



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

September 5, 2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment  
DLCD File Number 003-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 19, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Amanda Puntton, DLCD Natural Resource Specialist  
Darren Wyss, City of Tigard

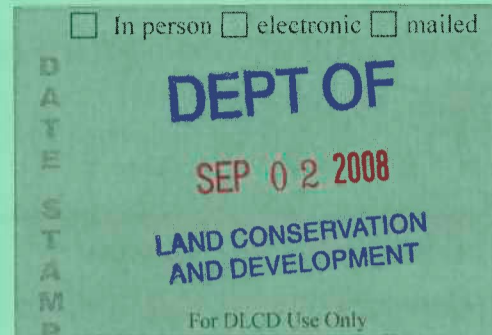
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FORM 2

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Tigard**

Local file number: **CPA 2008-00003**

Date of Adoption: **8/26/2008**

Date Mailed: **8/29/08**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/20/2008**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment                | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
To amend the current Comprehensive Plan to include goals, policies and recommended action measures to reflect current community conditions and values relating to Tigard's Natural Resources and Historical Areas (Statewide Planning Goal 5).

Does the Adoption differ from proposal? Yes, textual changes were made by Planning Commission and Council during the legislative process prior to adoption.

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: **Tigard City Limits**

Acres Involved: **7552**

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

- |                          |                          |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                            | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. 003-08 (16788)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro, ODOT

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Local Contact: **Darren Wyss**  
Address: **13125 SW Hall Blvd.**  
City: **Tigard, OR**

Zip: **97223**

Phone: **(503) 718-2442** Extension:  
Fax Number: **503-718-2748**  
E-mail Address: **darren@tigard-or.gov**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 08-13

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2008-00003 TO UPDATE THE GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES PERTAINING TO NATURAL RESOURCES AND HISTORIC AREAS, STATEWIDE PLANNING GOAL 5, *AS AMENDED.*

WHEREAS, there exist substantially changed conditions and circumstances in the context of Natural Resource and Historic Areas management and protection since adoption of the existing Tigard Comprehensive Plan in 1983; and

WHEREAS, the Tigard City Council directed staff to complete a full update of the Tigard Comprehensive Plan, including a process for garnering citizen input; and

WHEREAS, the Tigard visioning reports, community surveys, and policy interest team meetings were utilized to develop draft language for the update of the Tigard Comprehensive Plan; and

WHEREAS, the City has proposed an amendment to the Tigard Comprehensive Plan Topics 3 by updating Goals, Policies, and Recommended Action Measures corresponding to Statewide Planning Goal 5; and

WHEREAS, the Tigard Planning Commission held two public hearings, which were noticed in accordance with City standards, on June 2, 2008, and June 16, 2008, and recommended approval of the proposed CPA 2008-00003 by motion and with unanimous vote; and

WHEREAS, on August 26, 2008, the Tigard City Council held a public hearing, which was noticed in accordance with City standards, to consider the Commission's recommendation on CPA 2008-00003; and

WHEREAS, on August 26, 2008, the Tigard City Council adopted CPA 2008-00003 by motion, as amended, pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt CPA 2008-00003 is based on the findings and conclusions found in the City of Tigard staff report dated August 13, 2008, and the associated record, which are incorporated herein by reference and are contained in land-use file CPA 2008-00001.

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

- SECTION 1: Tigard Comprehensive Plan is amended to include new text and to rescind existing text as shown in "**EXHIBIT A**"; and
- SECTION 2: 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 26<sup>th</sup> day of August, 2008.

Catherine Wheatley  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 26<sup>th</sup> day of August, 2008.

C. Dirksen  
Craig Dirksen, Mayor

Approved as to form:

Janette V. Kamin  
City Attorney

8.26.08



Certified to be a True Copy of  
Original on File

By: Carol A. Kruger  
Deputy Recorder - City of Tigard

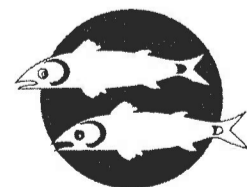
Date: Aug 28, 2008

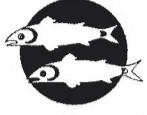
EXHIBIT A



# Natural Resources and Historic Areas

*“To protect natural resources and conserve scenic  
and historic areas and open spaces.”*





**NATURAL RESOURCES AND HISTORIC AREAS**

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**ADOPTED AMENDMENTS**

<b>DATE</b>	<b>CPA#</b>	<b>CHANGES</b>
08-26-08	2008-00003	Entire chapter updated by Ordinance 08-13

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**SECTION COVER PHOTO: CITY STAFF**  
Tualatin River.



Each community possesses certain natural and historic resources that help to establish its identity. Tigard is fortunate to contain a variety of these resources that contribute to its high quality of life. From the riparian corridors along the Tualatin River and its tributaries, to the City's wetlands, to the upland habitat resources, the community's natural resources are a visual and ecological asset. The historic and cultural resources of the community represent a part of the community that provides a living history of the area. Protecting and conserving these resources are vital components to a successful land use planning program.

*"The community's natural resources are a visual and ecological asset."*

#### **GOAL 5: Natural Resources, Areas, and Open Spaces**

*"To protect natural resources and conserve scenic and historic areas and open spaces."*

As awareness of the importance of natural and historic resources and their relationship to the quality of life has increased, so has concern for protecting these resources. Protecting the City's valuable natural and historic resources is thus one of Tigard's primary goals. In addition, the City must comply with federal, state, and regional laws protecting the resources, including sensitive, threatened, and endangered species and their habitats. The following resources are addressed in this chapter:

- Fish and Wildlife Habitat
- Wetlands
- Streams
- Groundwater
- Historic and Cultural Resources

As Tigard's population continues to grow, so does the potential for conflict between the desire to preserve resources and the need to provide adequate land for growth. As development patterns change to accommodate growth, more pressure is placed on the resources that are present. The tension between the built and natural environments results from the competition for land resources. The steady trend of growth and development further necessitates the importance of finding a suitable balance in the future, both locally and regionally.





## Fish and Wildlife Habitat

Despite growing urbanization, Tigard and the surrounding area remain home to an impressive diversity of birds, mammals, fish, amphibians and reptiles. Fish and wildlife species depend on a complex array of habitat conditions for their food, water, mobility, security, and reproductive needs. Wildlife habitat within the City of Tigard is heavily concentrated adjacent to water bodies, such as Summer and Fanno Creeks, Summer Lake, and the wetlands in Cook Park. However, there are patches of upland habitat in drier, higher elevations across the City, such as the forested ravines of Bull Mountain. This upland vegetation not only contributes in providing protective cover for wildlife, but also contributes to the aesthetic quality of the community and serves as an essential element in controlling runoff and soil erosion, moderating temperatures, and reducing air pollution.

A number of agencies are involved in the effort to address the management and protection of fish and wildlife habitat. In 2000, Metro began work on a regional inventory of significant fish and wildlife habitat, focusing on riparian corridor and wildlife habitat resources. Shortly after completion of the inventory in 2002, the Tualatin Basin Partners for Natural Places, an alliance between Washington County and local cities (including Tigard) working with Metro, Tualatin Hills Parks and Recreation District and Clean Water Services, was formed to meet relevant federal, state, and regional requirements. Metro entered into an intergovernmental agreement (IGA) with the Tualatin Basin Partners for Natural Places to develop a basin-specific approach to protect Goal 5 (riparian and wildlife habitat) resources in compliance with Metro's Urban Growth Management Functional Plan, Title 3 (Water Quality and Flood Management) and Title 13 (Nature in Neighborhoods). The result of the IGA was the City adopting the Significant Habitat Areas Map and voluntary habitat friendly development provisions in December 2006 that seek to protect the wildlife habitat identified within the community. The provisions include an opportunity for low impact development practices that can reduce impacts to the identified resources.

The Tualatin Basin Partners for Natural Places used the regional habitat inventory as the basis for conducting a general analysis of the Economic, Social, Environmental, and Energy (ESEE) consequences of allowing, limiting, or prohibiting uses that would negatively impact inventoried resources. The site-specific component of the ESEE analysis provided a more localized analysis and an opportunity to refine the Basin-wide "limit" decision where necessary.



The analysis results show that the City of Tigard has 588 acres of habitat designated as “highest” value (i.e. Metro inventoried Class I and II riparian resources within the Clean Water Services Vegetated Corridor). An estimated 370 acres of Class I and II riparian habitat situated outside the Clean Water Services’ vegetated corridor are designated as “moderate” value. In addition, 422 acres of non-Class I and II riparian resources within the City are designated as “lowest” value, including both upland and lower-value riparian habitat areas.

