

120 DAYS = N/A



CITY OF TIGARD

*Community Development
Shaping A Better Community*

CITY OF TIGARD

Washington County, Oregon

NOTICE OF FINAL ORDER BY THE TIGARD CITY COUNCIL

Case Number:	COMPREHENSIVE PLAN AMENDMENT (CPA) 2004-00002
Case Name:	AFFORDABLE HOUSING CODE AMENDMENT
Names of Owners:	N/A
Name of Applicant:	City of Tigard
Address of Applicant:	13125 SW Hall Boulevard Tigard, Oregon 97223
Address of Property:	Citywide
Tax Map/Lot Nos.:	N/A

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS APPROVING A REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT.

THE CITY OF TIGARD PLANNING COMMISSION AND CITY COUNCIL HAVE REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISION'S STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE PLANNING COMMISSION HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON JULY 19, 2004 FOR THE PURPOSE OF MAKING A RECOMMENDATION TO THE CITY COUNCIL ON THE REQUEST. THE CITY COUNCIL ALSO HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON AUGUST 24, 2004 PRIOR TO MAKING A DECISION ON THE REQUEST. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THIS FINAL ORDER.

Request: ➤ The City of Tigard proposes to amend Chapter 6, Housing, of Volume II of the Tigard Comprehensive Plan in order to facilitate the provision of affordable housing within the community and to provide additional evidence of Metro Title 7 compliance.

ZONE: N/A. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Policies 1, 2, 6 and 12; Statewide Planning Goals 1, 2 and 10; and Metro Functional Plan Titles 1, 7 & 8.

Action: ➤ Approval as Requested Approval with Conditions Denial

Notice: Notice was published in the newspaper, posted at City Hall and mailed to:

Affected Government Agencies Interested Parties

The adopted findings of fact, decision and statement of conditions can be obtained from the Planning Division/Community Development Department at the City of Tigard City Hall.

Final Decision:

**THIS IS THE FINAL DECISION BY THE CITY AND
BECOMES EFFECTIVE ON SEPTEMBER 23, 2004.**

The adopted findings of fact, decision and statement of conditions can be obtained from the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon.

Appeal: A review of this decision may be obtained by filing a notice of intent with the Oregon Land Use Board of Appeals (LUBA) according to their procedures.

Questions: If you have any questions, please call the City of Tigard Planning Division or the City Recorder at (503) 639-4171.

CITY OF TIGARD, OREGON

ORDINANCE NO. 04-09

AN ORDINANCE AMENDING CHAPTER 6, HOUSING, VOLUME II OF THE TIGARD COMPREHENSIVE PLAN.

WHEREAS, the City of Tigard finds it necessary to revise Chapter 6 of the Tigard Comprehensive Plan Findings, Policies and Implementation Strategies, Volume II; and

WHEREAS, the City of Tigard Planning Commission held a public hearing on July 19, 2004, regarding amendments to the housing chapter; and

WHEREAS, these amendments are those included in Comprehensive Plan Amendment (CPA) 2004-00002; and

WHEREAS, the proposed amendments are designed to promote the dispersal and facilitate the maintenance of affordable housing within the community; and

WHEREAS, the amendments reflect pre-existing actions taken by the City in recent years that have not, as yet, been incorporated into the Comprehensive Plan; and

WHEREAS, the City of Tigard Planning Commission voted unanimously to recommend Council approval of the proposed amendments shown in Exhibit "A"; and

WHEREAS, the City Council held a public hearing on August 24, 2004, to consider the amendments,

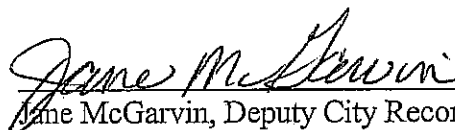
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The proposed amendments are consistent with all relevant criteria based on the facts and conclusions noted in the attached staff report (Exhibit "B").


SECTION 2: The specific text amendments attached to the Ordinance are hereby adopted and approved by the City Council.

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

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 24th day of August, 2004.

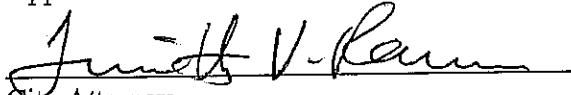

Jane McGarvin, Deputy City Recorder

APPROVED: By Tigard City Council this 24th day of August, 2004.



