Street slightly west of the 90th Avenue/Oak Street intersection. This work was performed to correct a flooding problem in the street. Public Works crews installed a new pipe and catch basin to resolve the flooding problem. Again, the drainage pattern was not altered and the existing drainage was retained with the replacement of the broken pipe culvert. The attached aerial photo with the improvements noted shows the work that was performed. Dr. Davis owns the lot directly south of the culvert. However, the location of the existing culvert is between two existing houses and is directed at a grove of trees. Again, the City did not change any drainage patterns but merely replaced a long-existing, damaged culvert to alleviate flooding in the street.

**Conclusions**

The City did not alter any drainage patterns or create any new flooding problems with the work that was performed. The existing culvert east of 90th Avenue drains into one of the lots owned by Dr. Davis, but does not impact any existing houses. The runoff from that culvert drains directly into a grove of trees then eventually makes its way to Ash Creek. No other work performed by the City affects any of Dr. Davis' properties east or west of the 90th Avenue intersection with Oak Street.

There are some drainage improvements that could be constructed over the long term in that area as part of the Washington Square Regional Center Implementation Plan. These improvements would focus on providing a drainage system for future developers to tie into as further growth in that area occurs. One logical approach appears to be development of an interceptor system along the old railroad right-of-way. This would mean dealing with multiple property owners to acquire sufficient easements to allow for construction of those drainage improvements. These improvements should substantially reduce the runoff that is now making its way south to Ash Creek. Until then, the runoff will continue to find its way to Ash Creek, crossing Oak Street at several locations throughout its length and flowing overland to the creek.

Attachments

1. Aerial photo of Oak Street and adjacent properties north and south
2. As-Built Drawing of Oak Street Culvert Replacement dated November 1994
3. Aerial photo with culvert replacement work noted east of 90th and Oak

c: James N. Hendryx
Greg Berry

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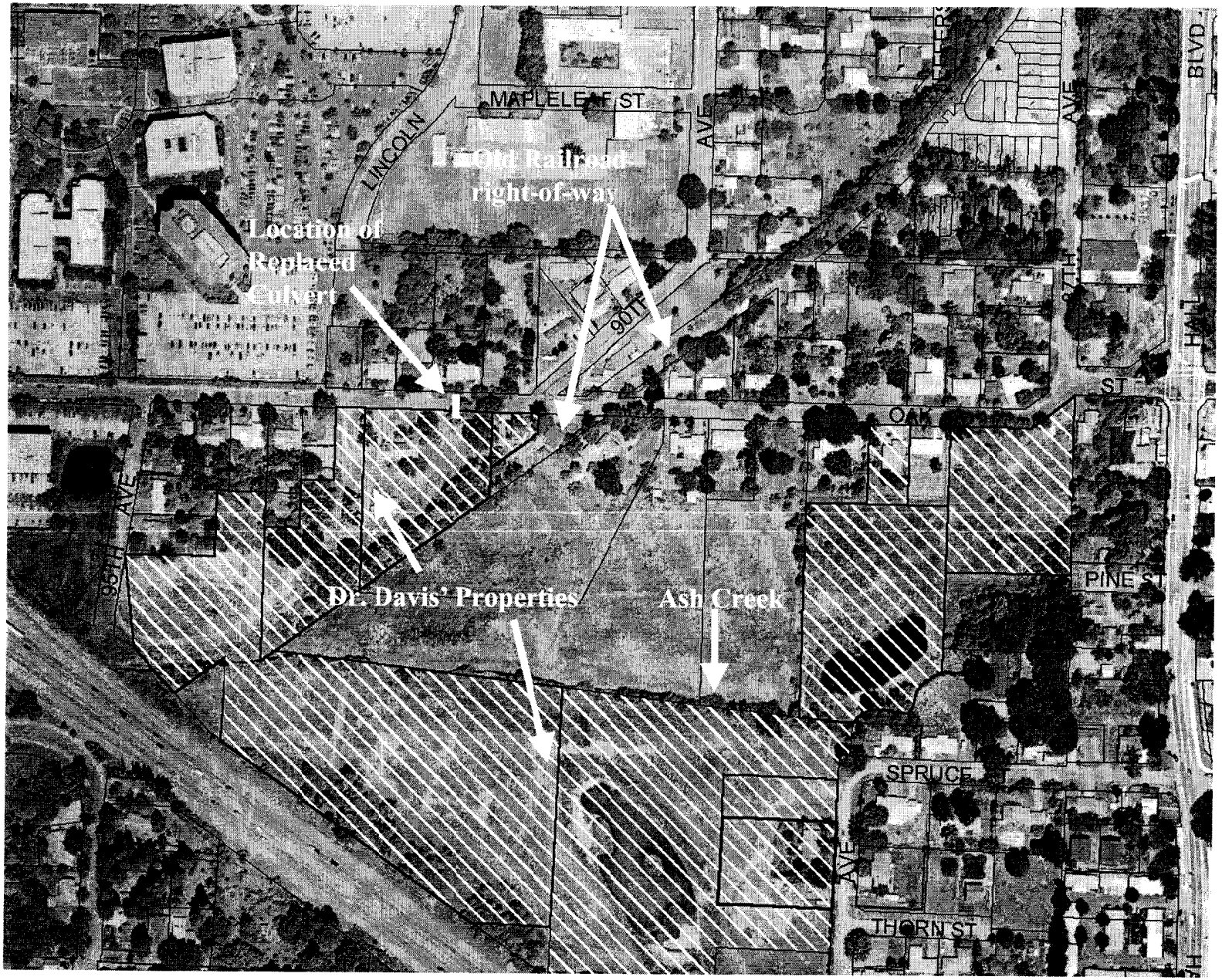
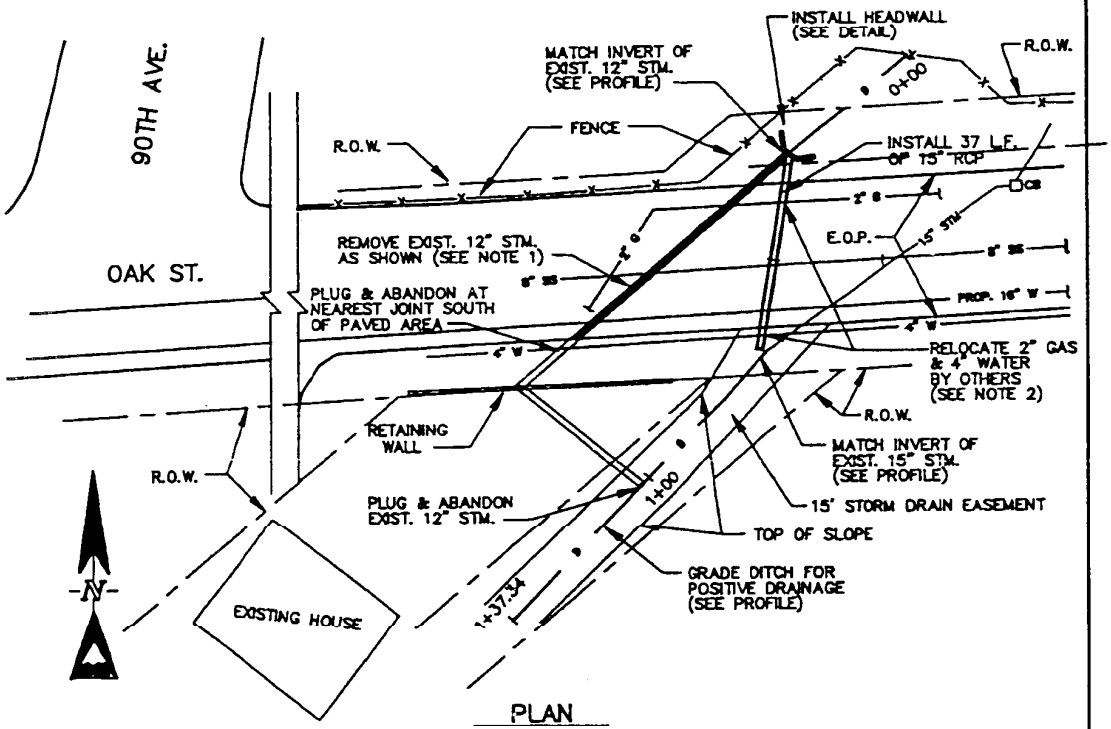
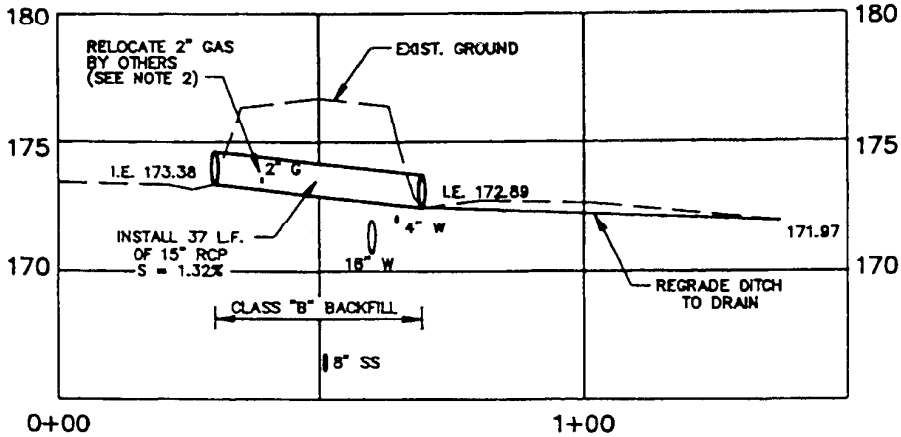

MAPLELEAF ST
LINCOLN
AVE
Old Railroad
right-of-way
Location of
Replaced
Culvert
90TH
AVE
BLVD
HALL
ST
OAK
PINE ST
Dr. Davis' Properties
Ash Creek
SPRUCE
AVE
THORN ST

NOTES:

1. BEFORE SAW CUTTING PAVEMENT TO REMOVE EXIST. 12" STORM PIPE, POTHOLE AT SOUTH SHOULDER OF ROAD TO VERIFY PIPE ALIGNMENT.
2. EXISTING SUBSURFACE UTILITIES ARE SHOWN TO THE BEST OF ENGINEERS KNOWLEDGE. CONTRACTOR SHALL NOTIFY UTILITY AGENCIES, BEFORE CONSTRUCTION, TO COORDINATE UTILITY RELOCATIONS. AGENCIES TO BE CONTACTED ARE: TUALATIN VALLEY WATER DISTRICT AND NORTHWEST NATURAL GAS.



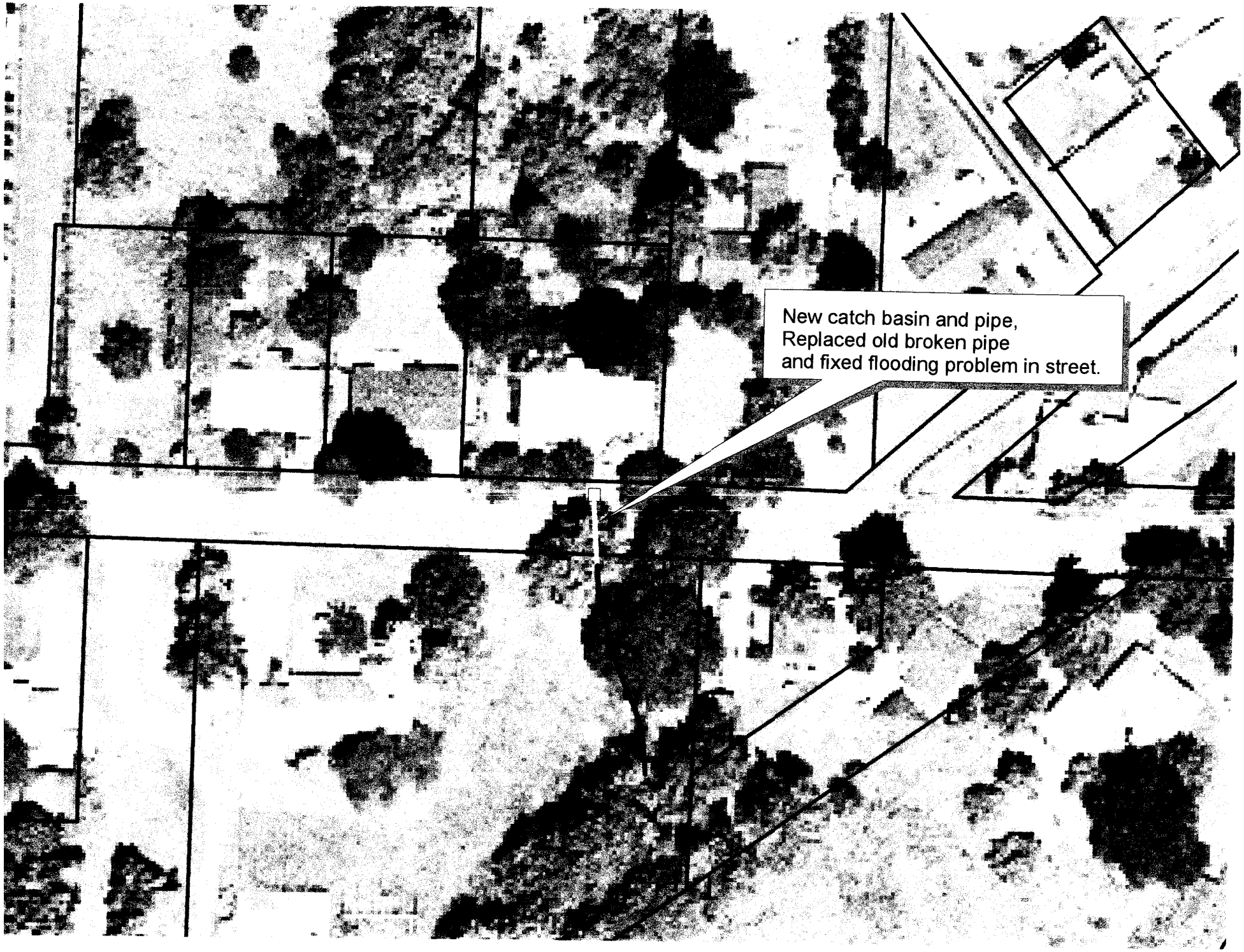

PLAN
SCALE: 1" = 20'




PROFILE
SCALE: HOR. 1"=20', VER. 1"=4'

| CITY OF TIGARD OREGON | OAK STREET CULVERT REPLACEMENT | | |
|---|---|---|---|
| | DESIGN CAB | APPROVED BY GNB | DRAWN BY CAB |
| | SCALE AS SHOWN | DATE 3-9-94 | DWG. FILE N:OAK-STRM.DWG |

**AS-BUILT NOV. 1994**


New catch basin and pipe,
Replaced old broken pipe
and fixed flooding problem in street.

**Attachment 4**

Pat Whiting
8122 S.W. Spruce
Tigard, Oregon 97223
January 29, 2002

Mayor Jim Griffith
Tigard City Council
13125 S.W. Hall Blvd.
Tigard, Oregon 97223

JAN 2002 3:30pm

RE: Washington Square Regional Center Plan & Phase II: Public Hearing 1/22/02 re: 7-day extension for record testimony.

Dear Mayor Griffith:

During my testimony Nazuary 22, 20002, before the Tigard City Council public hearing of the Washington Square Regional Center Plan, I was asked if I was satisfied with Statewide Goal 5 as it applies to this regional center planning.

Extensive work went into the application of Goal 5 to the regional center plan. The Natural Resources section is very good.

The only problem with the the language in the section (1) Open Spaces of the March 14,2000 City Application Summary Exhibit F, page 7, is the reference to Metzger Park. Metzger Park was deleted from the center plan during Task Force deliberation.

There is no objection to the working "...preserve... Metzger Park" as it can be considered part of a link in the open spaces provision. However, extensive testimony from various communities including the Board of Directors of Metzger Park object to the reference and wording "...and enhance..." refering to Metzger Park. It does not need enhancing. The concern of the community and the Board is that this language if left in the staff recommendations could result in changing a full functional and successful neighborhood park.

Please amend the staff report of March 14, 2000, page 7, by eliminating the words "...and enhance..." on line three of 1. Open Spaces at your regional center planning workshop on February 26, 2002.

Regarding the Historic Areas Guideline, item 3 of page 7, there are three buildings of historic value but I do not know if they are inventoried or qualify. They are the "log cabin home" on SW Hall Blved between Phaffle and Spruce (west side of Hall Blvd.), the large two-story home (red roof) on SW 87th between Oak and Locust (the original Metzger Post Office), and the old Metzger Grocery Building.

Otherwise, Statewide Goal 5 is satisfied.