### Wetlands

Wetlands, including swamps, bogs, fens, marshes, and estuaries, play a crucial role in a healthy ecosystem by providing essential habitat for waterfowl, fish, amphibians and many other animal and plant species. The state defines a wetland as an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (Oregon Administrative Rule (OAR) 660-023-0100). These areas also serve several natural hydrologic functions, including absorbing flood waters, sustaining summer stream flows, replenishing groundwater, and filtering out harmful pollutants from waterways. Wetlands also offer prime sites for people to witness the wonders of a unique natural setting where fish, wildlife, plants, and water converge. These beneficial functions of wetlands, however, may be adversely affected by human activities such as encroachment through development, alterations to natural drainage patterns, pollution, and the introduction of nuisance plant species.

*“Wetlands  
also offer  
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As outlined under OAR 141-086 for Wetland Conservation Planning, Tigard’s locally significant wetlands were designated according to the criteria and procedures for identification of significant wetlands adopted by DSL. Inventoried wetlands were deemed significant if they received the highest rating on at least two of the four primary wetland functions, namely wildlife habitat, fish habitat, water quality, and hydrological control. Of the wetlands (within the City limits) identified in Tigard’s Local Wetlands Inventory, roughly 98% are classified as significant wetlands.



In 1997, the City of Tigard Local Wetlands Inventory (LWI) and Wetlands Assessment were approved by DSL. Approval by DSL means that the wetlands inventory meets state LWI standards, and therefore becomes part of the State Wetlands Inventory and must be used in lieu of the National Wetlands Inventory.

Since the approval of the LWI, several new wetland delineations have occurred within the city limits. These new delineations were performed by wetland professionals and concurred by DSL. The newly delineated wetlands become part of the LWI, although a function assessment was not performed. Without the assessment, significance cannot be determined. However, the majority of the newly delineated wetlands is currently under protection from the City's sensitive lands review process because of their location in a stream corridor, 100-year floodplain, or within the CWS vegetated corridor. The remaining wetlands, although not covered by the City's sensitive lands review process, are subject to the state Removal-Fill Law and must secure permits as required by the law.

### Streams

Roughly 30 miles of stream corridors cross through the City and nearly all the streams in Tigard drain into Fanno Creek, which then flows into the Tualatin River. These stream corridors provide a complex ecosystem linking water, land, plants, and animals. They perform several ecological functions, including storing and conveying surface water, modulating flows, removing pollutants, and providing vital habitat for aquatic organisms.

The City collaborates with Clean Water Services (CWS), the surface water management and sanitary sewer system utility for urban Washington County, to protect local water resources. Through CWS Design and Construction Standards, local governments in the Tualatin Basin (including Tigard) developed a unified program to address water quality and flood management requirements for Title 3 of Metro's Urban Growth Management Functional Plan.

In 2002, the City of Tigard adopted regulations restricting development within, and adjacent to, sensitive water resource areas, including streams, through standards in the CWS Design and Construction Standards. The CWS standards provide for vegetated corridor buffers, ranging from 15 to 200 feet wide, and mandate restoration of corridors in marginal or degraded condition. In addition, land-use applicants proposing development near streams and wetlands are required to prepare a site assessment and obtain approval from CWS prior to submitting a land use application to the City.



Additionally, the Tigard Community Development Code (18.775) contains a chapter devoted to the protection of sensitive lands, including natural drainage-ways, wetlands, and the 100-year floodplain, by requiring applicants proposing development within a sensitive area to obtain a permit for certain activities depending on their nature and intensity.

The City of Tigard also collaborates in implementing Clean Water Services' Healthy Streams Plan (June 2005). The goal of this plan is to improve watershed and stream health for community benefit by recommending a number of policy and program refinements, as well as outlining a capital projects program. The capital projects focus on stream preservation and enhancement, flow restoration, community tree planting, stormwater outfall and culvert replacement.

## Groundwater

The importance of groundwater to the community is twofold. First, it serves the function of naturally replenishing surface waters such as wetlands, streams, and lakes. This helps provide vital habitat for aquatic organisms and wildlife. Secondly, it is a source of clean water to help meet human water needs for drinking, household use, commercial/industrial use, and irrigation.

The western portion of the City of Tigard is located above the Cooper Mountain/Bull Mountain Critical Groundwater Area. The Critical Groundwater Area was declared in 1973 in response to heavy pumping and the slow rate of recharge. This is significant because the City owns water rights to withdraw groundwater from the aquifer and it was once an important source of drinking water. Currently, the City of Tigard Water Division has one groundwater well in operation that is available to supplement the drinking water supply in times of high demand. The Water Division has also developed Aquifer Storage Recovery wells that allow potable water to be injected into the aquifer during the winter to supplement the summer high demands.

## Historic and Cultural Resources

In 1984, the City adopted a Cultural Resource Overlay District to manage significant historic resources. Section 18.740 of the Community Development Code governs the application and removal of the district overlay, the primary purpose of which is to facilitate the protection, enhancement, and conservation of landmarks and historic and cultural sites and areas. Under state law (ORS 197.772) enacted in 1995, a local government is required to allow a property owner to



remove a historic property designation that was imposed by the local government; in addition, the property owner may refuse to consent to the designation at any time in the process, thus removing the property from consideration for all but the National Register of Historic Places. The implication of the statute and rule for Tigard's current historic code provisions is that if the property designation does not have owner consent, the provisions are no longer relevant or enforceable.

Local conservation efforts can be combined with the National Register of Historic Places (the National Register), a list of cultural resources of national, regional, state, or local significance that is kept by the Department of the Interior's (DOI) National Park Service (NPS). Being listed on the Register does not protect a property from demolition, but it does document and evaluate the property's historic significance based on National Register criteria and makes the property eligible for federal grants when available, including rehabilitation tax credits.

Many of the cultural resources associated with the original development of the Tigard area have not survived the City's growth during the last forty years. Improvements to Hwy 99W also contributed to the demise of the City's resource base. Those resources that survived include a mix of residential, educational, and commercial buildings.

Currently, nine resources have the overlay designation. Two sites, the John F. Tigard House and the Shaver-Bilyeu House, are listed on the National Historic Register. The only property from which the overlay has been removed was the Tigard Feed and Garden Store when the owner initiated the removal request. Chapter 18.740 of the Community Development Code requires that if an overlay property receives approval for demolition, a condition of approval will require submittal of a graphic and pictorial history and artifacts to the Washington County Museum.

**KEY FINDINGS:**

- City sustainability programs will be evaluated for inclusion in the Capital Improvement Plan and may have an impact on future building renovations as it relates to the Tigard Community Development Code.
- The citizens of Tigard are concerned about population increases and the impact upon the community.



- Clean Water Services' Design and Construction Standards establish a vegetated corridor buffer adjacent to the City's streams to protect water quality; the City adopted these standards in 2002.
- In addition to contributing to the general aesthetic quality of the area, streams and the adjacent riparian areas perform several ecological functions.
- Roughly 98% of the City's wetlands are classified as "locally significant wetlands," per procedures outlined under OAR 141-086.
- The Tigard Community Development Code requires Sensitive Lands Review for any development which would impact significant wetlands or the vegetated corridor buffer to wetlands.
- Wetlands may be adversely affected by human activities such as encroachment through development, alterations to natural drainage patterns, pollution, and the introduction of nuisance plant species.
- Based on the Economic, Social, Environmental and Energy (ESEE) analysis conducted by the Tualatin Basin Partners for Natural Places, 588 acres of the inventoried regionally significant habitat was designated as "Highest value," 370 acres was designated as "moderate value," and 422 acres was designated as "lowest value."
- In December 2006, the City of Tigard adopted the Significant Habitat Areas Map and voluntary Habitat Friendly Development Provisions (Ordinance 06-20) that encourages the protection of habitat with the use of low impact development practices.
- The Critical Groundwater Area on Cooper Mountain and Bull Mountain was declared by the State of Oregon in 1973 and restricts the withdrawal of groundwater on the western half of the City.
- Groundwater wells currently in operation are limited to one traditional well and two aquifer storage recovery (ASR) wells.

*"Roughly 98% of the City's wetlands are classified as 'locally significant wetlands.'"*



- In 1984, the City adopted a Historic Overlay District to manage significant historic resources.
- In 1995, ORS 197.772 required local governments to allow a property owner to remove a historic property designation that was imposed by the local government. The implication for Tigard's current historic code provisions is that if the property designation does not have owner consent, the provisions are no longer relevant or enforceable.
- Nine resources have the overlay designation. Two sites, the John F. Tigard House and the Shaver-Bilyeu House, are listed on the National Historic Register; only the Tigard house has the Historic District overlay.
- The citizens of Tigard value trees and natural resources and feel that protecting these resources will benefit the community.
- The citizens of Tigard are concerned about the impact of growth on the community's natural resources.

**GOAL:**

- 5.1 Protect natural resources and the environmental and ecological functions they provide and, to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

**POLICIES:**

1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:
  - A. contribute to the City's scenic quality and its unique sense of place;
  - B. provide educational opportunities, recreational amenities, and buffering between differential land uses;
  - C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and
  - D. result in healthy and naturally functioning systems containing a high level of biodiversity.
2. The City shall demonstrate leadership in natural resource protection through the use of sustainable building practices and low impact development strategies, to the extent feasible, on all City projects.