Craig Dirksen, Mayor

Approved as to form:



City Attorney

8.24.04

Date

Tigard Comprehensive Plan Findings, Policies & Implementation Strategies, Volume II

6. HOUSING

This chapter considers the land and the dwelling units where Tigard residents live. Residential land uses occupy more land area than any other land use in the City.

This chapter addresses the Statewide Planning Goal #10:

"To provide for the housing needs of the citizens of the State."

The plan policies focus on five basic areas: 1) Housing needs; 2) Housing costs; 3) Established residential areas; 4) Housing conditions; and 5) Urban Expansion.

Detailed information concerning housing in Tigard is available in the "Comprehensive Plan Report: Housing."

6.1 HOUSING NEEDS

Findings

- Residential housing in Tigard has been developed as 55.6% single family detached dwellings, 42.7% attached units, and 1.7% manufactured homes.
- The Metropolitan Housing Rule adopted by the Land Conservation and Development Commission states that Tigard must provide for 50% single family and at least 50% single family attached or multiple family units with a minimum of 10 units to the net acre. The Metro Housing Rule applies to only vacant buildable land within Tigard's Urban Planning Area, and does not affect established and developed residential areas.
- The rapid increase in housing and land costs over the last several years has excluded many households from obtaining suitable housing to meet their needs.
- Many of the households that do not desire or are unable to afford conventional single family detached dwellings rely on the rental market or attached dwellings to meet their housing needs.
- The rapidly changing housing market will require the City to periodically reevaluate its housing and land use objectives to provide for a variety of housing types and densities to meet the needs of future residents.
- Approximately 19% of the households in Tigard are inhabited by senior citizens.

- Undue concentrations of public assisted or subsidized housing serves to isolate the recipients of such housing from the mainstream of the community, its full range of basic services and the diversity of its neighborhoods. For this reason, the City should take steps to disperse such housing within individual neighborhoods and throughout the City itself.

POLICY

6.1.1 THE CITY SHALL PROVIDE AN OPPORTUNITY FOR A DIVERSITY OF HOUSING DENSITIES AND RESIDENTIAL TYPES AT VARIOUS PRICES AND RENT LEVELS.

(Rev. Ord. 85-03; Ord. 84-38; Ord. 84-29; Ord 96-24)

IMPLEMENTATION STRATEGIES

1. The City shall monitor the rate of development through an annual "land survey," which will function as an up-to-date inventory of land available for future residential needs.
2. The Tigard Community Development Code shall list a broad range of zoning districts which allow for a variety of housing types, and comply with the adopted Metropolitan Housing Rule (50-50 mixture of single family and attached or multiple family at 10 units to the net acre on buildable vacant land).
3. The Tigard Community Development Code, through the Planned Development process, shall establish a procedure to allow properties exhibiting physical constraint characteristics, e.g., steep slopes or floodplains, to develop with density transfers allowable on the site.

In addition, the City shall encourage developers to use the planned development process in all developing areas.

- ~~4. The Tigard Community Development Code shall allow for manufactured homes in manufactured home parks and subdivisions, within specified zoning districts.~~
4. ***The City shall allow for manufactured homes in all residential zoning districts.***
5. The City shall encourage housing development to occur, to the greatest extent possible, on designated buildable lands in areas where public facilities and services can be readily extended to those lands.
6. The City shall provide for opportunities for proposals to develop specialized housing for the area's senior citizens and handicapped based on the needs of these groups by:

- a. Making information available on subsidizing programs;
 - b. Allowing special use housing for these groups in all development districts;
 - c. Requiring the needs of the handicapped to be considered as a part of the Site Design Review process.
7. The City shall coordinate with the Washington County Housing Authority, **private non-profit housing corporations**, H.U.D. and other Federal, State and regional agencies for the provision of subsidized housing programs in Tigard.
 8. The City shall determine through census figures, surveys and organizational reports, such as those prepared by the area Agency on Aging, the extent of the City's need and projected need in the area of low and moderate income housing, senior housing and specialty housing. The City shall encourage the development of such housing types to meet the identified and projected needs.
 9. ***The City shall maintain its long standing intergovernmental agreement with the Washington County Housing Authority that, among other provisions, emphasizes the supply of new Authority-owned affordable housing at dispersed sites within the community.***
 10. ***The City shall establish a fee subsidy program intended to offset fees and charges imposed on affordable housing development. The guidelines for the award of the competitive funds shall give high consideration to projects that facilitate the dispersal of affordable housing within the City.***
 11. ***The City shall encourage maintenance of a sufficient regional residential land supply.***

6.2 HOUSING COSTS

Findings

- The factors that have contributed to increasing housing costs are materials, labor, land costs, financing and regulation costs. (The average sales price of a new single family home increased from \$22,700 in 1970 to \$45,000 in 1976, to over \$76,000 in 1980.)
- Land and regulation costs have dramatically increased the cost of development.
- Construction costs may be reduced by building smaller units and using alternative construction techniques.
- Excessive regulation costs can be reduced by simplifying the application process and reducing unnecessary development standards.
- Financing costs of residential units cannot be controlled by the City of Tigard; however, the City can assist in public facilities and services development through financing mechanisms.