Pat Whiting

RECEIVED PLANNING
JAN 2 2002 3:32 pm
CITY OF TIGARD

Pat Whiting
8122 S.W. Spruce
Tigard, Oregon 97223
January 29, 2002

Tigard City Mayor and Council
Tigard City Hall
3125 S.W. Hall Blvd.
Tigard, Oregon 97223

Re: Statewide Goals and the Washington Square Regional Center Plan & Phase II

Dear Mayor and Council:

As an active member of the Washington Square Regional Center Task Force from its inception, I do not agree that Statewide Goals 6, 7 and 11 were satisfied.

Extensive concentration and work evolved and is evident in the staff and task force reports centering around Statewide Goals 5 - Natural Resources and 12 - Transportation. What is also evident is that little attention was given to any discussion of air quality or earthquake proneness problems.

Goals 6 and 7 speak to the carrying capacity as does Goal 11 of conservation and development in relation to large-scale planning which this proposal is. Deteminant factors should be included in the planning.

The reference to compliance in the December 4, 2001 city staff report should not be based upon the City's overall compliance in their comprehensive plan. Task Force discussion, analysis and review as well as public involvement should be involved in these determinating decisions. "Carrying Capacity" and "options" and the identification of "problems" should be part of the plan.

The impact of this plan is so great to the socio-economic and environmental elements that will be affected that I urge you to not adopt this plan in its current form. It should go back to the Task Force and to the public through public forum for greater review.

Thank you for your work on this important matter.

Respectfully,

Pat Whiting

REC'D JAN 29 2002

1/28/02

Dear Tigard City Counselors,

It is my understanding that you are voting on the Regional Center in the next few weeks. My wife and I live in the Washington Square Estates (100 homes) with in several blocks of the boundary. We would like to know what benefits Tigard residents will receive from such a massive and rapid increase in population? Why does Tigard have to accept such pressure from Metro. It's our city and I'm not aware of any citizen groups who are supporting your vote. So who are you supporting if you vote for such a radical change? Why are we taking the risks when others will make the profits.

There are still serious flaws in this Regional Center.

Do not vote for the Regional Center. UpZoning without the funds for increased infrastructure will only create urban decay. We need more time to find solutions, and not be impulsive.

You represent us. Please consider your vote carefully.

Sincerely,

H A Pangborn
Past Chairperson Washington Square Estates
Home owners assn.

Della L Pangborn
9686 SW. Ventura Drive
Tigard, OR 97223

Jane Temerlin MSW
6660 SW Ventura Drive
Tigard, Oregon

REC'D JAN 29 2002

Jan. 28, 2002

Dear Tigard City Counselors,

Please do not vote for the Regional Center until money is obtained for the infrastructure to support such a massive change in population. I consider upZoning without the funds for increased sewers, electricity, streets, schools, fire and police, even storm water facilities- the ultimate in non-city planing. We need to find more solutions, be less impatient, and do it correctly.

You represent our city. Please consider your vote carefully. You could leave a disastrous legacy to your fellow Tigard taxpayers.

Sincerely,

Jane Temerlin, MSW

Jane Temerlin, MSW

REC'D JAN 29 2002

Gretchen Randolph Ph.D., PMHNP
6690 SW Ventura Drive
Tigard, Oregon 97223

January 28, 2002

Dear Tigard City Counselors,
I would like to summarize the testimony I gave at the last meeting.
Please vote against the Regional Center and upZoning the surrounding area.

1. Creating a Slum. By voting to upZone the Regional boundary with no funds currently available for the necessary infrastructure, you condemn those healthy neighborhoods to haphazard degradation. New high rise apartments, will begin cropping up next to single family homes. The current homeowners will not keep their homes up, and solid owners will move out leaving their residences to temporary renters. How long will it take for the city to find the funds for all the sewers, streets, sidewalks. traffic lights, police, etc.? What if you can't obtain sufficient funds? Meanwhile the area continues as a slum. How can you possibly call that city planning? Or is there a plan to then label the area blighted and go for urban development funds? This is wrong. The answer is to not upZone that area prematurely. We should wait for the proper financial structure to be built, and if not, Tigard will have to say no to the developers and Metro.

2. Wetlands For 22 years family and I have lived on Ash Creek which flows into the wet lands along 217, and have seen the amount and speed of water runoff increase from development upstream. Sometimes there are torrents of water roaring through our back yard. Keep the wetlands as a park, and open space. Do not change it, build on it , or mitigate this natural sponge. "Don't try to fix what ain't broke" We need the wetlands now, more than ever.

3. Taxes and fiscal responsibility Don't make the taxpayers take all the financial risks with other people and corporations making the profit. If the project is valuable and financially sound then reputable investors will back it. Don't set Tigard citizens up for massive fiscal losses, payments for flood damage or more taxes.

4. Parking lot development If the owners of Washington Square Mall and their real estate corporations truly want to support the Regional Center they can build parking structures on their many acres of parking lots, and top them with attractive muti use- new buildings, and gardens. That would increased their shopping population and leave the surrounding communities, and wet lands intact.

4. There is almost total rejection of this project by the people who live here. You are our representatives. Your job is to protect our city from fraud and damage. If you vote for this Regional Center, being implemented in this way, you will personally be accountable, and will leave a legacy of shame.

Gretchen Randolph Ph.D.

**Eric G. Kent, Ph.D**
**6690 SW Ventura Drive**
**Tigard, Or.97223**

REC'D JAN 29 2002

Jan. 26, 2002

Tigard City Counselors,

Vote against the Regional Center and increasing the zoning codes.

Tigard does not need a Regional Center of the magnitude you are considering. Who's going to pay for this? Don't commit the Tigard taxpayer to a project no one wants. Be honest with your citizens, about the costs and who stands to make the profits.

Slow down, there is no hurry here. With all the job losses recently people are moving out of town. Arrange the funds to develop this in a orderly and systematic manner.

Most people in the area are unaware of your plans. Don't try to pass such a massive city alteration without the knowledge and support of you residents. Your job is to protect and support our fine town, and its families. If this Regional Center is the right way to proceed, it will stand the test of time. Vote against such excessive upzoning in the local neighborhoods. Change doesn't have to be so extreme. Infact slower growth usually is more sustainable, and makes fewer mistakes.

Thank you for your attention.

Eric G. Kent

Eric G. Kent, Ph.D.

Trudy Knowles
page 1

RECEIVED
JAN 25 2002
CITY OF TIGARD
BUILDING DIVISION

January 24, 2002

To the Members of Tigard City Council:

As I stated at the public hearing Tuesday, January 22, 2002, I am still opposed to the implementation of the Washington Square Regional Center Plan in its present format.

I am adamantly opposed to the increase in density that this plan calls for. This proposal asks the Metzger community to absorb the largest Regional Center in the tri county area. It is larger than any other regional center or town center proposed. Why do the council members and consultant firms the city hired to help with this plan expect us as citizens of this community to be enthusiastic about this? It will affect our livability and way of life. So what if this is a visionary plan for twenty years from now. It will only destroy our neighborhood. I do not want to have a gigantic commercial area around my house and neighborhood and that is exactly what this proposal is. Where do your expect us to go? This vision is to create jobs and businesses. Well it certainly will do that at the expense of those who have lived in the neighborhood for years. I would like to tell all of you right now, I will not move to Bull Mountain, Tualatin, Gresham, eastern Oregon or better yet out of state. Oregon is my home and I am proud to live here. I visited other states and they do not offer what I have right here. They do not offer what I have in my backyard: wildlife, tree and, neighbors who I thoroughly love. Get with the program and really think about what this will do. The 2040 plan that Metro envision years ago, was designed by people who thought it would be a great thing, but forgot about the people who live here. Well, it is up to this council not to make that same mistake

I cannot sit idly by and see the wetland/floodplain be drastically infringed on and be expected to house the most density. No matter what safeguards and enhancement plans pursued, it will not change or alter the course of water runoff or affect this sensitive area. Water will naturally take its own course. That will be in our backyards, the streets and basements of our homes. The surface water drainage problem now is not taken care of properly. I see the sides of the road on SW Oak St. clogged with leaves and rocks which prevent the water from draining correctly now. It floods every time it rains. How can this council ignore nature's way of handling matters? We need a natural storm water area to absorb water. When concrete is poured onto ground there is no sponge to absorb the water. Where there are no trees there are no habitats for animals. When there are no trees there is no natural ability to keep the air clean and fresh. I am not an environmentalist; this is just what I know. Yes, I care for the earth.

What is even more astonishing is the fact that there is no limit on how high a building or set of buildings could reach. I don't want to live near buildings as tall or taller than the existing ones at Lincoln Center. What a great view it will be as I am having a barbeque! If I wanted this type of neighborhood, I would have move to downtown Portland. Or even better I would have moved to the Lloyd Center area. The reason I moved here, like so many others was the open space, the larger backyards and rural atmosphere. It was perfect for raising my family and soon to be grandchildren. Please take heed in this point;

I was not the only person who said this. The preservation of our livability is what it is all about. Think about it, would you like this in your backyard?

The other major opposition I have is the infrastructure and financial matters. This project will cost millions and millions of dollars. A project cannot proceed without the backing of dollars to let it go forward. I resent the fact that the city is aggressively pursuing the money to come from the federal, state and other governing agencies. That still puts the burden on the taxpayers shoulders. I don't want my tax dollars supporting this project, when I did not want it in the first place. If the city wants this project so bad, pay for it yourself. Better yet, ask the consulting firms which helped the city for the passed three years to do so, too. You see they want this project to fly like so many others. I think that is a fair trade off to have those entities who want it so much to pay for it.. Also, I do not want to be involved in any Local Improvement District or Urban Renewal District.. I want my taxpayer dollars going to more important things: fire protection, police protection, the local park and schools. I want my money spent at the local businesses on Hall Blvd existing now: Roy Boys, Metzger Tax Service, Sneeds' Carpet, Metzger Grocery Store, I am very proud and satisfied with my neighborhood the way it is. When something runs smoothly or is fine the way it is, why change it? The vision which is portrayed in the original plan is a fairy tale account of what it might look like. Put that dream somewhere else.

As stated by Pat Whiting in her testimony on behalf of the local CPO4M, our neighborhood has discussed this plan to great lengths. We know development will occur. We want it to be done in a positive way. We don't want to be alienated and dictated, too. The CPO4M approves the formation of a 3 lane Hall Blvd. The development of available land. We don't want to see pressure placed upon us to sell, to have our property condemned for the project to move forward. Most development notices sent to the CPO are discussed and embraced with no major issues. Why does the City of Tigard feel we should approve this plan, when we can't get any notification of buildings affecting our neighborhood are ever sent to us? What is actually being built on SW Hall Blvd..across from the nursery? Did only the adjacent property owners hear about this? If concerns are brought out concerning a development, we usually address them. We attend the meetings and voice them. The parties usually come to some compromise. I feel not very many compromises have occurred pertaining to the Washington Square Regional Center Plan.

Please consider all the statewide goals in the implementation of this plan. Do not ignore any of them. All of them in some capacity are pertinent to the implementation of this. There is always information on television stating the degree of earthquake preparedness we need to take in the tri county area. There is always possibility of the flooding like the one bestowed on us in 1996. There is and was a lack of public involvement to the total process. . I can personally attest to this as a member of the public attending one of the meetings. If I had not stood up and said something, the public would not have had a chance to speak. There was lack of foresight by the people leading the meeting to allow the public to speak. Be very conscious and sensitive to this. People want to speak and be heard. We do not want to be ignored.

I believe I have stated all the major oppositions I have to this plan. My sign that was shown at the meeting will go back up on my house. This matter is very important to me.

Thank you,

Trudy Knowles

Trudy Knowles
PO Box 230275
10430 SW 82nd

RECEIVED
JAN 29 2002
CITY OF TIGARD
BUILDING DIVISION

January 27, 2002

To the Tigard City Council
Attn: Jim Hendryx

**Subject: Comments and suggestions regarding the Washington Square Regional Plan (WSRP)**

Mr. Hendryx and Council Members: I am submitting this letter in the hope that council members will acknowledge the concerns of hundreds of residents of Tigard, Metzger and surrounding communities whose lives will be adversely affected by implementation of the WSRP.

I have attended several public hearings on this subject and have been very disappointed by the obvious lack of interest this council exhibits. My perception and that of many attendees I have spoken with is that the council displays a lack of interest and almost boredom when numerous objections and flaws have been presented at these hearings. So-called "experts" through various task forces and committees have determined there are no "fatal" flaws with this plan. Yet 9 out of every 10 people who testify bring up numerous problems with the WSRP, that if implemented will lessen the quality of life in this area for generations.

It's hard to understand how this council can sit at these hearings with straight faces and try to convince those in the surrounding area that increased population densities, the forcing of more jobs into the area, the resulting increase in traffic, floodwater problems, loss of natural habitat, decreased air and water quality and ultimately higher taxes will have no effect on livability. We are not ignorant and we know that this assumption is simply impossible.

Many plans look good on paper. Models and data can be compiled to support almost any scenario. But we're not dealing with statistics on paper. We are not just numbers and plots on a map, we are real people living in a real situation and it's our lives that are being compromised, not a researcher working in an office downtown and then going home to some other part of the Portland area. Remember, Enron looked great on paper not too long ago.

Here are some specific ideas to consider that would make sense and would not destroy the area financially, physically or spiritually.

**1)** Widening Hall Blvd. To 3 lanes makes sense—it will help relieve some traffic congestion. **But**, if population and job densities are increased according to the current plan, any positive gains in traffic flow will be lost. Five lanes are not reasonable financially or in regards to the existing businesses along Hall or the sensitive open spaces directly adjacent to Hall Blvd.

**2) Do not** increase housing densities anywhere in the plan. People live in this area and have moved to the area over the years specifically because they want the large lots, breathing room and current zoning. Ask yourself a question: Would you want a 50-100 unit apartment development next to your house if the current zoning called for no more than 3 single family houses? I think not. Yet you expect those within the WSRP to accept this possibility. Keep the current zoning.

**3) Do not** build any more roads in or through wetlands or natural habitat. The Fanno Creek Greenway was set aside for wildlife protection and the enjoyment of the local population. Putting roads through these kinds of areas is a terrible violation of the public trust. If the population and job growth aspects of this plan were modified to a more reasonable level, then roads of this nature would not be necessary.

**4)** Expanded commercial development (outside those areas already zoned for commercial) should occur specifically within the footprint of the Washington Square Mall.

> **a)** Build parking garages over the existing parking lots. One level could be built below ground if feasible, otherwise one or two levels above ground should be sufficient for future parking needs.
>
> **b)** Build retail and commercial on top of the parking structures. Two floors should be more than adequate.
>
> **c)** Create public plazas, gardens and open spaces on top of the entire structure. This would "return" some of the lost open spaces to the public, offer workers a place to take breaks or lunch and give visitors and shoppers to the area a place to stroll.
>
> Social events, musical performances and small festivals could be scheduled. These public areas would be open during regular business hours or by special arrangement. Take a look at the public garden/plaza at the Hatfield Federal Courthouse downtown. It can be done.

There is enough paved over areas within the WSRP, let's use areas already compromised instead of covering additional valuable open land.

If you want to get a good idea of how this type of plan can negatively impact a community, I urge you to read, "Better, not Bigger—How to Take Control of Urban Growth and Improve Your Community" by Eben Fodor. He is a consultant based in Eugene and has done a lot of research in this area.

You council members are elected officials. Should you not be responsive to and represent the will of your constituents? Rather than just be a rubber stamp for the plans and desires of others not in your jurisdiction and not affected by this plan, act with some compassion, courage and be bold enough to admit that changes to this plan must be made. Your failure to act now will ultimately lend to a lower quality of life for you, your children, current residents and future generations. Please, please open your eyes and minds. It's not too late.

Sincerely,

Bruce Warner
8025 SW Elmwood St.
Portland OR 97223
(503) 244-7035

Jan 28, 2002

To The Tigard City Mayor & Council,

I am opposed to any plan that may increase density of any kind in the little town of Metzger or Tigard. I really would not like to see any more density on this side of Greenburg Road. It should be left low people single residential homes wrapped around a neighborhood school and parks. The Regional Center should be kept as close to the freeway and railroad as possible.

I am opposed to high density that creates more people than our highways can carry or our shopping centers can provide. I am also opposed to high rises. They belong in the "Big Cities" not in our neighborhoods.

Please stop and think - don't listen to the builders - Metro or whatever that decide this plan. You may need money but the city of Tigard is in need of a good clean up. If you can see through all the congested traffic at the Safeway intersection. Look at the Safeway shopping center across the st.

-Ugly-

The roads need repaired. As a Gateway to Tigard Their could be some improvement. Study your 20 yr plan and make it 20 yrs. because it will take you that long to improve your own city.