3. The City shall provide options to conventional construction and site planning techniques, and incorporate sustainable and low-impact building and site planning technologies into City codes and standards as they become available.
4. The City shall actively coordinate and consult with landowners, local stakeholders, and governmental jurisdictions and agencies regarding the inventory, protection, and restoration of natural resources.
5. The City shall utilize periodic assessments of the effectiveness of the City's programs and regulatory structures to guide future decisions regarding natural resource protection, management, and restoration.
6. The City shall utilize incentives or disincentives, to the extent feasible, to discourage property owners from removing or degrading natural resources prior to application for development or annexation.
7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.
8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.
9. The City shall implement measures to protect groundwater.
10. The City shall complete a baseline inventory of significant natural resources and update or improve it as necessary, such as at the time of Comprehensive Plan Periodic Review, changes to Metro or State programs, or to reflect changed conditions, circumstances, and community values.
11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.
12. The City shall develop and implement standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection over mitigation.





13. The City shall identify, preserve, and create linkages between wildlife habitat areas, to the extent feasible, as a key component of parks, open space, and surface water management plans.

**RECOMMENDED ACTION MEASURES:**

- i. Identify and inventory locally significant natural resources not included in the Nature in Neighborhoods and Tualatin Basin Natural Resources Coordinating Committee studies.
- ii. Utilize an adaptive management approach that seeks to improve natural resource standards and programs by establishing a measurable baseline condition and desired end goals, periodically measuring the success of existing city actions against those goals, and making corrections as necessary to improve success.
- iii. Inventory and preserve small perennial streams as natural resources for their contributions to fish and wildlife habitat.
- iv. Periodically identify and take steps to improve the effectiveness of existing natural resource protections with the Development code.
- v. Continue membership and active involvement with nonprofit and government agencies such as the Tualatin Basin Natural Resources Coordinating Committee.
- vi. Incorporate bioregional and watershed based conservation strategies, such as those identified in the Oregon Conservation Strategy and Clean Water Service's Healthy Streams Plan into regulations and restoration programs.
- vii. Utilize indicators of biodiversity as a measure of the quality and health of natural resource systems, and as a measure of success of City actions and strategies.
- viii. Implement a program to assist the state in identifying and canceling unused water rights within Tigard for the purpose of stabilizing or reducing surface and groundwater diversion and extraction.



- ix. Protect and restore natural resources through a variety of methods including, but not limited to, the use of land management regulations and incentives that encourage habitat friendly development and provide flexibility in meeting state and regional land use goals.
- x. Implement outreach and regulatory programs to identify and remove invasive species that threaten habitat areas.
- xi. Identify and implement measures to protect riparian vegetation necessary for erosion control, water quality, and fish and wildlife habitat.
- xii. Identify and implement measures to maintain and, where possible, restore hydrologic systems and regimes that support fish and wildlife, provide flood control, and enable natural recharge of groundwater and other ecological and community benefits.
- xiii. Work with regional and state agencies to identify and address potential sources of contamination.
- xiv. Identify and implement measures to reduce the amount of impervious surface area covering the City that prevents the natural recharge of groundwater aquifers.
- xv. Develop and utilize incentives to foster private investment in green building techniques and technologies.

**GOAL:**

- 5.2 Promote the preservation and protection of historically and culturally significant resources.

**POLICIES:**

- 1. The City shall actively promote the protection and preservation of historic and cultural resources and consider the development and implementation of new culturally significant resources, and cooperate with organizations involved in their protection.



**RECOMMENDED ACTION MEASURES:**

- i. Promote and publicize historic resources in the City.
- ii. Support volunteer programs to preserve historic resources.
- iii. Encourage rehabilitation and reuse of historic buildings to the extent feasible.
- iv. Consider holding City functions in historic buildings, where appropriate.
- v. Support efforts to obtain historic designation at the city, county, state, and national levels for public and private historic sites.
- vi. Facilitate the development of appropriate economic options and alternatives for historic and cultural resources and organizations involved in their protection, when requested.

### 3. NATURAL FEATURES AND OPEN SPACE

This chapter addresses a broad range of topics all having to do with the natural resources located within the Tigard Urban Planning Area. This chapter reflects the concerns expressed in several of the Statewide Planning Goals including:

- Goal #3 Agricultural Lands; Goal #4 Forest Land; Goal #5 Open Spaces; Scenic and Historic Areas and Natural Resources; Goal #7 Areas subject to Natural Disasters and Hazards; and Goal #8 Recreational Needs.

The natural environments within the planning area offer many opportunities for a unique and healthy urban development. These environments, when viewed as a series of systems rather than isolated features, will provide Tigard with those elements necessary for a healthy place in which to live, work and play. Floodplain greenways, for example, can provide the community with an excellent system of open space links between neighborhoods and services, in addition to providing a relatively inexpensive system for storm water runoff. It is to the community's benefit that consideration be given to both the opportunities and the limitations of the various environments within the planning area.

The natural environments included within the planning area all have their own respective limitations with regard to urbanization. Development pressure upon lands with such limitations can have profound effects on the environment. Erosion of steep slopes caused by inappropriate development, for instance, does not occur as an isolated incident. Soil type, permeability, vegetation and drainage all play major roles in and are effected by development. Likewise, the effects of inappropriate development located within the floodplain areas could have adverse effects on properties both up and down stream from the development site. The social, cultural and economic values of such resource lands could be reduced by the effects of urban development nearby. The limitations of the various environments should be considered in reviewing new development within the planning area.

The recognition of the natural environment in the planning area and the development of findings and policies which address the characteristics of the environment are extremely important elements in the Comprehensive Plan. The purpose of this chapter is to define the parameters of the various natural environments in the planning area and to identify the limitations and opportunities inherent in those environments.

Additional information on this topic is available in the "Comprehensive Plan Report: Natural Features and Open Spaces."

#### 3.1 WETLANDS

##### POLICY

3.1.1 THE CITY SHALL NOT ALLOW DEVELOPMENT IN AREAS HAVING THE FOLLOWING DEVELOPMENT LIMITATIONS EXCEPT WHERE THE DEVELOPER DEMONSTRATES THAT GENERALLY ACCEPTED ENGINEERING TECHNIQUES RELATED TO A SPECIFIC SITE PLAN WILL MAKE THE AREA SUITABLE FOR THE PROPOSED DEVELOPMENT. (NOTE: THIS POLICY DOES NOT APPLY TO LANDS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP.);

- a. AREAS MEETING THE DEFINITION OF WETLANDS UNDER CHAPTER 18.26 OF THE COMMUNITY DEVELOPMENT CODE;

(Rev. Ord. 85-13; Ord. 84-36; Ord. 07-20)

#### 3.2 FLOODPLAINS

3.2.1 THE CITY SHALL PROHIBIT DEVELOPMENT WITHIN AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP. NO DEVELOPMENT SHALL OCCUR ON PROPERTY ADJACENT TO AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP WITHIN TWENTY FIVE (25) FEET OF THE DESIGNATED

~~WETLANDS AREA. DEVELOPMENT ON PROPERTY ADJACENT TO SIGNIFICANT WETLANDS SHALL BE ALLOWED UNDER THE PLANNED DEVELOPMENT SECTION OF THE CODE.~~

~~(Rev. Ord. 06-01; Ord. 98-19; Ord. 99-22; Ord. 85-13; Ord. 84-36; Ord. 07-20)~~

~~3.3 NATURAL RESOURCES~~

~~Findings~~

- ~~• Currently, there are extensive rock and gravel extraction areas located to the north and west of Tigard's planning area within Beaverton and Washington County.~~
- ~~(Rev. Ord. 01-07)~~
- ~~• There is one active mineral or aggregate resource within the Tigard Planning Area, known as the Durham Pits, which is operated by Washington County.~~

~~POLICY~~

- ~~3.3.1 THE CITY OF TIGARD SHALL SUPPORT THE EFFORTS OF WASHINGTON COUNTY, BEAVERTON AND THE METROPOLITAN SERVICE DISTRICT TO ENSURE THE AVAILABILITY OF THE ROCK MINERAL RESOURCES.~~

~~IMPLEMENTATION STRATEGY~~

- ~~1. The City shall encourage those jurisdictions regulating rock extraction to closely monitor the relationship between the demand for the resource and the amount of land planned for rock and gravel extraction and processing.~~