POLICY

6.2.1 THE CITY SHALL DEVELOP CLEAR AND CONCISE DEVELOPMENT REGULATIONS AND STANDARDS TO FACILITATE THE STREAMLINING OF DEVELOPMENT PROPOSALS, AND WILL ELIMINATE UNNECESSARY PROVISIONS WHICH COULD INCREASE HOUSING COSTS WITHOUT CORRESPONDING BENEFIT.

IMPLEMENTATION STRATEGIES

1. The City shall review, revise and update the land division, zoning and sign codes. The corresponding document will be grouped in a single code and identified as the Tigard Community Development Code.
2. The Tigard Community Development Code shall include clear and concise processes for the review and approval of development proposals, to the degree that the quality of the review process is not adversely affected. This will be accomplished by, but not limited to:
 - a. Administrative procedures;
 - b. Application forms; and
 - c. Clear and concise standards for each development process.
3. The City shall seek ways to minimize the cost of housing by encouraging a variety of home ownership alternatives such as, but not limited to, townhouses and condominiums.
4. The City shall continue to support the development of traditional housing types such as single family detached dwellings, duplexes and apartments.
5. The City shall encourage geographic flexibility in the choice of housing.
- 6.3 ESTABLISHED RESIDENTIAL AREAS (REPEALED BY ORDINANCE 98-19 dated 8/25/98)

6.5 HOUSING CONDITIONS

Findings

- A majority of the City's existing units have been built since 1960; and in general, these units are in good condition.
- Most of the upkeep on these structures involves minor mechanical problems, weatherization and painting.

- The City currently does not have any rehabilitation programs for those residential structures that need major repairs. The Washington County Community Action Organization (WCCAO) does administer a weatherization program funded by the federal government to assist low income residents. Other residents of Tigard may rely on federal and State tax incentives for weatherization, as those incentives are available. As many of the existing 20 year-old homes age, more repair and rehabilitation work may be needed in order to maintain the high quality of residential structures that now exist.
- The ~~Housing Authority~~ of Washington County **Community Development Office** operates a Home Repair Program funded by the Federal Government to assist low and moderate income homeowners. The Housing Authority **of Washington County** also operates a Multi-Family Rental Rehabilitation Program funded by the Federal Government, to assist units occupied by low and moderate income tenants.

POLICY

6.5.1 THE CITY SHALL REQUIRE THAT ALL HOUSING UNITS BE:

- a. CONSTRUCTED ACCORDING TO THE OREGON UNIFORM BUILDING CODE OR OTHER APPLICABLE STATE OR FEDERAL STRUCTURAL CODES; AND
- b. MAINTAINED IN A MANNER WHICH DOES NOT VIOLATE THE CITY'S NUISANCE OR **PROPERTY MAINTENANCE REGULATIONS**.ORDINANCE

IMPLEMENTATION STRATEGIES

1. The Tigard Community Development Code will establish a Site Development Review, Conditional Development and Planned Development process in which to review development proposals.
2. The City will continue to administer the Uniform Building Code on all applicable types of construction in Tigard.
3. ***In order to insure continued safe and sanitary housing, the City shall develop a Residential Property Maintenance Code and assign a Housing Inspector to administer it.***
4. ***To assist residents who need financing for home repairs, the City shall encourage residents to utilize the various low interest loan and grant programs offered by the Washington County Office of Community Development through its Housing Rehabilitation Program.***
- 3.5 The City will enforce, where financially feasible, all nuisance ordinances that relate to ~~structure~~ and site appearances. ***The City also will enforce all ordinances that relate to structural soundness.*** The City will encourage

private property owners to comply with all nuisance and **structural** ordinances, which will alleviate the financial burden of the City and its taxpayers to enforce these ordinances.

- 4.6 The City will set reasonable rules in the Tigard Community Development Code for accessory buildings which will protect the character of existing residential neighborhoods.

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