Forgive me for being so critical but I have lived in this city of Tigard for 65 yrs and through the years I have loved living in a small town, I just can't see the improvements. Oh, I know you have a nice Cook Park, Library and City Hall. But also lots of apt. houses, Crowded highways, crowded shopping centers crowded Grocery stores, etc. We don't need anymore of anything until you figure how your going to move it.

Delores Luberto
8080 SW Spruce
Tigard, Ore
97223

RC: 1/28/2002
Oregonian Article

# st Linn's ow-growth era enters second year

*A year after taking office, Mayor David Dodds and his views still raise hackles among developers*

By AIMEE GREEN
THE OREGONIAN

WEST LINN — Gossips around town aren't kind.

They comment about how he's changed his wardrobe since he took office, switching from polo shirts and jeans to dark suits and red ties.

They say he's never held a real job, instead managing his family stock-market portfolio from his home computer.

They note that at age 40 he's still single, living with his mother in his childhood home.

And, his critics say, his naive efforts to stop growth could cost their town everything from Metro grants to upgrade a city thoroughfare to an expensive court fight with irate developers.

David Dodds, who became West Linn's mayor one year ago this month, represents the latest incarnation of the slow-growth movement in Oregon as ordinary residents turn politicians to fight their battle.

Take, for example, a peppering of elected officials stretching from Hillsboro to Salem to Bend who've found that their slow-growth stance has clicked with voters during the past half decade. It's a statewide phenomenon

Please see **MAYOR,** Page B10

# Mayor: Not too late for West Linn, Dodds says

*Continued from Page B1*

that's not limited to politicians. Since 1996, voters in 31 cities have passed laws requiring that they approve each annexation.

Carl Hosticka, Metro Council presiding officer, says Dodds represents a movement that shouldn't be ignored.

"West Linn is not necessarily a cancer cell that needs to be isolated and ejected from the body politic," says the head of the council that decides on many land-use issues. "There are people who say (the movement) is crazy. I don't think it's crazy. We need to acknowledge that a lot of people feel that way, and we need to engage them in the debate."

Depending upon your perspective, Dodds is either a worthy contributor in the debate over growth or growth's worst nightmare — a guy who prefers to slam the door on development rather than manage it.

The Home Builders Association of Metro Portland puts Dodds near the top of its list of troublemakers.

"I think (Dodds) is very mistaken in whom he is blaming for the problems associated with growth," says Kelly Ross, governmental affairs director for the association.

If Dodds fulfills his promise to jack up fees on new development — to give West Linn the undisputed highest fees in the state — the association could see the city in court, Ross warns.

As West Linn developer Herb Koss sees it, Dodds steps over the line. He says Dodds once walked into a Safeway store that Koss brought to West Linn just to tell the manager he didn't like the fact that the store was there.

"He thinks he's the king of West Linn," Koss fumes.

But Dodds was not crowned. He was elected to the job that pays expenses, but no salary. Running with a slate of three slow-growth council candidates, Dodds won an eye-opening 18 percentage-point victory over his opponent, an incumbent who represented the old guard.

### A hometown boy

Dodds' quiet demeanor diminishes his 6-foot-5-inch frame. Sporting a low-maintenance beard and full head of tousled hair, he does not gesture or speak loudly. He chooses his words carefully and slowly — speaking, pausing and then speaking again.

Dodds, who drives a surplus 1971 city of West Linn truck he bought at auction, looks back on his hometown upbringing with fondness. He was born into a ranch-style house on a quiet, woodsy road along the Willamette River.

He remembers meadows before they were grocery stores and horse pastures and woods before they were pavement, houses and schools. There was lots of room for a boy to roam and play back then.

"Nobody knew where West Linn was," Dodds says.

From the time of Dodds' birth to today, Oregon's population roughly doubled while West Linn's sextupled, from 3,900 to more than 23,000 residents.

Views of Mount Hood and the Willamette River catapulted the once-humbler town into a sought-after suburb, a place where CEOs and Trail Blazers move.

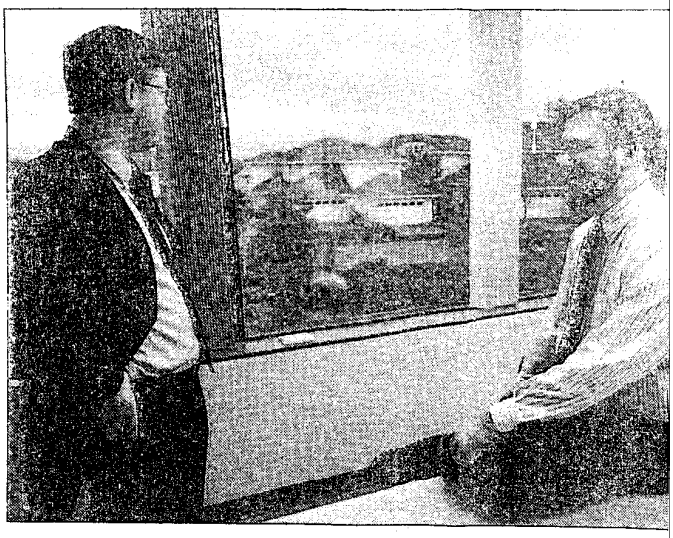
As half-million-dollar dream homes have bumped up against the urban growth boundary, sluggish traffic, the din of new construction and the morality of developers have become the talk of the town.

Since 1992, an entire hillside has been nearly covered with roads, a small shopping center and more than 1,000 new homes. In two years, the city has grown from one Starbucks to five. Meanwhile, the city had only enough money last year to repave less than a mile of its 98-mile road system, which becomes more worn as population booms.

At some point, a community has got to say stop, Dodds says. There is a limit, a breaking point.

"Eventually the impacts become so horrendous that no one wants to live there. People start to leave," Dodds says. "Maybe we as a region and we as a country should talk about how much immigration we let in and how many kids we have. . . . If the whole state of New Jersey wants to move here, is it our job . . . to accommodate them?"

There is still time to save West Linn, Dodds says.



STEVEN NEHL/THE OREGO

**West Linn Mayor David Dodds (right) talks with resident Michae Meyers, who stopped by during the mayor's weekly drop-in offi hours. The room at West Linn City Hall overlooks some of more than 1,000 homes built over 10 years that now cover a hillside.**

In January 2001, Dodds and three other slow-growth candidates took seats on the five-member council with one overarching theme in mind: They trusted no decision the previous, "pro-growth" council made.

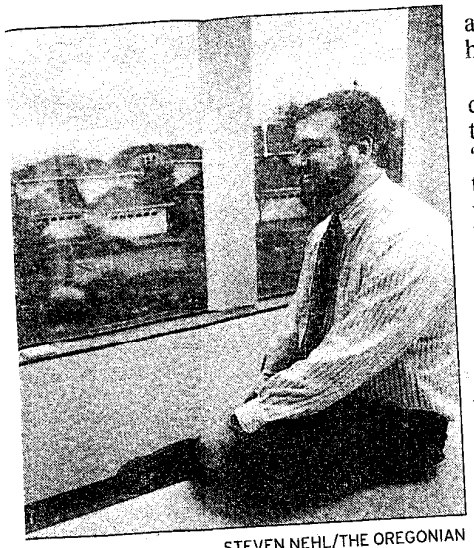
Two months into their terms, Dodds and his council fired the city manager and, earlier this month, replaced him with one who's more in line with their views on growth.

They've made it harder for developers to build on land inside the city or to get land annexed.

Their decisions and their style haven't come without some controversy. Former councilors say they're peeved that Dodds and some councilors can't stop talking about how developer-friendly and corrupt they think the past council was.

But a recall effort threatened by residents upset over the firing of the city manager never got ofl ground. And Dodds has gainec respect of a number of resid who say he pays attention t sues, such as who should pa sidewalks, and makes hin

THE OREGONIAN ◆ MONDAY, JANUARY 28, 2002



STEVEN NEHL/THE OREGONIAN

**›dds (right) talks with resident Michael ſuring the mayor's weekly drop-in office Linn City Hall overlooks some of more ver 10 years that now cover a hillside.**

ds and candi- ıe five- e over- ey trust- ıs, "pro-

the city manager never got off the ground. And Dodds has gained the respect of a number of residents who say he pays attention to issues, such as who should pay for sidewalks, and makes himself available during weekly open office hours.

"I've been on both sides of the desk, and one side is definitely better than the other," Dodds says. "You can get up and speak and be the epitome of eloquence. But if the people behind the desk don't like what you have to say . . . then you're out of luck."

### Dealing with the spotlight

Assuming the city's highest office has proved educational for Dodds.

Three women city employees last spring came forward with allegations of sexual harassment. They claimed the mayor made them feel uncomfortable by kissing one on the forehead, commenting about another's clothes and staring at another's chest — the latter accusation being one the mayor strongly disputes.

Dodds says he came out of the episode wiser; he will be less jovial and more formal in the workplace.

As for the detracting comments that have shown up mostly on a community e-mail forum, Dodds likens them to scrawling on a bathroom stall. His image has been an easy attack, he says, for those who don't want to talk about the issues.

"I don't think they care about the truth," Dodds says.

To Councilor Bill Wilson, Dodds is someone to admire.

"He is giving more of his life to this town than most people would even fathom," Wilson says. "If people knew how he felt about this town and how he felt about them, even though he doesn't know them, people would sleep very well at night. . . . I'd like to see David be mayor for as long as he can."

In West Linn, where mayors and city councilors serve just two-year terms, the next election is less than 10 months away.

David Dodds says he's thinking about running again.

His critics say they will be ready for him next time.

◆

*You can reach Aimee Green at 503-294-5969 or by e-mail at aimeegreen@news.oregonian.com*

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· for de- ıside the

eir style ne con- ıors say ıds and › talking ıdly and : council

ened by firing of

RECEIVED
MAR 2 8 2002

Tigard City Council January 29, 2002

Re: Washington Square Regional Plan

Although I have submitted public testimony in the past, I want to go on record with additional thoughts regarding the Washington Square Regional Plan. After attending the council meeting January 22, 2002 and watching a replay on cable TV I am even more convinced that this is a poorly conceived plan. If enacted as it is laid out it will give rise to lawsuits, excessive taxation, degradation of the environment and quality of life of Tigard, Oregon and the unincorporated area of Metzgar.

I am still confused as to how the city council; of Tigard, Oregon can make decisions about land that is not even in their jurisdiction i.e. Metzgar.

The very fact that the city attorney had to define what "blighted" means and how it can be used to further the interest of out of state "stakeholders" shows me that Metro will use any means possible to take away private property rights. The fact that Metzgar will be designated a blighted area in order to be considered for urban renewal funds are a misuse of the law. Robert Bartley's editorial in the Wall Street Journal on Monday 1/21/02 sums it up best when he says: *".....over history the greatest threat to property is government itself, acting through immoderate taxation, stifling regulation and even outright seizure."* I see all these things being applied here and they ought not.

The financing proposals laid out last Tuesday evening were "fuzzy" with no clear plan. We will end up paying for this through increased taxes or loss of livability.

I am a 20 year resident of Tigard and live in a house adjoining the Regional Center, yet I was never informed about this center till two years ago, well after all the so called "stakeholders" had their say. I had to ask to be kept informed and put on a mailing list. Now I see the residents of Fairway area north of Redtail Golf Course were not afforded due process. I would hope that their predicament might be the wake-up call to you that this has not been adequately fleshed out. A regional center should have a regional discussion. There is a reason why, as was stated at the council meeting "this plan has generated more discussion then any other regional plan. Indeed, the Raleigh Hills plan was more or less abandoned because people had the fortitude to say this is not right.

We have seen what rubber stamped approval does to corporations because nobody has the fortitude to say what is right. The same happens at the local government level. We do want to appease the out of state stakeholders like Insignia and the owners of Washington Square.. They are bigger, wealthier and therefore smarter just like Enron.

I have found out that the land adjoining my house was rezoned sometime since I bought it 20 years ago to accommodate 80 foot six story buildings. Nobody ever asked me if I thought it was a good idea. Yet all of my neighbors and I must risk pulling out onto

Scholls Ferry Road every day with no stoplight. What have you done to alleviate problems like this? You have proven that once a zone change is made you will allow any developer to come in a do their own thing with out regard to improving the infrastructure. All this just so we can be a bigger city.

There has been a tremendous glossing over of the wetlands issue, which is quite surprising in view of Metro's new proposals to limit building near streams. They cannot have their cake and eat it too.

I have attended almost all hearings and workshops since I became aware of the plan two years ago. I am embarrassed at how Metro is trying to meet it goals for open space within the study area by including a public gold course and a cemetery. Neither of these is a Cook Park or a Summer Lake Park or an Englewood Park which in itself is basically just a walking/bike path.

Taxation, wetlands, traffic, infrastructure, due process, these are all issues that can be used to deny implementation of this plan at this time. I urge you to tell Metro what we feel. Represent us.

Sincerely;

Bill Brewer

Bill Brewer
11344 SW Ironwood Loop
Tigard, Oregon 97223

503-590-1979

Jill Tellez
9280 S.W. 80th Ave.
Portland, OR 97223
January 28, 2002

3:00 p.m.

City Council
The City of Tigard
3125 S.W. Hall Blvd.
Tigard, OR 97223

re: proposed Washington Square Regional Center Plan

## Non-Inclusion of Oregon Statewide Goals

Before the Washington Square Regional Center is implemented, all Oregon Statewide Planning Goals and Guidelines should be adequately researched and addressed.

Please accept this testimony regarding the non-inclusion of some Oregon Statewide Goals in the proposed Washington Square Regional Center plan (WSRCP.) I am requesting that it be entered into the record.

I would like to request that this document be presented to each City Council member this week so they have time to examine and discuss the issues I have put forth.

The staff report referred to is Exhibit F - Ord. No. 00-18, hearing date March 14, 2000, 7:30 p.m. Findings and Conclusions in Support of Washington Square Regional Center City Council for the City of Tigard, Oregon.

## Goal 1 - Citizen Involvement

Non-inclusion of citizen input is indicated by the following:

### Minority Report

The Minority Report is a document signed by several members of the task force and endorsed by the Ash Creek Coalition, who represent citizen groups. The Minority Report was intended for inclusion into the plan as an alternative, fulfilling the requirement of State Goal 2. It was never considered as an alternative, but instead included as Appendix material only. By not including it as an option in the plan, it illustrates bias towards development and non-inclusion of alternatives and community input.

### Insufficient Notice

Throughout the entire planning process, complaints from community

members about not receiving notices for public events are chronic.

The urban renewal district boundary is not the same as the Regional Center boundary. All affected people who will be taxed for this plan should have been receiving notice, not just the people within 500 feet of the affected area.

For planners and consultants to craft their own plan and explain it countless times to the public is not in the spirit of citizen involvement.

It should be evident from the January 22, 2002 public hearing that the community continues to not be in favor of the plan.

Goal 1 is not fulfilled.

## State Goal 2: Land Use Planning

The WSRCP states that it will "try to keep historic trees."

This statement is weak and does nothing to help preserve the ancient oaks and other native trees in the local area. They contribute great value by providing shade which keeps water cool for fish, contribute to esthetics, habitat for wildlife, and provide the valuable function of soaking up and slowing runoff of storm water by keeping it from flushing debris and pollution into rivers and streams. Building drains and basins to replace that function would be very costly. (At whose expense?)

Trees also draw pollutants from the air helping to preserve the health of humans and wildlife. They have value far beyond landscaping. In our local area consisting of clay soil, they are indispensable for holding the ground in place with their root structures. Once they are gone, the flooding dangers will escalate and confluent tributaries will not get the filtration needed to maintain a healthy watershed. (1).

Developments downstream will be flooded even more.

By ignoring the valuable assets of trees and existing vegetation, the WSRCP is not in step with State Goal 2 - which states:

> "All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs." (2).

There are no alternatives provided in the plan to fulfill the requirement for Goal 2.

The WSRCP does not fulfill State Goal 2.

### Goal 6 - Air, Water, and Land Resource Quality

Staff report's response to the non-compliance issue regarding State Goal 6 is, "The City of Tigard complies with this goal through its adopted comprehensive plan and policies regarding water resources (Tigard Comprehensive Plan Volume II, Chapter 4 and Tigard Development Code standard: 18.797)."

Goal 6 states:

"4. Plans which provide for the maintenance and improvement of air, land, and water resources of the planning area should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources." (3).

Goal 6 specifies that the planning area should consider the carrying capacity of the air, land and water resources of the planning area. Because there is no study referenced analyzing the impacts of increased vehicle traffic, impacts on water and environmental quality in the planning area of the WSRC, there was no study done relating Goal 6 to the area by staff.