~~3.4 NATURAL AREAS~~

~~Findings~~

- ~~• There are a variety of plants, animals and water fowl within the Tigard planning area which add greatly to the quality of life within the community.~~
- ~~• Each species requires a complex and, often, a narrowly specific set of conditions with respect to food, water and vegetative cover or other natural features necessary for escape and reproduction.~~
- ~~• The significant plant communities and animal habitat areas are the riparian vegetation adjacent to the water resources in the community, and various stands of timber and brush.~~
- ~~• Development adjacent to existing wildlife areas can adversely affect these areas and in some instances can virtually eliminate these needed wildlife habitat areas.~~
- ~~• Vegetation contributes to the aesthetic quality of the community. Vegetation controls erosion, absorbs sound and moderates temperatures. It also affects the flow and moisture content of the air, reduction of air pollution and glare, and softens the impact of the urban environment.~~
- ~~• Statewide goal 5 requires local jurisdictions to inventory the location, quantity, and quality of resource sites located within their jurisdictions.~~
- ~~• The City has completed an inventory of the location and quantity of the wetland sites within its Active Planning Area. This inventory does not include information on the full range of functions and values of wetland areas as required by Goal 5 inventory standards.~~
- ~~• When adequate information is not available on a resource site, OAR 660-16-000 requires a local government to adopt a plan policy expressing its intent to address Goal 5 requirements relative to the site in the post acknowledgment period.~~

~~POLICIES~~

- ~~3.4.1 THE CITY SHALL DESIGNATE, IN ACCORDANCE WITH GOAL 5, THE FOLLOWING AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN:~~

- ~~a. SIGNIFICANT WETLANDS;~~
- ~~b. AREAS HAVING EDUCATIONAL RESEARCH VALUE, SUCH AS GEOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS; AND~~
- ~~c. AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANTS, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES, OR SPECIFIC NATURAL FEATURES, VALUED FOR THE NEED TO PROTECT NATURAL AREAS.~~

3.4.2 THE CITY SHALL:

- ~~a. PROTECT FISH AND WILDLIFE HABITAT ALONG STREAM CORRIDORS BY MANAGING THE RIPARIAN HABITAT AND CONTROLLING EROSION, AND BY REQUIRING THAT AREAS OF STANDING TREES AND NATURAL VEGETATION ALONG NATURAL DRAINAGE COURSES AND WATERWAYS BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE;~~
- ~~b. REQUIRE THAT DEVELOPMENT PROPOSALS IN DESIGNATED TIMBERED OR TREE AREAS BE REVIEWED THROUGH THE PLANNED DEVELOPMENT PROCESS TO MINIMIZE THE NUMBER OF TREES REMOVED; AND~~
- ~~c. REQUIRE CLUSTER TYPE DEVELOPMENT IN AREAS HAVING IMPORTANT WILDLIFE HABITAT VALUE AS DELINEATED ON THE "FISH AND WILDLIFE HABITAT MAP" ON FILE AT THE CITY.~~
- ~~d. ADDRESS GOAL 5 RULE REQUIREMENTS PERTAINING TO THE PRESERVATION OF WETLANDS ONCE ADEQUATE INFORMATION ON THE LOCATION, QUALITY, AND QUANTITY OF WETLAND SITES IS OBTAINED. THIS GOAL 5 REVIEW WILL INCLUDE DETERMINING WHICH WETLAND SITES ARE ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT. CITIZENS WILL PARTICIPATE IN MAKING POLICY RECOMMENDATIONS FOR THE PROTECTION AND PRESERVATION OF THOSE WETLAND AREAS DESIGNATED AS SIGNIFICANT. THE CITY SHALL COMPLETE ITS GOAL 5 REVIEW OF WETLAND AREAS BEFORE THE CITY'S NEXT PERIODIC REVIEW, BUT NO LATER THAN DECEMBER 23, 1996.~~

(Rev. Ord. 85-13; Ord. 93-30)

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IMPLEMENTATION STRATEGIES

- ~~1. The City shall consider the inclusion of an adequate amount of land adjacent to a floodplain or drainageway for dedication to the City's natural greenway system, which allows the area to continue to support existing habitats.~~
- ~~2. The City shall encourage, through the Planned Development Process, the retention of large, varied habitat areas on private and public lands including inventoried plant and animal communities.~~
- ~~3. The City shall review all development proposals adjacent to wildlife habitat areas to ensure that adverse impacts on any wildlife habitat areas are minimized and, if need be, request that other federal, state and local agencies review the development proposals.~~
- ~~4. Where there exist large or unique stands of trees or major vegetation areas within the planning area on undeveloped land, the City shall ensure that development proposals do not substantially alter the character of the vegetation areas through the Planned Development Process and the "Tree Cutting" section of the Community Development Code.~~

3.7 HISTORICAL CULTURAL RESOURCES

Findings

- ~~Historic features provide a link with the past and add character and variety to the community design. Unfortunately, much of Tigard's heritage has already been lost to unmanaged development with only a few distinct structures remaining.~~

- ~~• The design of developments within the community can be regarded from two viewpoints; the design of structures as they relate to site and function (architectural design), and their relationship to the surrounding area (community design). Both aspects are of equal importance.~~
- ~~• Good architectural design is necessary to provide visual variety and allow for individual identity. At the same time, good community design provides a sense of unity with other development while eliminating conflicting appearances.~~

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**POLICY**

- ~~3.7.1 THE CITY SHALL IDENTIFY AND PROMOTE THE PRESERVATION AND PROTECTION OF HISTORICALLY AND CULTURALLY SIGNIFICANT STRUCTURE, SITE, OBJECTS AND DISTRICTS WITHIN TIGARD.~~

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**IMPLEMENTATION STRATEGIES**

- ~~1. To preserve the community's history, an index of historic sites shall be developed and made available to the general public. A program shall be developed to acquire and/or restore a number of historic structures identified as significant. The City should consider the renovation of a historic structure as an historic museum or cultural center and meeting hall such as Durham School, Ye Old Windmill and John Tigard Home.~~



**City of Tigard** (Revised 8/20/08 to add Executive Session topic: Pending Litigation)  
 (Revised 8/22/08 to add Amendment to Resolution No. 08-06, the Resolution of  
 Necessity for Burnham Street and Ash Avenue Improvements, Item No. 4)

# Tigard Business Meeting – Agenda

## TIGARD CITY COUNCIL, & LOCAL CONTRACT REVIEW BOARD (LCRB)

MEETING DATE: August 26, 2008  
 MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223  
 ☎

**PUBLIC NOTICE:**

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

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

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

**CABLE VIEWERS:** The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:45 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.

SEE ATTACHED AGENDA

**TIGARD CITY COUNCIL/LCRB– August 26, 2008**





## City of Tigard Tigard Business Meeting – Agenda

### TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD (LCRB)

MEETING DATE/TIME: August 26, 2008/6:30 p.m. Study Session and 7:30 p.m. Business Meeting  
MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

- STUDY SESSION
  - Discuss Whether to Participate in the *Oregon 150 Celebration*
  - EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660(2) (e) and (h) to discuss real property transaction negotiations and for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
  - 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

7:35 PM

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
  - Citizen Communication – Sign Up Sheet
  - Follow-up to Previous Citizen Communication
3. CONSENT AGENDA: *(Tigard City Council, Local Contract Review Board & City Center Development Agency) 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*
  - 3.1 Approve City Council Minutes for June 17 and 24, 2008
  - 3.2 Approve Intergovernmental Agreement Between the City of Tigard and the State of Oregon Department of Transportation for Installation of a Signalized Crosswalk on Hall Boulevard

### TIGARD CITY COUNCIL/LCRB– August 26, 2008

- 3.3 Approve Intergovernmental Agreement with Clean Water Services to Develop a Private Water Quality Facility Management Plan
- 3.4 Name the Tigard Library Park Shelter as the “Muhammad Sali Memorial Shelter” and Planting a Tree in the General Vicinity of the Shelter in Honor of Drs. H. Achmad Amins, Mayor of Samarinda, Indonesia
- 3.5 Local Contract Review Board:
  - a. Award Contract to Murray, Smith & Associates, Inc. for the Design and Construction Management of the 10-Million Gallon Reservoir Site Improvements Including a Pump Station and Reservoir Seismic Evaluation/Upgrades
  - b. Award Contract to Water Truck Service, Inc. for Street Sweeping Services and Authorize the City Manager to Execute the Contract
- *Consent Agenda - Items Removed for Separate Discussion* 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.
- 4. AMENDMENT TO RESOLUTION NO. 08-06, THE RESOLUTION OF NECESSITY FOR BURNHAM STREET AND ASH AVENUE IMPROVEMENTS
  - a. Staff Report: Community Development Department
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 08-\_\_\_\_\_

5. QUASI-JUDICIAL PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00004/ZONE CHANGE (ZON) 2008-00001 – JIVANJEE ZONE CHANGE

**REQUEST:** The applicant is requesting approval for a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for two lots totaling 1.18 acres from Medium-Density Residential (R-12) to General-Commercial (C-G).

**LOCATION:** 11580 and 11600 SW Hall Boulevard; Washington County Tax Assessor’s Map 1S135DD, Tax Lots 100 and 1600. The site is bounded by SW Hall Blvd. on the west, Hwy. 217 on the east, property zoned C-G on the south, and property zoned C-P on the north.

**CURRENT ZONING:** R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.

**CURRENT COMPREHENSIVE PLAN DESIGNATION:** Medium-Density Residential.

**PROPOSED ZONING:** 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.

**PROPOSED COMPREHENSIVE PLAN DESIGNATION:** General Commercial.

**APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390;

**TIGARD CITY COUNCIL/LCRB- August 26, 2008**

Comprehensive Plan Goals # 8 (Transportation) and # 12 (Locational Criteria); and any applicable Statewide Planning Goals and Guidelines, and any Federal, State, or Metro statues or regulations.

- a. Open Public Hearing – Mayor
- b. Statement by City Attorney Regarding Procedure
- c. Declarations or Challenges
  - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?
  - Have all members 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?
- d. Staff Report: Community Development Department
- e. Public Testimony
  - Applicant
  - Proponents
  - Opponents
  - Rebuttal
- f. Staff Recommendation
- g. Close Public Hearing
- h. Council Discussion and Consideration: Ordinance No. 08-\_\_

6. **LEGISLATIVE PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00003 – TIGARD COMPREHENSIVE PLAN UPDATE PERTAINING TO STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES AND HISTORIC AREAS**

**REQUEST:** To amend the current Comprehensive Plan to include goals, policies and recommended action measures to reflect current community conditions and values relating to Tigard's Natural Resources and Historical Areas. The complete text of the proposed Amendment can be viewed on the City's website at [http://www.tigard-or.gov/code\\_amendments](http://www.tigard-or.gov/code_amendments).

**LOCATION:** Citywide. **ZONE:** All City Zoning Districts.

**APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters Citizen Involvement, Environmental Quality, Hazards, Public Facilities and Services, and Natural Features and Open Spaces; Metro Functional Plan Titles 3 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7 and 11.

- a. Open Public Hearing
- b. Rules of Procedure: City Attorney
- c. Declarations or Challenges
  - Does any Council member wish to declare or discuss a conflict of interest or abstention?
- d. Staff Report: Community Development Department
- e. Public Testimony
  - Proponents
  - Opponents
- f. Staff Recommendation
- g. Council Questions
- h. Close Public Hearing
- i. Council Consideration: Ordinance No. 08-\_\_

**TIGARD CITY COUNCIL/LCRB– August 26, 2008**

7. COUNCIL LIAISON REPORTS
8. NON-AGENDA ITEMS
9. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660(2) (e) to discuss real property transaction negotiations. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
10. ADJOURNMENT


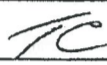

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**TIGARD CITY COUNCIL/LCRB- August 26, 2008**

Agenda Item # \_\_\_\_\_  
Meeting Date August 26, 2008

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Agenda Title: Public Hearing for Comprehensive Plan Amendment (CPA) 2008-00003 Natural Resources and Historic Areas

Prepared By: John Floyd  Dept Head Approval:  City Mgr Approval: 

**ISSUE BEFORE THE COUNCIL**

Shall Council approve the Planning Commission recommendation of June 16, 2008 to adopt the Comprehensive Plan Amendment (CPA2008-00003) to update the goals, policies, and recommended action measures pertaining to Natural Resources and Historic Areas (Statewide Planning Goal 5)?

**STAFF RECOMMENDATION**

Approve the Planning Commission's Recommendation and adopt the proposed Comprehensive Plan Amendment to update goals, policies, and recommended action measures pertaining to Natural Resources and Historic Areas (Statewide Planning Goal 5).

**KEY FACTS AND INFORMATION SUMMARY**

The proposed Natural Resource and Historic Areas Comprehensive Plan Amendment (Statewide Planning Goal.5) is a result of Council's direction to complete a full update of the Tigard Comprehensive Plan. As part of the background research, staff considered relevant findings from past citizen surveys and the Tigard visioning project. This ensured that the expressed values and attitudes of the hundreds of citizens who participated in these efforts were incorporated into the update of the Comprehensive Plan.

Council's direction to update the Comprehensive Plan stressed the importance of garnering citizen input. Staff has done this through Policy Interest Teams (PITs) that met several times for each chapter. Following these meetings, the Planning Commission held two public workshops on May 5 and May 19, 2008 and two public hearings on June 2 and 16, 2008 during which additional public comment was received. On June 16 the Commission unanimously recommended the Council adopt the updated chapter (Attachment 1) included in CPA2008-00003.

This meeting begins the Public Hearing process through which Council must consider the Planning Commission's recommendation and its associated record. Please note that staff has prepared a revised Staff Report (Attachment 2) with updated recommendations, findings and conclusions. Staff finds an updated Staff Report necessary due to the considerable language changes and deliberations that occurred during the Planning Commission hearings in June, and feedback received from Council at the August 5, 2008 Council workshop. Please note that the original staff report is also included in Attachment 4 as Exhibit "A", should the Council wish to review the original.

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**OTHER ALTERNATIVES CONSIDERED**

1. Approve the Planning Commission recommendation and adopt CPA2008-00003.
2. Modify the Planning Commission recommendation and adopt CPA2008-00003.
3. Remand to the Planning Commission to hold additional Hearings and deliberations for future consideration at City Council.

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**CITY COUNCIL GOALS**

Goal 2: Complete the update and begin the implementation of the Comprehensive Plan.

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**ATTACHMENT LIST**

- Attachment 1: Ordinance Approving Comprehensive Plan Amendment 2008-00003  
Exhibit A: Tigard Comprehensive Plan Amendment (Statewide Planning Goal 5)
- Attachment 2: Staff Report to Council  
Exhibit A: Letter from Oregon Department of Fish and Wildlife  
Exhibit B: Letter from Oregon Department of Environmental Quality  
Exhibit C: Letter from Tualatin Valley Fire and Rescue  
Exhibit D: Letter from Clean Water Services
- Attachment 3: Memorandum to the Planning Commission – June 9, 2008  
Attachment 4: Planning Commission Meeting Minutes – June 2, 2008  
Attachment 5: Planning Commission Meeting Minutes – June 16, 2008  
Attachment 6: Memo to Council dated June 18, 2008

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**FISCAL NOTES**

N/A

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 08-\_\_\_\_\_

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2008-00003 TO UPDATE THE GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES PERTAINING TO NATURAL RESOURCES AND HISTORIC AREAS, STATEWIDE PLANNING GOAL 5.

WHEREAS, there exist substantially changed conditions and circumstances in the context of Natural Resource and Historic Areas management and protection since adoption of the existing Tigard Comprehensive Plan in 1983; and

WHEREAS, the Tigard City Council directed staff to complete a full update of the Tigard Comprehensive Plan, including a process for garnering citizen input; and

WHEREAS, the Tigard visioning reports, community surveys, and policy interest team meetings were utilized to develop draft language for the update of the Tigard Comprehensive Plan; and

WHEREAS, the City has proposed an amendment to the Tigard Comprehensive Plan Topics 3 by updating Goals, Policies, and Recommended Action Measures corresponding to Statewide Planning Goal 5; and

WHEREAS, the Tigard Planning Commission held two public hearings, which were noticed in accordance with City standards, on June 2, 2008, and June 16, 2008, and recommended approval of the proposed CPA 2008-00003 by motion and with unanimous vote; and

WHEREAS, on August 26, 2008, the Tigard City Council held a public hearing, which was noticed in accordance with City standards, to consider the Commission's recommendation on CPA 2008-00003; and

WHEREAS, on August 26, 2008, the Tigard City Council adopted CPA 2008-00003 by motion, as amended, pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt CPA 2008-00003 is based on the findings and conclusions found in the City of Tigard staff report dated August 13, 2008, and the associated record, which are incorporated herein by reference and are contained in land-use file CPA 2008-00001.

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

SECTION 1: Tigard Comprehensive Plan is amended to include new text and to rescind existing text as shown in "**EXHIBIT A**"; and

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney  
\_\_\_\_\_

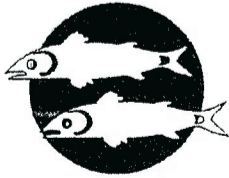


EXHIBIT A



# Natural Resources and Historic Areas

*“To protect natural resources and conserve scenic  
and historic areas and open spaces.”*





NATURAL RESOURCES AND HISTORIC AREAS

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ADOPTED AMENDMENTS

<u>DATE</u>	<u>CPA#</u>	<u>CHANGES</u>
00-00-08	0000-00000	XXXXXX

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SECTION COVER PHOTO: CITY STAFF  
Tualatin River.



Each community possesses certain natural and historic resources that help to establish its identity. Tigard is fortunate to contain a variety of these resources that contribute to its high quality of life. From the riparian corridors along the Tualatin River and its tributaries, to the City's wetlands, to the upland habitat resources, the community's natural resources are a visual and ecological asset. The historic and cultural resources of the community represent a part of the community that provides a living history of the area. Protecting and conserving these resources are vital components to a successful land use planning program.