Goal 6 is not fulfilled.

### Goal 7 - Areas Subject to Natural Hazards

State Goal 7 states:

"A. Natural Hazard Planning.

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires." (4).

Referring to the fulfillment of the requirements of State Goal 7, staff report states, "The City of Tigard has existing regulations that address natural disasters and hazards. Washington Square Regional Center Plan does not affect these provisions."

Table 6 of the Fanno Creek Watershed Management Plan that indicates that the floodplain will almost triple by the year 2040 where the highest density will occur. (5).

To not have a report to refer to by staff examining the impacts of natural hazards on this high density development plan indicates that a study was never done.

The WSRCP does not fulfill State Goal 7.

## Goal 9 - Economic Development

Goal 9 states:

"Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost labor and market factors, educational and technical training programs....current market forces...." (6).

In regards to the economic aspect of Goal 9, there has been no economic valuation addressed.

Planners justify that "Goal 9 has been met because the plan continues to promote opportunities for a variety of economic activities vital to the health, welfare and prosperity of Tigard citizens. The mix of uses will encourage a diversity of development with emphasis on employment based uses."

The State of Oregon is currently in a recession. The unemployment rate here is the highest in the nation. The State is suffering the largest tax-base loss in 20 years.

To not be sensitive to market values and economic conditions is a potential fatal flaw which could result in the same situation as the Beaverton Round.

## Office Vacancy Rates/Overbuilding

Office vacancy rates in the Sunset Corridor, most of which is in Washington County along the Sunset Highway, is at 54.7 percent. Ramona Barinaga Harrington, of Cushman & Wakefield, linked most of the empty space to overbuilding.

Flex industrial, used by high tech companies and traditional office space is at 60 percent. (7).

Why would a business choose this location to move to when it will be more expensive and place their employees and personal property at risk? With a 60% vacancy rate, they have safer alternatives to consider.

## Mixed Use Development

The Washington Square Regional Center Plan will be dependent on various mixed-use development zoning designations.

Mixed-use projects are still too new for conventional lenders to feel comfortable with. Even in the best of times, multiple-use development is a very difficult type of real estate to finance. The reason is that bankers and lenders generally haven't had long term experience with success rates for upper-story office space or apartments above ground-floor shops, both components of the Beaverton Round.

Either the retail spaces remain dark and empty, or the retail is so busy it bothers the apartment residents and vacancies occur.

There are no local mortgage lending or commercial real estate businesses involved in the Beaverton Round. (8).

## Attractiveness to new tenants

The high-risk nature of this development plan may not be attractive to new tenants. They would be required to pay expensive flood insurance to place their employees, families and property at risk. Without a good occupancy rate, revenues for repayment would not be generated and could result in passing a huge debt service onto the taxpayer.

## Lack of funding at the State and Federal levels.

Urban renewal bonds are currently being challenged in court in Portland's 10 urban renewal districts because of mismanagement and could reduce funding for Interstate light rail and public improvements as well as refunding as much as $30 million to property owners. (9).

The State of Oregon is suffering the greatest shortfall of taxes in 20 years.

## Carrying Capacity

"Plans directed toward diversification and improvement of the economy of the planning area should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources."

The WSRCP does not take issue with carrying capacity.

The WSRCP does not meet State Goal 9 due to economic conditions and carrying capacity.

## Goal 10 - Housing

Goal 10 states:

"...housing elements should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges, and cost levels...." (10).

Planners state that Metzger Elementary won't be affected by this high density plan because it won't generate school-age children. How is that possible if the plan will provide available housing units at various price ranges and rent levels? We can only deduce that they are focusing on a select market and not an evenly-mixed population.

Because of the current recession and job loss in Oregon,there is a decline in demand for high priced apartments and apartments located in the high-tech corridor. Many renters are downsizing their rent payments to compensate for pay cuts, layoffs and economic uncertainty. (11).

The WSRCP does not fulfill State Goal 10 until adequate provisions are provided for the school needs of the projected population of school-age children.

Staff report states in its overall vision on page 3 that the WSRCP will preserve existing residential neighborhoods. This is an incorrect statement because an urban renewal district is being sought. Eminent domain, or condemnation would take place. This would effectively remove property owners from their homes, paying them current market value and not the enhanced value of the new zoning designations. A private development interest would step in, reap the enhanced value price and keep all profit from the development. How is this for the greater good?

As it stands, the WSRCP will destroy an existing healthy residential community containing small businesses, exacerbate flooding risk and rezone our area with risky designations not attractive to commercial lending institutions.

The deficiencies of the applications of Statewide Planning Goals needs to be revisited by the task force, the plan revised and then put forth for public comment.

Until all Statewide Planning Goals are studied, applied and have public approval, this plan should not move forward and the zoning designations should remain in their current state.

Signed;

encl:


1. Milstein, Michael. (2001, Oct. 18). Research measures urban forests' value. The Oregonian. p. B12.

2. State of Oregon Department of Land Conservation and Development Commission. Statewide Planning Goals & Guidelines. Goal 2: Land Use Planning OAR 660-015-0000(2) State of Oregon Government Printing Office.

3. State of Oregon Department of Land Conservation and Development Commission. Statewide Planning Goals & Guidelines. Goal 6: Air, Water and Land Resource Quality.OAR 660-015-0000(6). State of Oregon Government Printing Office.

4. State of Oregon Department of Land Conservation and Development Commission. Statewide Planning Goals & Guidelines. Goal 7: Areas Subject to Natural Hazards State of Oregon Government Printing Office.

5. Unified Sewerage Agency (June, 1997). Fanno Creek Watershed Management Plan. Section III Table 6 Watershed Peak Flows at Selected Locations.

6. State of Oregon Department of Land Conservation and Development Commission. Statewide Planning Goals & Guidelines. Goal 9: Economic Development OAR 660-015-0000(9) State of Oregon Government Printing Office.

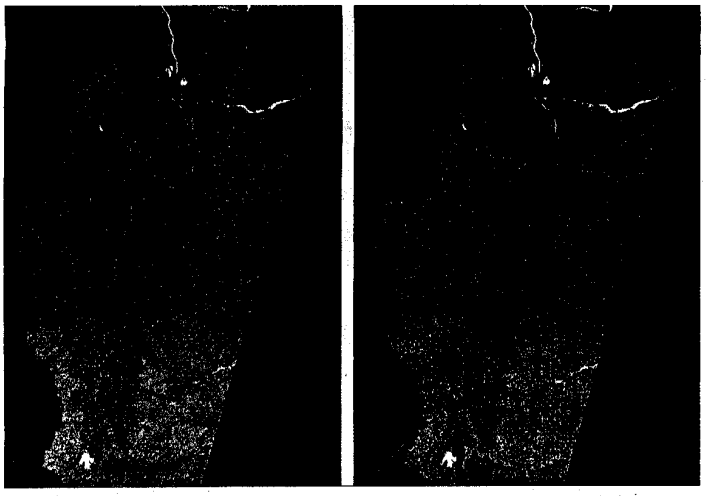
7. Harrington, P. (Dec. 20, 2001). Office building vacancies top 50 percent in Sunset Corridor. The Oregonian p.8.

8. Colby, R. (Dec. 6, 2001). Slow for economy, slow for Round. The Oregonian Washington County Weekly. pp. 1, 15.

9. Oliver, G. (Dec. 21, 2001). Ruling puts urban renewal funds at risk. The Oregonian pp. D1, D7.

10. State of Oregon Department of Land Conservation and Development Commission. Statewide Planning Goals & Guidelines. Goal 10: Housing OAR 660-015-0000(10) State of Oregon Government Printing Office.

11. Stout, H.J. (January 2002). Apartment Industry Hit Hard During Downturn. The Apartment Manager. Portland Metro Vancouver p. 1.



Courtesy of American Forests

**Landsat satellite images of the Willamette and lower Columbia River valleys from 1972 (left) and 2000 show the decline of regional tree cover.**

# Research measures urban forests' value

*More than half the tree-shaded acres around the Willamette Valley have vanished since 1972*

**By MICHAEL MILSTEIN**
THE OREGONIAN

All those trees along the street, in the park and outside your window save billions of dollars by absorbing runoff, shading homes and cleaning the air, a new study says.

The problem is, there are a lot fewer trees in the increasingly paved Willamette and lower Columbia River valleys than 30 years ago.

About 2 million acres of the thickest trees in the largely urban region from Vancouver, Wash., south to Eugene have disappeared since 1972 — a 56 percent decline, according to satellite research American Forests is releasing today. That's an average of nearly 200 acres of trees — about 170 football fields worth — lost each day.

"Trees are an ecological machine that work for us, but we're giving them up to pavement and other development," said Gary Moll, vice president of American Forests, a conservation group.

The study is the first to map, measure and attach a dollar value to the often-overlooked urban forests that serve as a vast drainage, cooling and cleaning system in the region. Local, state and federal agencies that helped pay for the work hope it will give residents new respect for the trees around them.

Without the remaining trees, the 80 percent of Oregon's population living in the Willamette Valley would have to shell out another $20 billion to handle storm water, $1.9 million to cool homes and $419 million to deal with air pollution, according to the study's calculations.

### Counting shady acres

The $140,000 study, begun a year ago by American Forests, an urban forest advocacy group in Washington, D.C., measured trees in 63 sample plots in and around Portland, Eugene, Corvallis, Salem, Wilsonville, Tualatin, Beaverton and Albany, and in Vancouver, Wash. Researchers then used landscape software to expand the findings onto regional satellite images snapped in 1972 and 2000, illustrating how tree cover has changed over time.

Thick trees — where foliage covers half or more of the ground — grew on 3.7 million acres in 1972 but just 1.6 million acres now. Open land — with less than 20 percent tree cover and including pavement and buildings — has expanded from 3.9 million acres in 1972 to 6 million acres.

The portion of the region covered by trees has fallen from 46 percent in 1972 to 24 percent.

Some cities, including Salem, paid for detailed satellite mapping — down to the individual tree — that will help them tell where protecting and planting trees will do the most good. Even elementary students will be able to use the data to figure out how trees will filter air and conserve energy at their schools, said Peter Gutowsky, a forester for the city of Salem.

### Storm water purification

The study calculates that tree leaves and roots throughout the Willamette and lower Columbia Valley's soak up and slow runoff of 8.5 billion cubic feet of storm water, keeping it from flushing debris and pollution into rivers and streams. Building drains and basins to control all that water would cost an estimated $20.2 billion.

"We know salmon have to negotiate rivers and streams in Portland every year, and trees are a big part of keeping that water clean," said Charlie Krebs, director of the U.S. Forest Service's cooperative forestry program, which helped finance the study. "They're not going to get to the Mount Hood National Forest by taking Tri-Met."

The trees lost since 1972 were the rough equivalent of a $2.4 billion storm water management system, the study says. It suggests that well-planned replanting of the missing trees could help control runoff that now overwhelms Portland's drainage system during heavy rains.

Likewise, the region's trees draw 178 million pounds of ozone, sulfur dioxide, carbon monoxide and other pollution from the air, saving about $419 million in health care and other costs, according to calculations using earlier studies.

All of that does not mean homeowners should fill their lots with seedlings, foresters say: Trees do their best work only if they remain healthy, with room to grow. But urban leaders, planners and residents must recognize that trees have value far beyond landscaping.

"We have requirements for retaining and planting trees, but everyone asks me, 'What good is it doing?' " said Elizabeth Walker, Vancouver's city forester. "Now I've got some numbers to show them why we require as many trees as we do."

# Oregon's Statewide Planning Goals & Guidelines

# GOAL 2: LAND USE PLANNING

## OAR 660-015-0000(2)

**PART I -- PLANNING**

**To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

***Affected Governmental Units*** -- are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

***Comprehensive Plan*** -- as defined in ORS 197.015(5).

***Coordinated*** -- as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

***Implementation Measures*** -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

***Plans*** -- as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

**PART II -- EXCEPTIONS**

A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(1) Reasons justify why the state policy embodied in the applicable goals should not apply;

(2) Areas which do not require a new exception cannot reasonably accommodate the use;

(3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

***Compatible***, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

Upon review of a decision approving or denying an exception:

(a) The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and

(c) The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met.

***Exception*** means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that;

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(c) Complies with standards for an exception.

**PART III -- USE OF GUIDELINES**

Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

### OAR 660-015-0000(6)

**To maintain and improve the quality of the air, water and land resources of the state.**

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

***Waste and Process Discharges*** -- refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards.

**GUIDELINES**

**A. PLANNING**

1. Plans should designate alternative areas suitable for use in controlling pollution including but not limited to waste water treatment plants, solid waste disposal sites and sludge disposal sites.

2. Plans should designate areas for urban and rural residential use only where approvable sewage disposal alternatives have been clearly identified in such plans.

3. Plans should buffer and separate those land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources.

4. Plans which provide for the maintenance and improvement of air, land and water resources of the planning area should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

5. All plans and programs affecting waste and process discharges should be coordinated within the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plan.

6. Plans of state agencies before they are adopted should be coordinated with and reviewed by local agencies with respect to the impact of these plans on the air, water and land resources in the planning area.

7. In all air quality maintenance areas, plans should be based on applicable state rules for reducing indirect pollution and be sufficiently comprehensive to include major transportation, industrial, institutional, commercial recreational and governmental developments and facilities.

**B. IMPLEMENTATION**

1. Plans should take into account methods and devices for implementing this goal, including but not limited to the following:

(1) tax incentives and disincentives,

(2) land use controls and ordinances,

(3) multiple-use and joint development practices,

(4) capital facility programming,

(5) fee and less-than-fee acquisition techniques, and

(6) enforcement of local health and safety ordinances.

2. A management program that details the respective implementation roles and responsibilities for carrying out this goal in the planning area should be established in the comprehensive plan.

3. Programs should manage land conservation and development activities in a manner that accurately reflects the community's desires for a quality environment and a healthy economy and is consistent with state environmental quality statutes, rules, standards and implementation plans.

Adopted September 28, 2001
Effective June 1, 2002

# Oregon's Statewide Planning Goals and Guidelines
# *GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS*

**To protect people and property from natural hazards.**

**A. NATURAL HAZARD PLANNING**

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,[1] earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

**B. RESPONSE TO NEW HAZARD INFORMATION**

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.
2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.
3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

**C. IMPLEMENTATION**

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and property based on the new inventory information and an assessment of:
   a. the frequency, severity and location of the hazard;
   b. the effects of the hazard on existing and future development;
   c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
   d. the types and intensities of land uses to be allowed in the hazard area.
2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.
3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:
   a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and
   b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1) (a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.[2]
4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

[1] For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

[2] For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.

implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

**D. COORDINATION**

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

**GUIDELINES**

**A. PLANNING**

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:

a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;

b. the beneficial effects that natural hazards can have on natural resources and the environment; and

c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

**B. IMPLEMENTATION**

1. Local governments should give special attention to emergency access when considering development in identified hazard areas.

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:

a. providing financial incentives and disincentives;

b. providing public information and education materials;

c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:

a. limiting placement of fill in floodplains;

b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and

c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.