*"The community's natural resources are a visual and ecological asset."*

**GOAL 5: Natural Resources, Areas, and Open Spaces**

*"To protect natural resources and conserve scenic and historic areas and open spaces."*

As awareness of the importance of natural and historic resources and their relationship to the quality of life has increased, so has concern for protecting these resources. Protecting the City's valuable natural and historic resources is thus one of Tigard's primary goals. In addition, the City must comply with federal, state, and regional laws protecting the resources, including sensitive, threatened, and endangered species and their habitats. The following resources are addressed in this chapter:

- Fish and Wildlife Habitat
- Wetlands
- Streams
- Groundwater
- Historic and Cultural Resources

As Tigard's population continues to grow, so does the potential for conflict between the desire to preserve resources and the need to provide adequate land for growth. As development patterns change to accommodate growth, more pressure is placed on the resources that are present. The tension between the built and natural environments results from the competition for land resources. The steady trend of growth and development further necessitates the importance of finding a suitable balance in the future, both locally and regionally.



## Fish and Wildlife Habitat

Despite growing urbanization, Tigard and the surrounding area remain home to an impressive diversity of birds, mammals, fish, amphibians and reptiles. Fish and wildlife species depend on a complex array of habitat conditions for their food, water, mobility, security, and reproductive needs. Wildlife habitat within the City of Tigard is heavily concentrated adjacent to water bodies, such as streams and wetlands. However, there are patches of upland habitat in drier, higher elevations across the City. This upland vegetation not only contributes in providing protective cover for wildlife, but also contributes to the aesthetic quality of the community and serves as an essential element in controlling runoff and soil erosion, moderating temperatures, and reducing air pollution.

A number of agencies are involved in the effort to address the management and protection of fish and wildlife habitat. In 2000, Metro began work on a regional inventory of significant fish and wildlife habitat, focusing on riparian corridor and wildlife habitat resources. Shortly after completion of the inventory in 2002, the Tualatin Basin Partners for Natural Places, an alliance between Washington County and local cities (including Tigard) working with Metro, Tualatin Hills Parks and Recreation District and Clean Water Services, was formed to meet relevant federal, state, and regional requirements. Metro entered into an intergovernmental agreement (IGA) with the Tualatin Basin Partners for Natural Places to develop a basin-specific approach to protect Goal 5 (riparian and wildlife habitat) resources in compliance with Metro's Urban Growth Management Functional Plan, Title 3 (Water Quality and Flood Management) and Title 13 (Nature in Neighborhoods). The result of the IGA was the City adopting voluntary habitat friendly development provisions in December 2006 that seek to protect the wildlife habitat identified within the community. The provisions include an opportunity for low impact development practices that can reduce impacts to the identified resources.

The Tualatin Basin Partners for Natural Places used the regional habitat inventory as the basis for conducting a general analysis of the Economic, Social, Environmental, and Energy (ESEE) consequences of allowing, limiting, or prohibiting uses that would negatively impact inventoried resources. The site-specific component of the ESEE analysis provided a more localized analysis and an opportunity to refine the Basin-wide "limit" decision where necessary.

The analysis results show that the City of Tigard has 588 acres of habitat designated as "strictly" limit (i.e. Metro inventoried Class I and II riparian resources within the Clean Water Services Vegetated Corridor). An estimated 370 acres



of Class I and II riparian habitat situated outside the Clean Water Services' vegetated corridor are designated as "moderately" limit. In addition, 422 acres of non-Class I and II riparian resources within the City are designated as "lightly" limit, including both upland and lower-value riparian habitat areas.

### Wetlands

Wetlands, including swamps, bogs, fens, marshes, and estuaries, play a crucial role in a healthy ecosystem by providing essential habitat for waterfowl, fish, amphibians and many other animal and plant species. The state defines a wetland as an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (Oregon Administrative Rule (OAR) 660-023-0100). These areas also serve several natural hydrologic functions, including absorbing flood waters, sustaining summer stream flows, replenishing groundwater, and filtering out harmful pollutants from waterways. Wetlands also offer prime sites for people to witness the wonders of a unique natural setting where fish, wildlife, plants, and water converge. These beneficial functions of wetlands, however, may be adversely affected by human activities such as encroachment through development, alterations to natural drainage patterns, pollution, and the introduction of nuisance plant species.

*“Wetlands  
also offer  
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of a unique  
natural  
setting...”*

As outlined under OAR 141-086 for Wetland Conservation Planning, Tigard's locally significant wetlands were designated according to the criteria and procedures for identification of significant wetlands adopted by DSL. Inventoried wetlands were deemed significant if they received the highest rating on at least two of the four primary wetland functions, namely wildlife habitat, fish habitat, water quality, and hydrological control. Of the wetlands (within the City limits) identified in Tigard's Local Wetlands Inventory, roughly 98% are classified as significant wetlands.



In 1997, the City of Tigard Local Wetlands Inventory (LWI) and Wetlands Assessment were approved by DSL. Approval by DSL means that the wetlands inventory meets state LWI standards, and therefore becomes part of the State Wetlands Inventory and must be used in lieu of the National Wetlands Inventory.

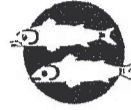
Since the approval of the LWI, several new wetland delineations have occurred within the city limits. These new delineations were performed by wetland professionals and concurred by DSL. The newly delineated wetlands become part of the LWI, although a function assessment was not performed. Without the assessment, significance cannot be determined. However, the majority of the newly delineated wetlands is currently under protection from the City's sensitive lands review process because of their location in a stream corridor, 100-year floodplain, or within the CWS vegetated corridor. The remaining wetlands, although not covered by the City's sensitive lands review process, are subject to the state Removal-Fill Law and must secure permits as required by the law.

### Streams

Roughly 30 miles of stream corridors cross through the City and nearly all the streams in Tigard drain into Fanno Creek, which then flows into the Tualatin River. These stream corridors provide a complex ecosystem linking water, land, plants, and animals. They perform several ecological functions, including storing and conveying surface water, modulating flows, removing pollutants, and providing vital habitat for aquatic organisms.

The City collaborates with Clean Water Services (CWS), the surface water management and sanitary sewer system utility for urban Washington County, to protect local water resources. Through CWS Design and Construction Standards, local governments in the Tualatin Basin (including Tigard) developed a unified program to address water quality and flood management requirements for Title 3 of Metro's Urban Growth Management Functional Plan.

In 2002, the City of Tigard adopted regulations restricting development within, and adjacent to, sensitive water resource areas, including streams, through standards in the CWS Design and Construction Standards. The CWS standards provide for vegetated corridor buffers, ranging from 15 to 200 feet wide, and mandate restoration of corridors in marginal or degraded condition. In addition, land-use applicants proposing development near streams and wetlands are required to prepare a site assessment and obtain approval from CWS prior to submitting a land use application to the City.



Additionally, the Tigard Community Development Code (18.775) contains a chapter devoted to the protection of sensitive lands, including natural drainage-ways, wetlands, and the 100-year floodplain, by requiring applicants proposing development within a sensitive area to obtain a permit for certain activities depending on their nature and intensity.

The City of Tigard also collaborates in implementing Clean Water Services' Healthy Streams Plan (June 2005). The goal of this plan is to improve watershed and stream health for community benefit by recommending a number of policy and program refinements, as well as outlining a capital projects program. The capital projects focus on stream preservation and enhancement, flow restoration, community tree planting, stormwater outfall and culvert replacement.

### **Groundwater**

The importance of groundwater to the community is twofold. First, it serves the function of naturally replenishing surface waters such as wetlands, streams, and lakes. This helps provide vital habitat for aquatic organisms and wildlife. Secondly, it is a source of clean water to help meet human water needs for drinking, household use, commercial/industrial use, and irrigation.

The western portion of the City of Tigard is located above the Cooper Mountain/Bull Mountain Critical Groundwater Area. The Critical Groundwater Area was declared in 1973 in response to heavy pumping and the slow rate of recharge. This is significant because the City owns water rights to withdraw groundwater from the aquifer and it was once an important source of drinking water. Currently, the City of Tigard Water Division has one groundwater well in operation that is available to supplement the drinking water supply in times of high demand. The Water Division has also developed Aquifer Storage Recovery wells that allow potable water to be injected into the aquifer during the winter to supplement the summer high demands.

### **Historic and Cultural Resources**

In 1984, the City adopted a Cultural Resource Overlay District to manage significant historic resources. Section 18.740 of the Community Development Code governs the application and removal of the district overlay, the primary purpose of which is to facilitate the protection, enhancement, and conservation of landmarks and historic and cultural sites and areas. Under state law (ORS 197.772) enacted in 1995, a local government is required to allow a property owner to



remove a historic property designation that was imposed by the local government; in addition, the property owner may refuse to consent to the designation at any time in the process, thus removing the property from consideration for all but the National Register of Historic Places. The implication of the statute and rule for Tigard's current historic code provisions is that if the property designation does not have owner consent, the provisions are no longer relevant or enforceable.

Local conservation efforts can be combined with the National Register of Historic Places (the National Register), a list of cultural resources of national, regional, state, or local significance that is kept by the Department of the Interior's (DOI) National Park Service (NPS). Being listed on the Register does not protect a property from demolition, but it does document and evaluate the property's historic significance based on National Register criteria and makes the property eligible for federal grants when available, including rehabilitation tax credits.

Many of the cultural resources associated with the original development of the Tigard area have not survived the City's growth during the last forty years. Improvements to Hwy 99W also contributed to the demise of the City's resource base. Those resources that survived include a mix of residential, educational, and commercial buildings.

Currently, nine resources have the overlay designation. Two sites, the John F. Tigard House and the Shaver-Bilyeu House, are listed on the National Historic Register. The only property from which the overlay has been removed was the Tigard Feed and Garden Store when the owner initiated the removal request. Chapter 18.740 of the Community Development Code requires that if an overlay property receives approval for demolition, a condition of approval will require submittal of a graphic and pictorial history and artifacts to the Washington County Museum.

**KEY FINDINGS:**

- City sustainability programs will be evaluated for inclusion in the Capital Improvement Plan and may have an impact on future building renovations as it relates to the Tigard Community Development Code.
- The citizens of Tigard are concerned about population increases and the impact upon the community.





- Clean Water Services' Design and Construction Standards establish a vegetated corridor buffer adjacent to the City's streams to protect water quality; the City adopted these standards in 2002.
- In addition to contributing to the general aesthetic quality of the area, streams and the adjacent riparian areas perform several ecological functions.
- Roughly 98% of the City's wetlands are classified as "locally significant wetlands," per procedures outlined under OAR 141-086.
- The Tigard Community Development Code requires Sensitive Lands Review for any development which would impact significant wetlands or the vegetated corridor buffer to wetlands.
- Wetlands may be adversely affected by human activities such as encroachment through development, alterations to natural drainage patterns, pollution, and the introduction of nuisance plant species.
- Based on the Economic, Social, Environmental and Energy (ESEE) analysis conducted by the Tualatin Basin Partners for Natural Places, 588 acres of the inventoried regionally significant habitat was designated as "strictly limit," 370 acres was designated as "moderately limit" and 422 acres was designated as "lightly limit."
- In December 2006, the City of Tigard adopted voluntary Habitat Friendly Development Provisions (Ordinance 06-20) that encourages the protection of habitat with the use of low impact development practices.
- The Critical Groundwater Area on Cooper Mountain and Bull Mountain was declared by the State of Oregon in 1973 and restricts the withdrawal of groundwater on the western half of the City.
- Groundwater wells currently in operation are limited to one traditional well and two aquifer storage recovery (ASR) wells.

*"Roughly 98% of the City's wetlands are classified as 'locally significant wetlands.'"*



- In 1984, the City adopted a Historic Overlay District to manage significant historic resources.
- In 1995, ORS 197.772 required local governments to allow a property owner to remove a historic property designation that was imposed by the local government. The implication for Tigard's current historic code provisions is that if the property designation does not have owner consent, the provisions are no longer relevant or enforceable.
- Nine resources have the overlay designation. Two sites, the John F. Tigard House and the Shaver-Bilyeu House, are listed on the National Historic Register; only the Tigard house has the Historic District overlay.
- The citizens of Tigard value trees and natural resources and feel that protecting these resources will benefit the community.
- The citizens of Tigard are concerned about the impact of growth on the community's natural resources.

**GOAL:**

- 5.1 Protect natural resources and the environmental and ecological functions they provide and, to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

**POLICIES:**

1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:
  - A. contribute to the City's scenic quality and its unique sense of place;
  - B. provide educational opportunities, recreational amenities, and buffering between differential land uses;
  - C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and
  - D. result in healthy and naturally functioning systems containing a high level of biodiversity.
2. The City shall demonstrate leadership in natural resource protection



through the use of sustainable building practices and low impact development strategies, to the extent feasible, on all City projects.

3. The City shall provide options to conventional construction and site planning techniques, and incorporate sustainable and low-impact building and site planning technologies into City codes and standards as they become available.
4. The City shall actively coordinate and consult with landowners, local stakeholders, and governmental jurisdictions and agencies regarding the inventory, protection, and restoration of natural resources.
5. The City shall utilize periodic assessments of the effectiveness of the City's programs and regulatory structures to guide future decisions regarding natural resource protection, management, and restoration.
6. The City shall utilize incentives or disincentives, to the extent feasible, to discourage property owners from removing or degrading natural resources prior to application for development or annexation.
7. The City shall protect riparian and upland habitats, to the maximum extent possible, and restore them, to the extent feasible, on both public and private lands.
8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.
9. The City shall implement measures to protect groundwater.
10. The City shall complete and, concurrent with the periodic review of the Comprehensive Plan, Metro Programs, or as necessary, update and improve its baseline inventory of natural resources to reflect changing conditions, standards, and community desires.
11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.



12. The City shall develop and implement standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection over mitigation.
13. The City shall identify, preserve, and create linkages between wildlife habitat areas, to the extent feasible, as a key component of parks, open space, and surface water management plans.

RECOMMENDED ACTION MEASURES:

- i. Identify and inventory locally significant habitats and plant communities not included in the Nature in Neighborhoods and Tualatin Basin Natural Resources Coordinating Committee studies.
- ii. Utilize an adaptive management approach that seeks to improve natural resource standards and programs by establishing a measurable baseline condition and desired end goals, periodically measuring the success of existing city actions against those goals, and making corrections as necessary to improve success.
- iii. Inventory and preserve small perennial streams as natural resources for their contributions to fish and wildlife habitat.
- iv. Inventory and preserve locally significant tree groves not considered regionally significant habitat.
- v. Periodically identify and take steps to improve the effectiveness of existing natural resource protections with the Development code.
- vi. Continue membership and active involvement with nonprofit and government agencies such as the Tualatin Basin Natural Resources Coordinating Committee.
- vii. Incorporate bioregional conservation strategies, such as those identified in the Oregon Conservation Strategy and Clean Water Service's Healthy Streams Plan into regulations and restoration programs.
- viii. Utilize indicators of biodiversity as a measure of the quality and health of natural resource systems, and as a measure of success of City actions and strategies.



- ix. Implement a program to assist the state in identifying and canceling unused water rights within Tigard for the purpose of stabilizing or reducing surface and groundwater diversion and extraction.
- x. Protect and restore natural resources through a variety of methods including, but not limited to, the use of development and land management regulations and incentives; acquisition of land and conservation easements; educational outreach; and external partnerships.
- xi. Implement land use regulations and standards that protect and restore essential habitat elements that satisfy the food, water, shelter, mobility, and reproductive needs of fish and wildlife.
- xii. Implement outreach and regulatory programs to identify and remove invasive species that threaten habitat areas.
- xiii. Identify and implement measures to protect riparian vegetation necessary for erosion control, water quality, and fish and wildlife habitat.
- xiv. Identify and implement measures to maintain and, where possible, restore hydrologic systems and regimes that support fish and wildlife, provide flood control, and enable natural recharge of groundwater and other ecological and community benefits.
- xv. Work with regional and state agencies to identify and address potential sources of contamination.
- xvi. Identify and implement measures to reduce the amount of impervious surface area covering the City that prevents the natural recharge of groundwater aquifers.
- xvii. Supplement or replace groundwater extraction with alternative sources of water during periods of high demand.
- xviii. Encourage the use of automatic sprinkler protection systems in all buildings to reduce water consumption during fire-fighting operations and reduce runoff into adjacent natural resource areas.



xix. Develop and utilize incentives to foster private investment in green building techniques and technologies.

GOAL:

5.2 Promote the preservation and protection of historically and culturally significant resources.

POLICIES:

1. The City shall actively promote the protection and preservation of historic and cultural resources and consider the development and implementation of new culturally significant resources, and cooperate with organizations involved in their protection.

RECOMMENDED ACTION MEASURES:

- i. Promote and publicize historic resources in the City.
- ii. Support volunteer programs to preserve historic resources.
- iii. Encourage rehabilitation and reuse of historic buildings to the extent feasible.
- iv. Consider holding City functions in historic buildings, where appropriate.
- v. Support efforts to obtain historic designation at the city, county, state, and national levels for public and private historic sites.
- vi. Facilitate the development of appropriate economic options and alternatives for historic and cultural resources and organizations involved in their protection, when requested.