## Table 6
## Watershed Peak Flows at Selected Locations

| Creek | Location | ID # | Rch | Mi2 | Existing Event Year, Cfs 2 | 10 | 25 | 100 | Future 2040 Event Year, Cfs 2 | 10 | 25 | 100 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Ash Creek** | RR tracks near N Dakota | & AS1T | A-1 | 4.28 | 322 | 491 | 574 | 685 | 485 | 738 | 861 | 1028 |
| | End of Spruce St | & AS4E | A-2 | 3.53 | 316 | 476 | 553 | 655 | 496 | 732 | 845 | 995 |
| | Hemlock & Hall Blvd | & AS7T | A-3 | 2.80 | 285 | 426 | 492 | 582 | 514 | 748 | 857 | 1002 |
| | Taylors Ferry Rd | & AS8E | A-6 | 1.34 | 124 | 187 | 217 | 257 | 240 | 348 | 400 | 470 |
| **Ball Creek** | RR tracks near 74th Ave | & BL1 | B-1 | 2.38 | 381 | 555 | 638 | 749 | 437 | 629 | 720 | 841 |
| **Bel Aire Creek** | Bel-Aire Dr | & FM5W1 | BA-1 | 0.38 | 62 | 91 | 105 | 124 | 76 | 111 | 127 | 148 |
| **Derry Dell Creek** | Walnut St | & DD1 | DD-1 | 0.82 | 112 | 167 | 193 | 228 | 160 | 233 | 268 | 315 |
| | Morgen Ct | & DD3W | DD-3 | 0.61 | 85 | 127 | 147 | 173 | 120 | 176 | 202 | 236 |
| **Fanno Creek** | Tualatin River Confluence | ... TOTAL | F-1 | 32.06 | 1438 | 2147 | 2501 | 2989 | 1565 | 2350 | 2744 | 3269 |
| | Durham Rd Bridge | & FL3SE | F-1 | 31.29 | 1418 | 2117 | 2468 | 2958 | 1550 | 2330 | 2711 | 3224 |
| | Ball Confluence | & FLBL | F-2 | 30.50 | 1435 | 2192 | 2563 | 3063 | 1615 | 2427 | 2829 | 3391 |
| | Red Rock Confluence | & FLRR | F-5 | 27.08 | 1339 | 2048 | 2393 | 2856 | 1508 | 2275 | 2660 | 3176 |
| | Derry Dell Confluence | & FLDD | F-9 | 24.32 | 1309 | 2012 | 2365 | 2824 | 1549 | 2329 | 2726 | 3276 |
| | Summer Confluence | & FLSM | F-10 | 23.44 | 1264 | 1939 | 2281 | 2722 | 1472 | 2217 | 2591 | 3091 |
| | Ash Confluence | & FMAS | F-11 | 17.20 | 936 | 1427 | 1667 | 1987 | 1037 | 1552 | 1808 | 2149 |
| | Hiteon Confluence | & FMHN | F-12 | 12.70 | 713 | 1070 | 1249 | 1492 | 791 | 1184 | 1375 | 1630 |
| | Near Nimbus Drive | & FM4T | F-13 | 11.54 | 713 | 1078 | 1257 | 1499 | 799 | 1200 | 1395 | 1657 |
| | Bel Aire Confluence | & FM5W | F-13 | 9.99 | 701 | 1050 | 1223 | 1455 | 793 | 1182 | 1375 | 1632 |
| | Bohmann Parkway | & FMBS | F-17 | 8.47 | 783 | 1173 | 1361 | 1614 | 897 | 1338 | 1551 | 1835 |
| | Woods Confluence | & FMWD | F-19 | 8.16 | 765 | 1154 | 1340 | 1591 | 876 | 1313 | 1523 | 1803 |
| | Nicol Rd | & FMD | F-20 | 6.68 | 685 | 1032 | 1198 | 1419 | 808 | 1208 | 1400 | 1653 |
| | Vermont Confluence | & FMVT | F-21 | 6.42 | 735 | 1099 | 1272 | 1504 | 877 | 1301 | 1505 | 1775 |
| | Pendleton Confluence | & FUPN | F-22 | 4.85 | 603 | 895 | 1035 | 1221 | 728 | 1071 | 1233 | 1445 |
| | Sylvan Confluence | & FUSV | F-22 | 4.46 | 552 | 821 | 948 | 1118 | 669 | 986 | 1136 | 1331 |
| **Hiteon Creek** | Hart Pond | & HN1 | H-1 | 0.77 | 121 | 179 | 206 | 243 | 144 | 209 | 239 | 280 |
| **Pendleton Creek** | Chinese Resturant | ... PN1 | | 0.39 | 55 | 81 | 93 | 109 | 63 | 92 | 106 | 124 |
| **Progress Creek** | Garden Home Rd | ... FM9S | P-1 | 0.14 | 10 | 14 | 17 | 20 | 31 | 44 | 50 | 59 |
| **Red Rock Creek** | RR tracks at Wall St | & RR1 | RR-1 | 1.62 | 277 | 401 | 459 | 538 | 317 | 455 | 521 | 607 |
| **Summer Creek** | Fowler Middle School | & SM1 | S-1 | 6.13 | 508 | 762 | 881 | 1050 | 648 | 951 | 1103 | 1308 |
| | Kreuger Confluence | & SMKR | S-1 | 5.65 | 555 | 821 | 941 | 1112 | 749 | 1072 | 1251 | 1485 |
| | Summer lake | - SM4LK | S-3 | 4.67 | 465 | 684 | 780 | 923 | 645 | 915 | 1078 | 1293 |
| | Katherine St | & KR1 | S-2 | 0.83 | 95 | 144 | 167 | 197 | 142 | 209 | 241 | 282 |
| **Sylvan Creek** | Scholls Ferry | & SV1 | SV-1 | 1.20 | 111 | 169 | 196 | 233 | 196 | 288 | 331 | 389 |
| **Vermont Creek** | Oleson Rd | ... VT1 | V-1 | 1.24 | 172 | 254 | 292 | 344 | 197 | 289 | 332 | 390 |
| **Woods Creek** | Portland Golf Club | & WD1 | W-1 | 1.37 | 171 | 253 | 292 | 344 | 253 | 369 | 424 | 497 |
| | | & WD3 | W-1 | 0.99 | 145 | 214 | 247 | 291 | 185 | 268 | 307 | 360 |

| | |
|---|---|
| *ID* | *Location (Node) in HEC-1 model where subbasin flow is combined* |
| *Rch* | *Reach code reference (for Natural Resources elements)* |
| *QS#* | *Four-digit METRO/USA quarter-section ID#* |
| *Mi2* | *Subbasin Area (square miles)* |
| *Existing* | *Land use modeled using METRO zone coverage, with vacant and public open lands deleted* |
| *Future 2040* | *Land use modeled using 2040 coverage obtained from METRO* |
| *Event Year* | *These are the design events modeled (the 2-, 5-, 10-, 25-, 50-, and 100-year events)* |

# *Oregon's Statewide Planning Goals & Guidelines*

# GOAL 9: ECONOMIC DEVELOPMENT

## OAR 660-015-0000(9)

**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.

Comprehensive plans for urban areas shall:

1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;
2. Contain policies concerning the economic development opportunities in the community;
3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;
4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

In accordance with ORS 197.180 and Goal 2, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies, cities and counties.

**GUIDELINES**

**A. PLANNING**

1. A principal determinant in planning for major industrial and commercial developments should be the comparative advantage of the region within which the developments would be located. Comparative advantage industries are those economic activities which represent the most efficient use of resources, relative to other geographic areas.
2. The economic development projections and the comprehensive plan which is drawn from the projections should take into account the availability of the necessary natural resources to support the expanded industrial development and associated populations. The plan should also take into account the social, environmental, energy, and economic impacts upon the resident population.

3. Plans should designate the type and level of public facilities and services appropriate to support the degree of economic development being proposed.

4. Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development.

5. Plans directed toward diversification and improvement of the economy of the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

**B. IMPLEMENTATION**

1. Plans should take into account methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, including but not limited to

(1) tax incentives and disincentives;
(2) land use controls and ordinances;
(3) preferential assessments;
(4) capital improvement programming; and
(5) fee and less-than-fee acquisition techniques.

2. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those private and governmental bodies which operate in the planning area and have interests in carrying out this goal and in supporting and coordinating regional and local economic plans and programs.

BUSINESS

# Office-building vacancies top 50 percent in Sunset Corridor

*A market report blames the rise from last year on the recession and overbuilding*

By PATRICK HARRINGTON
THE OREGONIAN

Compared with last year, the vacancy rate for office buildings in the high-tech region known as the Sunset Corridor has more than doubled, according to the most recent market report released by Cushman & Wakefield.

Office vacancy in the Sunset Corridor, most of which falls in Washington County along the Sunset Highway, is at 54.7 percent, up from 20.7 percent at the end of last year.

But things aren't as bad as they look, said Ramona Barinaga Harrington, who focuses on the high-tech real estate market for Cushman & Wakefield. She linked most of the empty space to overbuilding in 2001.

As evidence, she pointed to the 29 office buildings constructed in 2001, 10 of them standard office and 19 flex buildings, representing a total of 1.4 million square feet of space. The vacancy rate in those buildings was 60 percent.

The total office vacancy rate combines both traditional office and flex industrial space, which refers to buildings zoned for both standard office use and light manufacturing. High-tech companies usually occupy flex buildings.

"The bright side is that we had lease activity of 1.1 million square feet," Barinaga Harrington said. In 2000, tenants leased 1.4 million square feet of space.

"We really are not that far off," she said.

Overall, there are 38 office buildings in the Sunset Corridor representing 1.8 million square feet of space. In the fourth quarter, the vacancy rate for those buildings reached 41.3 percent, she said, up from 39.6 percent in the third quarter.

In the 146 flex buildings in the corridor, the vacancy rate was much lower, 13.4 percent. That's up from 12.1 percent in the previous quarter.

Perhaps most dramatic is how the recent numbers compare with a year ago. Office vacancy rates for the fourth quarter of 2000 were 14.5 percent; flex office was 6.2 percent vacant.

The high vacancy rate has caused the average lease price to fall from $23.62 a square foot last year to $22.24 this year.

Barinaga Harrington predicted that the Sunset Corridor has enough office space to last 24 to 36 months, meaning that new waves of construction could begin in the future, depending on how long it takes Oregon's economy to rebound.

"Hopefully Oregon won't lag behind the rest of the U.S. economy," she said.

In general, the Cushman & Wakefield report predicted better things on the horizon.

"The consensus is that the worst may be over in regard to the current recession," said broker Gary Griff in a news release.

The suburban east market experienced the highest overall vacancy increase for office space in the fourth quarter, rising from 11.8 percent to 16.2 percent. The overall suburban west market increased from 17.9 percent to 19.2 percent.

◆

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Washington County Weekly

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# Slow for economy, slow for Round

*Mixed-use projects, such as Beaverton's, are still a new game to lenders, who prefer proven investments and preleased spaces*

By RICHARD COLBY
THE OREGONIAN

BEAVERTON — Commercial lenders nationwide have lots of money to offer, observers say, but the economic recession and an office building glut in Washington County have contributed to making them extremely cautious about financing complex real estate projects such as the Round at Beaverton Central.

Last week, the Beaverton City Council granted a Southern California developer a third extension of its contract with the city, until Dec. 23, to complete financing arrangements, buy the Round from the city and resume the long-stalled downtown revitalization project.

As city officials wait for a Southern California banker to approve a loan deal allowing Dorn-Platz Properties of Glendale, Calif., to restart the project, Portland-area loan market observers say the financing times are tough unless a planned project appears to have just the right ingredients.

Typical among such ingredients is having 50 percent, 60 percent, even 70 percent of the project's space preleased, said Larry Remmers, a senior vice president of Wells Fargo Real Estate Group in Portland.

John Morrow, a Dorn-Platz principal, said this week that the company has some of the Beaverton project's 300,000 square feet of office space preleased, but he wouldn't say how much.

No one has been signed yet, he said, for the Round's 120,000 square feet of retail outlets or the partly finished apartments Dorn-Platz also has taken over.

Nevertheless, Morrow remains upbeat about completing the loan arrangements by late this month so that construction can resume after three years of dormancy.

"The city has granted us until the 28th," he said, "and we fully expect to have it taken care of by then." Neither Morrow nor city officials have publicly identified the prospective lender.

Please see **ROUND**, Page 15

# Round: Major equity partner needed

*Continued from Page 1*

Morrow's firm became interested in the Round last year as the project's previous developers, Selwyn Bingham and Sylvia Cleaver of Portland, fought the city's repossession of the project in U.S. Bankruptcy Court. Dorn-Platz, which signed a contract in July to take over the Round, has developed other office and retail complexes in Southern California and Texas.

Morrow's enthusiasm continues to infuse City Hall.

"I'm very confident this will be signed and that the project will be built," said Linda Adlard, Mayor Rob Drake's chief of staff. She has been the city's liaison for the Round since the project's conception several years ago as a way to revitalize the city's commercial core off Southwest Canyon Road. The Round is west of Southwest Watson Avenue and Hall Boulevard.

"If I thought I smelled anything," Adlard said, "I'd be telling the council, and at this point, I don't."

However well placed, the city official's confidence sounds brave among observations from Remmers and others in the Portland-area mortgage-lending and commercial real estate fields. None is involved with the Round.

> ***"I'm very confident this will be signed and that the project will be built."***
>
> **LINDA ADLARD,**
> MAYOR ROB DRAKE'S CHIEF OF STAFF

"Even in the best of times, multiple-use development is a very difficult type of real estate to finance," Remmers said. The reason is that bankers and other lenders generally haven't had long-term experience with success rates for upper-story office space or apartments above ground-floor shops, both components of the Round.

In some projects, he said, retail spaces have remained dark and empty, "or the retail is so busy, it drives the apartment residents nuts, and vacancies occur there."

Another critical success indicator for such developments, Remmers said, is the parking available for apartment dwellers, retail customers and office tenants.

The Round's centering on Tri-Met's westside light-rail line should make the project more valuable eventually, he said, but a more immediate question is whether auto traffic can easily move to and from the site north of Canyon Road.

Along with three office buildings, Dorn-Platz's revised development plan for the Round includes a combined parking and athletic club building with four parking levels totaling more than 700 spaces. Surface and rooftop parking also are included around two residential structures totaling 264 units.

Also needed for projects like the Round, Remmers said, is "a developer with a lot of dough," or a major equity partner for the long term.

For its previous projects, Dorn-Platz has touted longtime relations with two major equity partners, the General Electric Pension Trust and General Electric Investment. At least one of them, Morrow has said, will be involved with the Round.

### Picky investors

Mark Virden, senior vice president and market manager for U.S. Bank's commercial real estate operation in Portland, said that capital market lenders "are very flush with cash, so we all need to make loans." But he and others remain cautious about determining the likelihood of a successful investment.

"There's way more money in the system than can be utilized," agreed Wally Harding, senior vice president for Norris Beggs & Simpson's mortgage-lending division in Portland. Organizations such as Wall Street firms, real estate investment trusts, pension trusts, "you name it," have all been looking around for investment opportunities, "but they are being choosy," he said.

Such an organization will fund a deal if it appears good, Harding said. "If it's not, they'll vanish like a magician."

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# Ruling puts urban renewal funds at risk

*The state Supreme Court rules that some property taxes were improperly used, which could affect light rail and other projects*

By GORDON OLIVER
THE OREGONIAN

An Oregon Supreme Court ruling Thursday on a tax appeal filed by Shilo Inns could reduce funding for Interstate light rail and public improvements in Portland's 10 urban renewal districts, and require governments to refund as much as $30 million in tax dollars to property owners within those districts.

The court decision, which stunned Portland city officials, overturned a state law that allowed property taxes collected within an urban renewal district to be calculated under a tax cap for schools. The court said the money should be categorized as "general government" taxes under 1990's Measure 5 property tax limitation. The ruling could mean less money for local governments in Portland and in cities throughout Oregon that have urban renewal districts. Because of the tax limit, it could lower future taxes for some taxpayers.

City officials say it could take a month or longer to fully understand the impact of the court decision. Portland Development Commission Executive Director Don Mazziotti said his agency would postpone taking on new debts or launching new urban renewal projects in the interim.

"The impact is uncertain," Mazziotti

Please see RENEWAL, Page D10



# Renewal: Portland tries to figure out impact of ruling

*Continued from Page D1*

said. "But in general there would be less funds available after this ruling than prior to this ruling." Mazziotti said work would continue on about 400 current urban renewal projects.

Sam Adams, chief of staff to Portland Mayor Vera Katz, said the ruling is a blow to a city government that already is looking for ways to cut spending by $14.4 million next year. "With this decision," he said, "the downpour of financial bad news for the city just got a little heavier."

Adams said the city didn't know who would have to pay tax refunds, or how the refunds would be calculated, if the court ruling leads to refunds for thousands of property owners within urban renewal districts.

Shilo Inns, owned by urban renewal critic Mark Hemstreet, brought the case as a challenge to taxes assessed on a hotel in Portland's Airport Way urban renewal district. The court said the corporation is entitled to a tax refund of about $6,000, an amount the city figures is its minimum liability.

But Gregory Byrne, a Portland attorney who represented Shilo, said he will ask the judge to certify a class of similarly situated taxpayers from the 1998-99 fiscal year through the current fiscal year. A favorable court ruling could require the city to return in the range of $30 million that was used to finance urban renewal projects.

Ken Rust, the city's director of financial management, said the decision raises three new potential financial problems. They are:

◆ Refunding back taxes. The city could use unspent bond proceeds issued to pay for urban renewal projects and the city's $17 million emergency general fund reserve. Using unspent bond money would take money away from urban renewal projects. Tapping the reserve could jeopardize the city's bond rating, leading to higher interest costs, Rust said.

◆ Paying for future urban renewal projects. In districts formed before 1996, the city has the legal ability to compensate for taxes lost due to Shilo Inn's victory. But Rust said the city would receive less money in the five districts — North Interstate, Lents, Gateway, North Macadam and the River District — formed after 1996 under a different legal structure.

◆ Paying off urban renewal debt. The city has roughly $280 million of debt issued to pay for urban renewal projects. The biggest risk is tied to a five-year note the city issued to kick-start urban renewal in the North Interstate district. Revenues to pay off that note — which is backed by the city's general fund — could drop, Rust said.

At issue in Shilo Inn's tax appeal was a state law that allowed urban renewal taxes to be raised under both the government limit of $10-per-$1,000 of property value and the schools' limit of $5-per-$1,000.

Attorneys for the development commission and the city argued that the law is valid because it focused on which district levied the money. Shilo Inns argued that it is not valid because the constitution is concerned with how the money is spent. Urban renewal funds designated for general infrastructure projects should not be counted under the school cap.

The Supreme Court agreed.

"The emphasis . . . is on the taxes themselves, the purpose to which those taxes are dedicated, and the use to which those taxes are to be put," Justice W. Michael Gillette wrote for a unanimous court.

The court remanded the case to the Oregon Tax Court. City officials said they expected further court action to clarify the ruling.

Urban renewal agencies work by creating urban renewal districts in areas that meet a legal definition of "blighted," where the city freezes their assessed property values and uses bonds to finance improvements. The theory is that improvements attract private investment, causing property values to increase. Taxes from the incremental value — the difference between the frozen property value and the newer, higher value — are used to pay off the bonds.

More than 13 percent of the city's land, are within urban renewal areas. The districts cover most of downtown Portland and the River District; the Central Eastside and the Lloyd District; much of North Portland and the Gateway area, Airport Way, and the Lents district in outer Southeast and Northeast Portland.

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*Ashbel Green and Scott Learn of The Oregonian staff contributed to this story.*

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# Oregon's Statewide Planning Goals & Guidelines

## GOAL 10: HOUSING

### OAR 660-015-0000(10)

**To provide for the housing needs of citizens of the state.**

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

***Buildable Lands*** -- refers to lands in urban and urbanizable areas that are suitable, available and necessary for residential use.

***Government-Assisted Housing*** -- means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

***Household*** -- refers to one or more persons occupying a single housing unit.

***Manufactured Homes*** -- means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

***Needed Housing Units*** -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

**GUIDELINES**

**A. PLANNING**

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.

4. Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

**B. IMPLEMENTATION**

1. Plans should provide for a continuing review of housing need projections and should establish a process for accommodating needed revisions.

2. Plans should take into account the effects of utilizing financial incentives and resources to (a) stimulate the rehabilitation of substandard housing without regard to the financial capacity of the owner so long as benefits accrue to the occupants; and (b) bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes.

3. Decisions on housing development proposals should be expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans.

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

the Apartment Manager

Portland METRO Vancouver

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Chapter 29

Institute of Real Estate Management

IREM

## Apartment Industry Hit Hard During Downturn

Throw out Marcus & Millichap's last apartment industry report. When it was published in July, it reflected

*continued on page 14*

continued from page 1

rental activity in the first half of 2001, when landlords were still smiling.

"Some of the facts have definitely changed since then," Marcus & Millichap's Portland office.

Now, the report is an out-of-date reminder of the good times, when rents were rising and landlords didn't need special offers to land tenants.

Wilson said his company's next report—a summary is due in mid-December and a full report will be published in January—will reflect the decline in demand for high-priced apartments and apartments located in the high-tech corridor. "There's a population shift from the higher-end apartments to the apartments with lower rents," said Wilson, explaining that some renters are downsizing the amount they're willing to pay in rent to compensate for pay cuts, layoffs and economic uncertainty.

The high-end apartment market is also taking a hit as former renters take advantage of super-low interest rates and buy a home.

These trends are forcing high-end apartment owners to cut rental rates, offer premiums or free rent to remain competitive. "When I call around, the higher-end apartments are the ones that give concessions, but the lower-end apartments haven't generally needed to do that," Wilson said.

Randy Norgart, president of CTL Management Inc., said these trends have been generally true for the more than 5,000 units his company owns and manages in the Portland metropolitan area.

"As the vacancies have increased over the last four to six months, we went from offering nothing in the way of discounts or concessions to offering them," Norgart said. "Now it's not unusual, especially in the Sunset Corridor, to offer a free month's rent."

Norgart said his company has a 6 percent overall vacancy rate, higher than the usual 4 percent, and vacancy climbs to about 8 percent in the Sunset Corridor. "Just as we started seeing our employment growth go negative, we started to see increasing vacancies," he said.

But Norgart believes his company will fare better than most, with well-located properties that are heavy on affordable housing.He compared the demand for affordable housing to retail sales, which have been stronger for discount chains than for high-priced stores.

"We're feeling the slowdown like other companies, but probably to a lesser degree because we have a more affordable product," Norgart said.

Although both Sunset Corridor and high-priced apartments are taking a hit, Equity Residential Properties Trust, a Chicago-based REIT with more than 4,000 units in the Portland metropolitan area, recently purchased one of the higher-rent apartment complexes in Hillsboro.

The 497-unit Palladia at 2615 N.W. 194th Terrace was sold for $51.25 million, about $103,118 per unit, which might be the highest-priced apartment transaction in Oregon history. Bruce Lavine, vice president of Equity's Pacific Northwest region, said there's no buyer's remorse. "We're long-term thinkers," he said. "We're not a We see there are limited opportunities for new [apartment] product, and a progressive environment with business and the MAX nearby. Eventually, Intel will rebound, and we believe that the long-term prospects are very good."

He described Equity's overall vacancy rates through June, which have affected properties regardless of price, as "very good," with 4 percent to 6 percent of apartments vacant. In August and September, vacancy rose to 7.5 percent, where it remains.

"Ironically, the Gresham area, which historically has been soft, has been strong for us," Lavine said. "Vancouver has 7 percent unemployment and still the apartment market is very strong. Those markets remain above that 92 percent average."

To bring in tenants, Equity cut some rental rates and offers service guarantees and free rent in some properties. "Portland is really embedded in the one month free rent, whereas people in Northern California want a lower base rental rate," Lavine said.

The corporate housing market has hit Equity hard—Lavine estimated that 15 to 20 percent of Equity's apartments in the Sunset Corridor were contracted by large employers such as Intel or Nike.

The employers paid a third-party company to furnish the apartments and stock them with dishes and linens; the apartments were used by temporary workers from out of town, interns and other contracted workers.

But as corporations scaled back on projects, their contracted apartments were no longer needed. Now Lavine said "very few" of Equity's apartments are still used for corporate housing. "We saw, in September, that these just started drying up," Lavine said. "This was happening nationally and industrywide. We first saw the corporate market begin to soften in March and April. Portland has held out longer than most markets."

Norgart said CTL avoids major corporate apartment contracts. "We don't want to put too many eggs in one basket," he said.

Equity estimates 15 to 20 percent of their tenants leave to buy homes, and Lavine agreed with Wilson that home buying is impacting vacancy.

"We anticipate that [renters leaving to buy homes] will decline but it has been on the increase this year," Lavine said, crediting flexible financing and lower down-payment requirements as well as low interest rates.

Although landlords are making adjustments to cope with the recession, the good news is Portland has fairly stable vacancy rates, at 5.3 percent overall according to Wilson.

Also good news: "There really haven't been a lot of new apartments built, and there really aren't a lot in the pipeline," Wilson said.

This avoids adding too much supply to a market with waning demand.

*Heidi J. Stout*
*Business Journal Staff Writer*
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Attachment 5

CITY OF TIGARD
*Community Development*
*Shaping A Better Community*

# MEMORANDUM

# CITY OF TIGARD

TO: Honorable Mayor and City Council Members

FROM: Jim Hendryx, Community Development Director

DATE: February 15, 2002

SUBJECT: Proposed Metro Ballot Measure

This memorandum is a response to questions raised by Joyce Patton related to the article on a Metro ballot measure on density issues. This article was published in *The Oregonian* last Friday, February 15, 2002.

On February 14, 2002 Metro Council voted to submit to the voters an amendment to the Metro Charter requiring
(1) protection of existing single family neighborhoods by prohibiting an increase in density of existing single-family residential neighborhoods; and
(2) reports on the effects of the proposed Urban Growth Boundary amendments on existing residential neighborhoods (Attachment 1).

The following is a brief summary of the proposed amendments:

- **Residential Density Amendment**

  Metro exercises its authority by following the Urban Growth Management Functional Plan, which implements the 2040 Metro Growth Concept.

  The 2040 Growth Concept comprises several design concepts that need to be implemented by local jurisdictions. These concepts are shown on the 2040 Growth Concept Map and include the following areas: Central City, Regional Centers, Town Centers, Station Communities, Main Streets, Corridors, Employment Areas, Industrial Areas, Inner Neighborhoods, and Outer Neighborhoods.

  The proposed measure pertains only to the Inner and Outer Neighborhoods (Attachment 1, Exhibit A). *Inner Neighborhoods* are defined by the Metro Functional Plan as "residential areas accessible to jobs and neighborhood businesses with smaller lot sizes." Outer Neighborhoods

are defined as "residential neighborhoods farther away from large employment centers with larger lot sizes." [1]

- **Reports on Effects of Proposed Urban Growth Boundary Amendments**

  The proposed measure requires that, before approving any amendments to the Urban Growth Boundary in excess of 100 acres, the Metro Council must prepare a report on the effects of the proposed amendment on existing residential neighborhoods. The report must address traffic patterns, the potential addition of parks and open space protection to benefit existing and future residents of the added territory; and the cost to existing residents of providing public services to the additional area. The report must be provided to all households within one mile of the proposed Urban Growth Boundary Amendment area to all cities and counties within Metro.

In summary, with the exception of the Inner and Outer Neighborhoods, the proposed amendments do not appear to impact any other elements of the Metro 2040 Growth Concept, such as regional centers. The objective of the two proposed amendments is to recognize the existing neighborhoods as a key element of the region's livability by prohibiting any increase in density in single-family residential areas. Regardless of the outcome of the proposed measure, regional centers will continue to play an important role in implementation of the Metro Urban Growth Boundary Growth Management Functional Plan.

---

[1] Specifically, the proposed amendment states that "Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in density of single-family neighborhoods within the existing urban growth boundary identified in the plan *solely as Inner or Outer Neighborhoods.* (emphasis added).

**Attachment 1**

to J. Hendryx
memo of 2/15/02

BEFORE THE METRO COUNCIL

| | | |
|---|---|---|
| FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN AMENDMENT TO THE METRO CHARTER REQUIRING PROTECTION OF EXISTING SINGLE FAMILY NEIGHBORHOODS, COST IMPACT STATEMENTS REGARDING URBAN GROWTH BOUNDARY AMENDMENTS, AND NOTICE TO AFFECTED NEIGHBORHOODS | ) | RESOLUTION NO. 02-3163<br><br>Introduced by Councilor Burkholder |

WHEREAS, the region's residential neighborhoods are a critical ingredient in the region's livability; and

WHEREAS, residential neighborhoods are a key component of Metro's 2040 Growth Concept for the region, and

WHEREAS, Metro and the people of the region can achieve a more livable form of urban development by accommodating most growth in city centers and along major transportation corridors, without significant change in the region's existing residential neighborhoods; and

WHEREAS, better information about the costs of growth for citizens of the region leads to better decisions in the region about how to accommodate growth; now, therefore,

BE IT RESOLVED:

1. That the Metro Council hereby submits to the qualified voters of the district the question of amending the Metro Charter to require protection of existing neighborhoods, cost impact statements regarding urban growth boundary amendments, and notice to affected neighborhoods and making related changes as set forth in Exhibit "A";

EXHIBIT A

Amendment To Metro Charter

Section 1. Section 5 of the Metro Charter is amended to add the following provisions:

(4) Protection of Livability of Existing Neighborhoods

(a) Livability Protection. The Regional Framework Plan shall include measures to protect the livability of existing neighborhoods taking into consideration air pollution, water pollution, noise, and crime as well as provision of an adequate level of police, fire, transportation and emergency services, public utilities, and access to parks, open space and neighborhood services.

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.

(c) Report on Effects of Proposed Urban Growth Boundary Amendment. Prior to approving any amendment or amendments of the urban growth boundary in excess of 100 acres the Council shall prepare a report on the effect of the proposed amendments on existing residential neighborhoods. Copies of the completed report shall be provided to all households located within one mile of the proposed urban growth boundary amendment area and to all cities and counties within the district. The report shall address:

i. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality.

ii. Whether parks and openspace protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory.

iii. The cost impacts on existing residents of providing needed public services and public infrastructure to the area to be added.

(d) Implementation. The Metro Council shall implement the requirements contained in Subsections a, b, and c within one year of adoption thereof.

Section 2

(a) The amendments to the Metro Charter for which provision is made in this measure shall be paramount, shall take effect and shall have precedence over the amendments to the Metro Charter proposed in Ballot Measure 26-11 if both measures are approved at the Oregon primary election conducted on May 21, 2002, and the number of affirmative votes cast for this measure is greater than the number of affirmative votes cast for Ballot Measure 26-11. In such event, Ballot Measure 26-11 shall not become effective.

(b) The amendments to the Metro Charter for which provision is made in Ballot Measure 26-11 shall be paramount, shall take effect and shall have precedence over the amendments to the Metro Charter proposed in this measure if both measures are approved at the Oregon primary election conducted on May 21, 2002, and the number of affirmative votes cast for Ballot Measure 26-11 is greater than the number of affirmative votes cast for this measure. In such event, this measure shall not become effective.

Section 3

(a) Subsection 4(b) of Section 5 of the Metro Charter of this Measure is repealed on June 30, 2015 unless at the general election held in 2014, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter of this measure, then that subsection is repealed on June 30, 2015.

(b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2014.

(c) This section is repealed on January 1, 2016.

2. That the measure should be placed on the ballot for the Primary Election to be held on May 21, 2002;

3. That the district shall cause a Notice of Measure Election and Ballot Title as set forth in Exhibit "B" to be submitted to the Elections Officer and the Secretary of State of Oregon in a timely manner as required by law; and

4. That the Executive Officer, pursuant to Oregon Law and Metro Code Chapter 9.02, shall transmit this measure, ballot title and explanatory statement to the Multnomah County Elections Officer for inclusion in any county voters' pamphlets published for the election on this measure.

ADOPTED by the Metro Council this _____ day of _____ 2002.

_____
Carl Hosticka, Presiding Officer

APPROVED AS TO FORM:

_____
Daniel B. Cooper, General Counsel

EXHIBIT B

BALLOT TITLE

CAPTION: AMENDS METRO CHARTER: PROTECTS NEIGHBORHOODS' LIVABILITY; REQUIRES BOUNDARY AMENDMENT REPORT

QUESTION: Shall Metro Charter: protect neighborhoods' livability; prohibit Metro density increase in single-family neighborhoods; require report on proposed boundary amendments' effects?

SUMMARY: Amends Metro Charter's regional planning provisions to protect livability of existing neighborhoods. Prohibits Metro from requiring density increase in identified single-family neighborhoods. Requires report on effects of certain proposed growth boundary amendments on existing residential neighborhoods, including impacts on traffic and parks. Requires report be provided to households within one mile of proposed growth boundary amendment and to all cities and counties within Metro. Measure becomes effective instead of Ballot Measure 26-11 if it obtains more affirmative votes. Requires revote in 2014 to remain effective.

AGENDA ITEM # _____
FOR AGENDA OF February 26, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update from the New Tigard Library Construction Committee

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

## ISSUE BEFORE THE COUNCIL

Presentation by the New Tigard Library Construction Committee to update the City Council on the proposed new library.

## STAFF RECOMMENDATION

The purpose of this presentation is to provide City Council information about this project.

## INFORMATION SUMMARY

Since the Fall of 2000, the Construction Committee has provided regular updates to the Council and the community about the proposed new library project. In December 2001, the Council approved an option for purchase of the site of the proposed new library. Also in December, the Council voted to place a $13 million bond measure on the May 21, 2002 ballot. The bond measure would help fund construction of a new library.

Since the Fall of 2001, Committee members have made numerous presentations throughout the community about this project. The architectural model of the proposed new library has often accompanied them. Recent examples of the Committee's efforts to inform the community about this project include presentations to the Tigard-Tualatin School Board, the Tigard Chamber of Commerce and local service organizations. The model has recently been on display at several local businesses and at Washington Square Mall.

To continue community participation in this project, the Committee has scheduled a community meeting for Tuesday, March 5 at 7:00 p.m. in City Hall. This meeting will be a facilitated discussion, offering community members an opportunity to provide input on the design of the natural areas surrounding the proposed new library site.

Committee members are prepared to answer questions at this meeting.

## OTHER ALTERNATIVES CONSIDERED

N/A

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #3: Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.

## ATTACHMENT LIST

1. Set of PowerPoint Slides

## FISCAL NOTES

N/A

## Proposed New Tigard Library Update

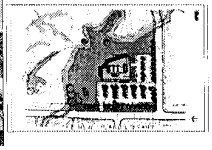
February 26, 2002

## Grace Tigard Houghton

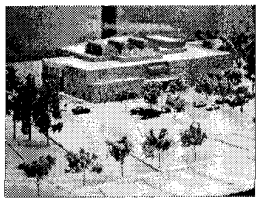
## Neva Root

## Proposed New Tigard Library

- 2-story, 47,000 square foot building
- Approved site at Hall and O'Mara



## Bond Information



- Estimated cost: $14.2 million
- $13 million bond
- May 21, 2002 ballot
- 31 cents per thousand assessed value

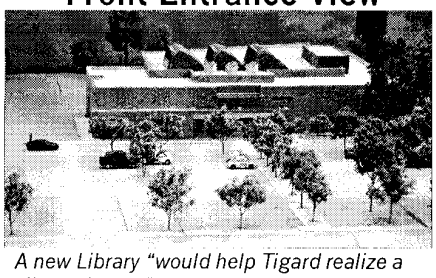
## Details about Bond Measure 34-47

- $13 million bond measure to construct a new library
- General obligation bonds would mature in 20 years of less
- Would be repaid from a property tax increase

## Details about Bond Measure 34-47

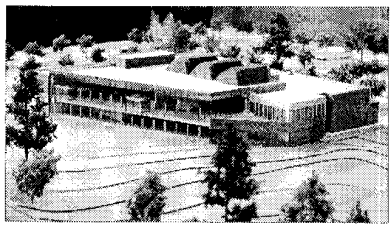
- An owner of a $200,000 home would pay about $5/month the first year—or about the cost of two hardback books
- That amount is expected to decrease over the life of the bonds as assessed values rise and new properties are added to the city.

## Front Entrance View

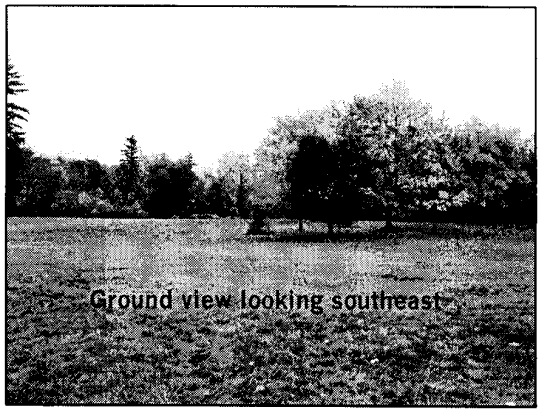


*A new Library "would help Tigard realize a vibrant future." --Curtis Tigard*

## Site Master Plan

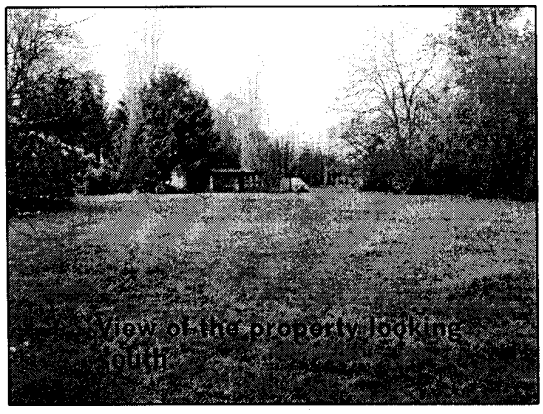


Citizen's group to explore greenspace and trail opportunities

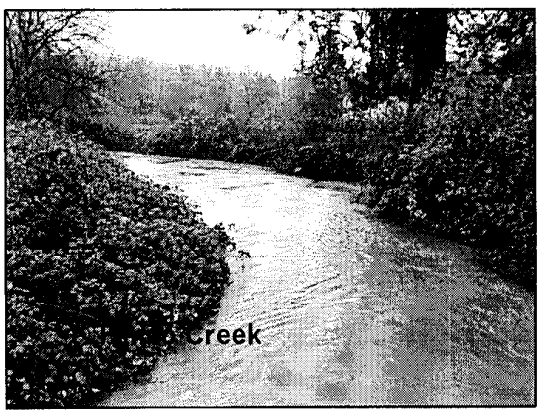



## Community Meeting for Proposed New Tigard Library Site

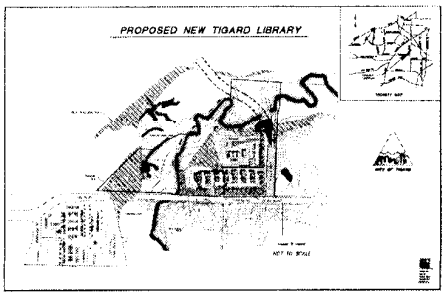
*Tuesday, March 5 at 7 p.m.*
*Tigard City Hall -- 13125 SW Hall*
*For More Information call 503 684-6537*

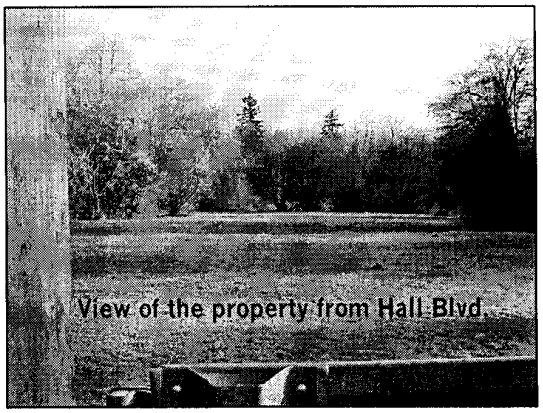


View of the property looking south

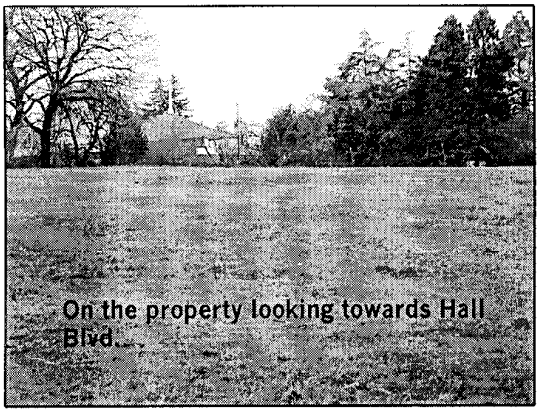


Creek

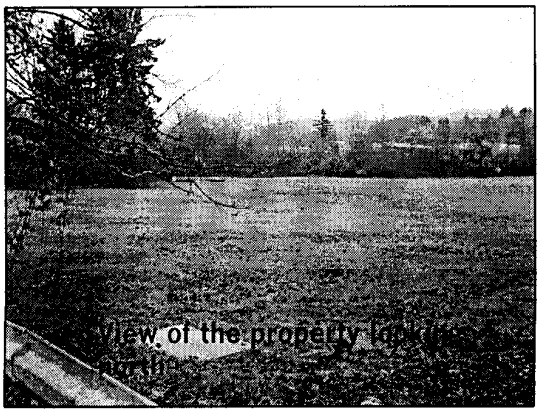




View of the property from Hall Blvd.

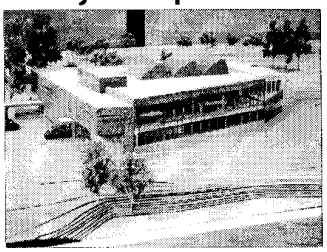


On the property looking towards Hall Blvd.



View of the property looking north

## Project Updates



www.ci.tigard.or.us

AGENDA ITEM # _____
FOR AGENDA OF 2/26/02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Insurance Options Update

PREPARED BY: Loreen Mills HEAD OK _____ CITY MGR OK _____

## ISSUE BEFORE THE COUNCIL

Should the City self-insure at this time? Receive self-insurance review results.

## STAFF RECOMMENDATION

Receive verbal update on City's self-insurance options review.

## INFORMATION SUMMARY

Due to anticipated large property and casualty premium increases, the City of Tigard has been exploring alternative risk financing options over the past several months. Council authorized this review at their meeting of 9/18/01.

JBL&K Risk Services, our "Insurance Agent of Record" has completed an actuarial report resulting in a detailed self-insurance feasibility review. The results of this review conclude that the City's most cost effective risk transfer solution, at this time, is still the "traditional" insurance marketplace.

Ron Graybeal, JBL&K's Public Entity Division Manager, will be presenting the results of this review. He will also provide Council with an update regarding the commercial insurance marketplace for Oregon's public sector, and will suggest how the City should prepare for the challenges that will occur over the next several years.

## OTHER ALTERNATIVES CONSIDERED

N/A

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

## ATTACHMENT LIST

N/A

## FISCAL NOTES

No change in insurance carrier. Insurance premiums are budgeted year fiscal year and costs spread to all departments.

AGENDA ITEM # _____
FOR AGENDA OF February 26, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Engineering Department Overview

PREPARED BY: A.P. Duenas DEPT HEAD OK _____ CITY MGR OK _____

## ISSUE BEFORE THE COUNCIL

Informational briefing to provide an overview of the Engineering Department, including overall responsibilities, accomplishments during the past year, and goals and objectives for the next few years.

## STAFF RECOMMENDATION

Informational Briefing. No Council action required.

## INFORMATION SUMMARY

The Engineering Department designs and constructs capital improvement projects, provides review of proposed private development projects, and inspection of public improvements performed by private developers to ensure compliance with City standards. The Department is directed by the City Engineer and is composed of a Capital Improvement Program Division, a Development Review Division, and staff support for storm and sanitary sewer projects and administration. Attached is an organizational chart showing the structure of the Department.

The Capital Improvement Program Division is managed by an Engineering Manager. This Division manages the capital improvement program for public streets and utilities and prepares facilities plans for future improvement needs. The Development Review Division is likewise managed by an Engineering Manager. This Division provides technical review and issues permits for proposed private development projects, provides inspections on the public improvements constructed through these developments, and maintains records relating to these public facilities.

In addition, the Engineering Department provides engineering support to the other City departments as needed. The Development Review Division works in close coordination with the Community Development Department in the review of proposed new developments in the City and in the Urban Services Area. The Capital Improvement Program Division works with other departments in the development of the capital improvement projects for parks, water, storm and sanitary sewer improvements.

The Engineering Department strives to support and achieve Council goals each calendar year. The City Engineer stays abreast of regional issues, participates in the Washington County Coordinating Committee Transportation Advisory Committee, attends Metro's Transportation Policy Advisory Committee meetings whenever possible, and submits projects for funding whenever Federal or state funding becomes available for various projects. The City

Engineer is likewise coordinating the efforts of the Transportation Financing Strategies Task Force to evaluate and develop alternative sources of funding for transportation-related projects.

The attached memorandum dated February 11, 2002 summarizes the Engineering Department's significant accomplishments during the past year and describes some of the key overall goals for the next few years.

## OTHER ALTERNATIVES CONSIDERED

N/A

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

## ATTACHMENT LIST

1. Engineering Department Organizational Chart
2. Memorandum dated February 11, 2002 summarizing the Engineering Department's accomplishments and goals

## FISCAL NOTES

N/A

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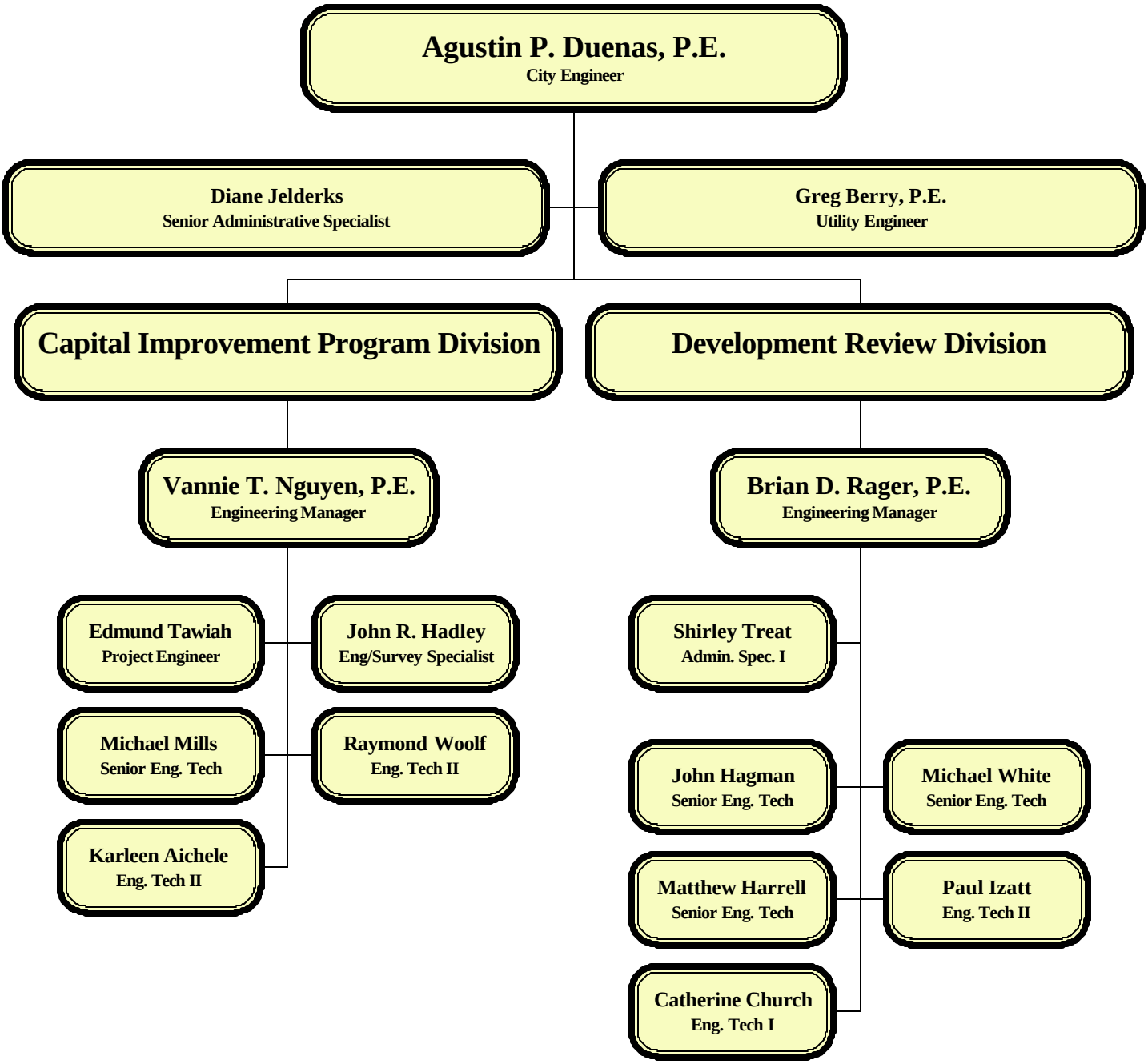
# City of Tigard

# Engineering Department

City of Tigard




February 8, 2002

CITY OF TIGARD
Engineering Department
*Shaping A Better Community*

# MEMORANDUM


## CITY OF TIGARD

**13125 SW Hall Blvd.**
**Tigard, OR 97223**
**Phone 503-639-4171**
**Fax: 503-624-0752**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**TO**: Mayor and City Councilors
Bill Monahan, City Manager

**FROM**: Gus Duenas
City Engineer

**DATE**: February 11, 2002

**SUBJECT**: Engineering Department Overview
Highlights of Accomplishments and Goals

The Engineering Department has been involved in a wide variety of activities during the past year. Some of the highlights include the following:

- Establishment of the Transportation Financing Strategies Task Force to evaluate and develop alternative sources of funding for both maintenance of the City street infrastructure and expansion of the collector system to meet current and future transportation demands. This Task Force has been meeting during the past year and is now evaluating the feasibility of implementing a Street Maintenance Fee for preventative and corrective maintenance of City streets. The Task Force is continuing to review potential sources of funds for street expansion projects.

- Participation in the public process leading to the adoption of the Transportation System Plan. This plan, which was adopted by City Council in the January 8, 2002 Council meeting, provides the much needed transportation-related improvements for the next 20 to 30 years and serves as the blueprint for making transportation project choices for the coming years.

- Construction of the Gaarde Street Phase 1 Improvements from Quail Hollow-West to Walnut and continuation of pavement maintenance through pavement overlays and slurry seals.

- Reviewed the plans, issued permits for, and inspected the public improvements on such major subdivision projects as Quail Hollow-West, Pacific Crest, Erickson Heights, etc.

- Assisted in the development of the New Tigard Library concept plan and helped develop the site plan for use in various meetings and public displays leading to the proposed bond issue coming before the voters in May 2002.

The following in more specific detail are the major accomplishments of the Engineering Department during calendar year 2001 and the first month in 2002:

## Accomplishments

## Capital Improvement Program

### Street Projects

**Gaarde Street Improvements:** Gaarde Street is a major collector providing a key east-west connection from Highway 99W to Walnut Street, then along Walnut Street and Barrows Road to Beaverton. The project to improve Gaarde Street and provide a continuous, upgraded connection from Highway 99W to Walnut Street is divided into two phases. Phase 1 is the construction of a new segment of Gaarde Street extending north from the Quail Hollow-West Subdivision to Walnut Street. Phase 2 is the reconstruction and widening of Gaarde Street from Highway 99w to 121st Avenue.

- **Gaarde Street - Phase 1 (between Walnut Street and the northerly boundary of the Quail Hollow Subdivision):** Construction of this phase began in August 2000 and was completed August 2001. Because of the extensive undergrounding utility work involved, construction of this project took longer than anticipated. The new Gaarde Street Extension was used as a detour route during the period the Walnut/121st intersection was closed for construction. However, the signalized intersection at Gaarde and Walnut Street was only partially operational until July 2001 when the Walnut/121st intersection was again opened for traffic. The entire project is now completed with the signal system at Gaarde/Walnut Street now fully operational.

- **Gaarde Street - Phase 2 (between 121st Avenue and Hwy 99W):** This project is being designed by an engineering consultant and is approximately 80% complete. In addition to street widening, this project also includes installation of a new traffic signal at the Gaarde Street/121st Avenue intersection and improvement to the 121st Avenue approach north of the intersection. This project will be advertisement for bids in March 2002 to permit construction to begin in May of next year.

**Pavement Major Maintenance Program (PMMP):** The PMMP is an annual program of corrective and preventive maintenance on all paved streets in the City. In the year 2000, the City's Pavement Management System identified a backlog of $2,000,000 in corrective overlay, repairs, and slurry seals. Approximately $500,000 of this backlog is in streets that are candidates for reconstruction and widening during the next few years. However approximately $500,000 in

pavement overlays and $1,000,000 in slurry seals are required in local streets that are not programmed as part of any major project. Because of limited funding, only a few streets from the long list were addressed this year. Streets that received a combination of pavement inlay and slurry seal treatment or just slurry seal treatment include:

- Kable Street (between Naeve Street and 103rd Avenue)
- 121st Avenue and North Dakota Street (between Scholls Ferry Road and Springwood Drive)
- Ash Street (between Scoffins and Commercial Street)
- Meadow Street (east of Tiedeman Avenue)

There were approximately 8,500 square yards of asphaltic concrete (AC) overlay and 10,500 square yards of slurry seal placed on these streets. Eagle Elsner, Inc. began construction in mid-September 2001 and completed the work in late November 2001.

**Street Striping Program:** This is a program to re-stripe City streets that require re-delineation for safety and proper channelization of traffic. Two striping projects were completed in 2001: the *FY 2000-01 Street Striping - Phase 2* project that includes Gaarde Street (between the Quail Hollow subdivision and 121st Avenue) and the *FY 2001-02 Street Striping* project that includes Walnut Street (between Barrow Road and Wilton Avenue), Gaarde Street (between 121st Avenue and 110th Avenue) and the Dartmouth Street /72nd Avenue intersection. Approximately 21,000 feet of striping was applied on these streets. The first project was installed by Apply-A-Line Inc. The second was installed by Specialized Pavement Markings, Inc. This company began the work in early December and has most of it completed. The punch list items will be completed in January 2002.

**Traffic Calming Program:** This program installs traffic-calming devices on minor collector and residential streets to reduce traffic speeds and volume. This year's program installed 12 speed humps on Ann Street, Commercial Street, Fonner Street, Summerfield Drive, Kable Street and Sattler Road. The program will install 2 more humps on Kable Street and 4 more humps on Spruce Street in early spring of next year to finish this fiscal year's program. The streets currently proposed for traffic-calming devices in FY 2002-03 will be installed during the summer months of 2002. These streets include 130th Avenue, 100th Avenue and Park Street.

**Lincoln Street Improvement:** The widening of Lincoln Street between Greenburg Road and Commercial Street is a Community Development Block Grant (CDBG) project. Construction of this project was divided into 2 phases: the first phase which improved the west side of the street was completed in July of last year, the second phase which widened the street on the east side was completed by Mountain Excavating, Inc. in August of this year.

**121st Avenue and Walnut Street Intersection**: This project widened the intersection to the ultimate width of a major collector, upgraded the existing drainage and water systems, placed the existing utilities underground, installed new sanitary sewer, and installed a traffic signal at the intersection. The project design and construction inspection were administered by Washington County. Through Intergovernmental Agreement with Washington County, the City provided funds to construct the sanitary sewer extensions, upgrade the water lines, and extend the drainage system

beyond the project limits. Kerr Contractors, Inc. began the work in February and completed the work in November of this year.

**Embedded Crosswalk Lights:** The pilot program for the Embedded Crosswalk Lights began in FY 1999-2000. Since then, lighted crosswalks have been installed at three locations: 121st Avenue (at Katherine/Lynn Street), Walnut Street (at Grant Avenue), and Main Street (at the existing bridge). The lighted crosswalk on 121st Avenue (at Springwood Drive) authorized under the FY 2001-02 Capital Improvement Program is currently under construction. Because of delay in the delivery of construction materials, the project completion date is extended from November 2001 to mid-January 2002.

**Dartmouth Street Improvement:** This project widened approximately 150 feet of Dartmouth Street just south of Costco's driveway. Included in the improvements are the construction of new curb and sidewalk, extension of 2 existing culverts and installation of street trees. The low bidder, Oregon Siteworks, completed the work in 2 months between May and July 2001.

**Sanitary Sewer Projects**

**Neighborhood Sewer Extension Program:** This program extends sanitary sewer service into residential neighborhoods. The City initiates and completes the sewer extensions, then recoups the total cost of the design and construction via creation of a reimbursement district. As residents connect to the new sewer line, they have to pay their proportionate share of the cost of the line, plus the normal connection fee.

Three reimbursement districts were constructed this year and 39 houses were included in these districts:

- **Walnut Street and 121st Avenue Intersection:** 24 services were provided for this district. Construction of this project was combined with the Walnut Street and 121st Avenue intersection improvement project that was administered by Washington County. Kerr Contractors, Inc. began the work in February 2001 and completed the sanitary sewer work in November of this year.

- **Rose Vista Drive:** This district project extended the main line across SW 118th Avenue, then across two residential lots before reaching SW Rose Vista Drive. The line serves 14 properties along SW Rose Vista Drive. Two easements had to be purchased for the construction. Excel Excavation, Inc. began construction in May and completed the work in August 2001.

- **Hunziker Street:** This project was constructed by C.R. Woods Trucking, Inc. between March and April of this year. This district provided one service connection to a commercial property.

**Citywide Sewer Extension program**: During a presentation to City Council on October 19, 2000, the Engineering Department proposed a 5-year program to systematically extend sanitary sewers to all developed but unserved areas Citywide. Council agreed with the

proposed 5-year plan and approved funding for the first year of that plan as part of the FY 2001-02 Capital Improvement Program Budget.

**Ash Avenue and Burnham Street Sanitary Sewer Improvements:** This project upsized the existing sanitary sewer line to alleviate surcharging problems during the winter months. The new line begins at Ash Street, proceeds west on Burnham Street, turns north into an easement inside private property, goes under the railroad tracks and connects to an existing line in Commercial Street. APC Underground, Inc. began the work in November of 2000 and completed the work in May 2001.

**Greenburg Road and Oak Street Sanitary Sewer Repair**: A TV inspection report prepared by the City indicates that about 30 feet of the main sanitary sewer pipe located in the parking lot of Casa Lupita Restaurant by Greenburg Road was seriously damaged. To prevent possible overflows and sewage backups to the restaurant and other surrounding businesses, this section of pipe was removed and replaced with a new pipe. This work was completed by Wystan Brown, Inc. in September 2001.

**Storm Drainage Projects**

**Washington Square Storm Runoff Pretreatment:** This project removes pollutants from the Washington Square surface water runoff and is designated as a high priority project by the *Fanno Creek Watershed Management Plan* adopted by Clean Water Services (CWS) in November 1997. The scope of work includes installation of a manufactured treatment unit to receive and partially treat the flows from two culverts crossing Highway 217, which drain most of Washington Square. The treated flows continue in a ditch to Fanno Creek. Canby Excavating installed the treatment unit in June 2001.

**Kable Street Storm Drainage Improvements:** This project replaced the existing storm drain pipe in Kable Street between 103rd and 100th Avenue with a larger pipe. The existing 12-inch pipe was undersized and incapable of receiving the entire amount of storm water from the surrounding area. D&A Contractors, Inc. began the work in May 2001 and completed the work in August after 3 months of construction.

**Miscellaneous Projects**

**Fanno Creek Trails - Segment 3 (from Tiedeman to Woodard Park):** This pedestrian walkway has been included, along with other trail projects, in the Parks System Program since FY 1998-99. Since July 1998, 5 trail segments, including Segment 3, have been constructed. Trail segment 3 runs in 2 directions: in an easterly direction that connects Tiedeman Avenue with Katherine Street and in a southerly direction that begins from Katherine Street, meanders through Woodard Park, and ends at the existing bridge by Johnson Street. There are approximately 1,900 feet of walkway constructed for the Segment 3 project and 5,200 feet of walkway for all 5 segments.

Tri Mountain Excavating, Inc. began construction in mid-September and completed the work in mid-November. The trail has been opened for public.

**85th Avenue Access Road:** This access road begins from the southerly end of 85th Avenue, crosses the Clean Water Services (CWS) property, and ends at Cook Park. This project is part of the Cook Park Expansion project. However, the access road was designed by the Engineering Department while the expansion of the park was designed by a consultant. The access road is approximately 12 feet wide by 1,300 feet long and was completed as part of the park expansion by Northwest Earthmovers, Inc. in December 2001.

**Streetlight Pole Refurbishment:** The scope of work included sanding rusted poles, pole bases and mast arms, and using electrostatic force to apply primer and exterior coating to each pole. There were 68 poles painted by Electro-Static Refinishers, Inc. and Ruffin Construction, Inc. These poles are located on Summerfield Drive, Alderbrook Drive and other local streets west of 98th Avenue and north of Durham Road.

### Survey projects

Topographic survey work and construction staking for in-house design projects were performed throughout the calendar year. Other survey projects include the following:

- Right-of-way survey – Commercial Street (95th Avenue to Main Street).
- Lot line adjustment – Lund property.
- Locate property lines where trees may need to be removed (7 times).
- Review 13 partition plats, 11 subdivision plats and various legal descriptions for Private Development projects.
- Establish 3 new Benchmarks with brass disc and elevations.
- Parking lot staking for the Balloon festival.
- Right-of-way descriptions - Gaarde Street Improvements (Phase 1), Walnut Street/Tiedeman Avenue Intersection Realignment and North Dakota Street Improvements.

## Private Development Review

### General

**Update on New Timekeeping System:** The Division purchased and installed new timekeeping software to track staff time on public improvement permits. This ties in with the cost recovery fee structure that was approved by the City Council in February 1999. Detailed reports are being produced on each project that shows the hours worked by staff members. The Division is in the process of making refinements to the program so that the reports are easier for general staff to understand.

### Construction Activity

**Permits Issued:** As of December 2001, the Engineering Department processed 90 new permits, of which 80 have thus far been issued. Of the permits issued, 58 were Street Opening Permits (for minor work in the right-of-way) within the Tigard city limits, 6 were Street Opening Permits within the Urban Services Boundary (USB), 12 were for larger projects (street improvements, main utility line extensions, subdivisions, etc.) within the Tigard city limits, and 3 were for larger

projects within the USB. The larger projects within the City will comprise approximately 1.7 million dollars in public improvements, while the larger project within the USB will comprise approximately 1.6 million dollars in public improvements.

**Construction Highlights:** There were a mixture of single-family subdivisions and commercial projects this past year that have contributed, or will contribute, additional public improvements in the City this year and into next year.

**Pacific Crest**
This project currently lies within the USB and is north of SW Bull Mountain Road, south of SW Fern Street, west of SW Essex Drive. The project will consist of 65 single-family detached homes and will include the westerly extension of SW Mistletoe Drive, and an easterly extension of SW Catalina Drive. Construction of the public improvements began in September 2001, and is scheduled to be completed Spring 2002.

**Quail Hollow-South**
This project is within the City limits and is east of and adjacent to SW Greenfield Drive and south of and adjacent to SW Gaarde Street. The project features 60 single-family attached lots and will be an extension of the Brownstone Homes development in Quail Hollow West. Construction of the public improvements began in September 2001, and the improvements are nearing substantial completion.

## Other Accomplishments

- City Council, through Resolution No. 01-06, formed the Transportation Financing Strategies Task Force to evaluate alternative sources of funds for transportation-related improvements and make recommendations to City Council for implementation. At the August 28, 2001 Council meeting, the Task Force recommended approval for a Street Maintenance Fee Study. The study was authorized by Council and has been ongoing for the past five months. The initial findings of the study were reported to the Task Force at the January 17, 2002 meeting for review and discussion. The draft report is scheduled to be presented to the Task Force on February 21, 2002, and is scheduled to be presented to Council at the March 19, 2002 City Council workshop meeting.

- The Transportation System Plan (TSP) had been going through the public process for adoption for over a year. The Engineering Department funded the TSP Update Study through the Capital Improvement Program. The City Engineer had been involved in the process of TSP development from the beginning of the study to its submittal to City Council for review and approval. A workshop session with City Council was held in November 2001 to review the TSP prior to adoption. Council adopted the TSP at its meeting on January 8, 2002.

- The Priorities 2002 process provided the City with an opportunity to submit projects for Federal funding through the Metro approval process. The City submitted the Greenburg Road project from Washington Square Drive to Tiedeman Avenue for rights-of way acquisition and partial construction. The project was approved for rights-of way acquisition only. That project is now approved for both preliminary engineering (Priorities 2000) and rights-of-way acquisition. The project agreement with Oregon Department of Transportation (ODOT) for

preliminary engineering is now being developed by ODOT and will be submitted to City Council for approval within the next few months.

## Goals

- **Transportation Funding**

  Continue working with the Transportation Financing Strategies Task Force to identify and develop alternative funding sources for preventative maintenance and reconstruction and widening of major streets.

  Prepare the Street Maintenance Fee Study for Council consideration and possible implementation.

- **New Library Construction Committee**

  Continue to provide assistance to the Library Director and the Committee as needed to keep the new library process moving forward. Provide information necessary for the purchase of the selected site. Continue working with the property owner to ensure that the Wall Street Extension project moves forward such that the property for the new library can be purchased. Participate in the consultant selection for design and in the design review process.

- **Citywide Sewer Extension Program**

  Continue implementation of the 5-year Citywide Sewer Extension Program by initiating design projects for construction during the remainder of the fiscal year, and by selecting projects for incorporation in the next fiscal year's Capital Improvement Program.

- **Comprehensive Public Facility Plan**

  Continue to prepare the components of the Public Facility Plan and bring them to Planning Commission and City Council for approval in accordance with the updated work plans.

- **Continue to Develop and Implement the Annual Capital Improvement Program**

- **Continue Private Development Review Process and Inspection of Public Improvements Constructed by Private Development**

- **Bull Mountain Annexation Evaluation**

  Continue to support the Bull Mountain Annexation evaluation by providing information and by assisting the Community Development Director in whatever manner necessary to provide all essential information to City Council for discussion and direction. Followup on Council direction in support of whatever decision is reached regarding the potential annexation.

- **Citywide Vision Support**

  Continue to support the Tigard Beyond Tomorrow process. Review and update the action plans for the Transportation and Traffic element of the process. Coordinate with the other target areas to ensure that the goals, strategies and action plans are in harmony with those in the Transportation and Traffic target area.

- **Citizen Involvement**

  Continue to stress the need to provide timely information to citizens. Provide opportunities for citizens to provide input and communicate with us on a wide variety of issues. Continue to effectively use the City's web page to provide up-to-date information regarding Engineering Department activities. Continue to publicize significant accomplishments through the web and through dedication ceremonies.

- **Summerlake Enhancement**

  Followup with additional studies to determine feasibility of the concept plan proposed by the Summer Lake study consultant. Incorporate any necessary outside consultant assistance in the formulation of next fiscal year's Capital Improvement Program.

- **Regional Meetings**

  Increase Tigard's presence in regional matters through attendance at the Washington County Transportation Advisory and Coordinating Committee meetings. Attend the Metro Transportation Policy Alternatives Committee (TPAC) meetings to the maximum extent possible to stay abreast of decisions made at that level, and to make Tigard's presence felt in those meetings.

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