### ~~3. NATURAL FEATURES AND OPEN SPACE~~

~~This chapter addresses a broad range of topics all having to do with the natural resources located within the Tigard Urban Planning Area. This chapter reflects the concerns expressed in several of the Statewide Planning Goals including:~~

~~Goal #3 Agricultural Lands; Goal #4 Forest Land; Goal #5 Open Spaces; Scenic and Historic Areas and Natural Resources; Goal #7 Areas subject to Natural Disasters and Hazards; and Goal #8 Recreational Needs.~~

~~The natural environments within the planning area offer many opportunities for a unique and healthy urban development. Those environments, when viewed as a series of systems rather than isolated features, will provide Tigard with those elements necessary for a healthy place in which to live, work and play. Floodplain greenways, for example, can provide the community with an excellent system of open space links between neighborhoods and services, in addition to providing a relatively inexpensive system for storm water runoff. It is to the community's benefit that consideration be given to both the opportunities and the limitations of the various environments within the planning area.~~

~~The natural environments included within the planning area all have their own respective limitations with regard to urbanization. Development pressure upon lands with such limitations can have profound effects on the environment. Erosion of steep slopes caused by inappropriate development, for instance, does not occur as an isolated incident. Soil type, permeability, vegetation and drainage all play major roles in and are effected by development. Likewise, the effects of inappropriate development located within the floodplain areas could have adverse effects on properties both up and down stream from the development site. The social, cultural and economic values of such resource lands could be reduced by the effects of urban development nearby. The limitations of the various environments should be considered in reviewing new development within the planning area.~~

~~The recognition of the natural environment in the planning area and the development of findings and policies which address the characteristics of the environment are extremely important elements in the Comprehensive Plan. The purpose of this chapter is to define the parameters of the various natural environments in the planning area and to identify the limitations and opportunities inherent in those environments.~~

~~Additional information on this topic is available in the "Comprehensive Plan Report: Natural Features and Open Spaces."~~

#### ~~3.1 WETLANDS~~

##### ~~POLICY~~

~~3.1.1 THE CITY SHALL NOT ALLOW DEVELOPMENT IN AREAS HAVING THE FOLLOWING DEVELOPMENT LIMITATIONS EXCEPT WHERE THE DEVELOPER DEMONSTRATES THAT GENERALLY ACCEPTED ENGINEERING TECHNIQUES RELATED TO A SPECIFIC SITE PLAN WILL MAKE THE AREA SUITABLE FOR THE PROPOSED DEVELOPMENT. (NOTE: THIS POLICY DOES NOT APPLY TO LANDS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP.);~~

~~a. AREAS MEETING THE DEFINITION OF WETLANDS UNDER CHAPTER 18.26 OF THE COMMUNITY DEVELOPMENT CODE;~~

~~(Rev. Ord. 85-13; Ord. 84-36; Ord. 07-20)~~

#### ~~3.2 FLOODPLAINS~~

~~3.2.1 THE CITY SHALL PROHIBIT DEVELOPMENT WITHIN AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP. NO DEVELOPMENT SHALL OCCUR ON PROPERTY ADJACENT TO AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP WITHIN TWENTY FIVE (25) FEET OF THE DESIGNATED~~

~~WETLANDS AREA. DEVELOPMENT ON PROPERTY ADJACENT TO SIGNIFICANT WETLANDS SHALL BE ALLOWED UNDER THE PLANNED DEVELOPMENT SECTION OF THE CODE.~~

~~(Rev. Ord. 05-01; Ord. 98-19; Ord. 90-22; Ord. 85-13; Ord. 84-36; Ord. 07-29)~~

~~3.3 NATURAL RESOURCES~~

~~Findings~~

- ~~• Currently, there are extensive rock and gravel extraction areas located to the north and west of Tigard's planning area within Beaverton and Washington County.  
(Rev. Ord. 01-07)~~
- ~~• There is one active mineral or aggregate resource within the Tigard Planning Area, known as the Durham Pits, which is operated by Washington County.~~

~~POLICY~~

- ~~3.3.1 THE CITY OF TIGARD SHALL SUPPORT THE EFFORTS OF WASHINGTON COUNTY, BEAVERTON AND THE METROPOLITAN SERVICE DISTRICT TO ENSURE THE AVAILABILITY OF THE ROCK-MINERAL RESOURCES.~~

~~IMPLEMENTATION STRATEGY~~

- ~~1. The City shall encourage those jurisdictions regulating rock extraction to closely monitor the relationship between the demand for the resource and the amount of land planned for rock and gravel extraction and processing.~~

~~3.4 NATURAL AREAS~~

~~Findings~~

- ~~• There are a variety of plants, animals and water fowl within the Tigard planning area which add greatly to the quality of life within the community~~
- ~~• Each species requires a complex and, often, a narrowly specific set of conditions with respect to food, water and vegetative cover or other natural features necessary for escape and reproduction.~~
- ~~• The significant plant communities and animal habitat areas are the riparian vegetation adjacent to the water resources in the community, and various stands of timber and brush.~~
- ~~• Development adjacent to existing wildlife areas can adversely affect these areas and in some instances can virtually eliminate these needed wildlife habitat areas.~~
- ~~• Vegetation contributes to the aesthetic quality of the community. Vegetation controls erosion, absorbs sound and moderates temperatures. It also affects the flow and moisture content of the air, reduction of air pollution and glare, and softens the impact of the urban environment.~~
- ~~• Statewide goal 5 requires local jurisdictions to inventory the location, quantity, and quality of resource sites located within their jurisdictions.~~
- ~~• The City has completed an inventory of the location and quantity of the wetland sites within its Active Planning Area. This inventory does not include information on the full range of functions and values of wetland areas as required by Goal 5 inventory standards.~~
- ~~• When adequate information is not available on a resource site, OAR 660-16-000 requires a local government to adopt a plan policy expressing its intent to address Goal 5 requirements relative to the site in the post-acknowledgment period.~~

~~POLICIES~~

- ~~3.4.1 THE CITY SHALL DESIGNATE, IN ACCORDANCE WITH GOAL 5, THE FOLLOWING AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN.~~



- ~~a. SIGNIFICANT WETLANDS;~~
- ~~b. AREAS HAVING EDUCATIONAL RESEARCH VALUE, SUCH AS GEOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS; AND~~
- ~~c. AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANTS, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES, OR SPECIFIC NATURAL FEATURES, VALUED FOR THE NEED TO PROTECT NATURAL AREAS.~~

3.4.2 ~~THE CITY SHALL:~~

- ~~a. PROTECT FISH AND WILDLIFE HABITAT ALONG STREAM CORRIDORS BY MANAGING THE RIPARIAN HABITAT AND CONTROLLING EROSION, AND BY REQUIRING THAT AREAS OF STANDING TREES AND NATURAL VEGETATION ALONG NATURAL DRAINAGE COURSES AND WATERWAYS BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE;~~
- ~~b. REQUIRE THAT DEVELOPMENT PROPOSALS IN DESIGNATED TIMBERED OR TREE AREAS BE REVIEWED THROUGH THE PLANNED DEVELOPMENT PROCESS TO MINIMIZE THE NUMBER OF TREES REMOVED; AND~~
- ~~c. REQUIRE CLUSTER TYPE DEVELOPMENT IN AREAS HAVING IMPORTANT WILDLIFE HABITAT VALUE AS DELINEATED ON THE "FISH AND WILDLIFE HABITAT MAP" ON FILE AT THE CITY.~~
- ~~d. ADDRESS GOAL 5 RULE REQUIREMENTS PERTAINING TO THE PRESERVATION OF WETLANDS ONCE ADEQUATE INFORMATION ON THE LOCATION, QUALITY, AND QUANTITY OF WETLAND SITES IS OBTAINED. THIS GOAL 5 REVIEW WILL INCLUDE DETERMINING WHICH WETLAND SITES ARE ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT. CITIZENS WILL PARTICIPATE IN MAKING POLICY RECOMMENDATIONS FOR THE PROTECTION AND PRESERVATION OF THOSE WETLAND AREAS DESIGNATED AS SIGNIFICANT. THE CITY SHALL COMPLETE ITS GOAL 5 REVIEW OF WETLAND AREAS BEFORE THE CITY'S NEXT PERIODIC REVIEW, BUT NO LATER THAN DECEMBER 23, 1996.~~

(Rev. Ord. 85-13; Ord. 93-30)

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IMPLEMENTATION STRATEGIES

- ~~1. The City shall consider the inclusion of an adequate amount of land adjacent to a floodplain or drainageway for dedication to the City's natural greenway system, which allows the area to continue to support existing habitats.~~
- ~~2. The City shall encourage, through the Planned Development Process, the retention of large, varied habitat areas on private and public lands including inventoried plant and animal communities.~~
- ~~3. The City shall review all development proposals adjacent to wildlife habitat areas to ensure that adverse impacts on any wildlife habitat areas are minimized and, if need be, request that other federal, state and local agencies review the development proposals.~~
- ~~4. Where there exist large or unique stands of trees or major vegetation areas within the planning area on undeveloped land, the City shall ensure that development proposals do not substantially alter the character of the vegetation areas through the Planned Development Process and the "Tree Cutting" section of the Community Development Code.~~

3.7 HISTORICAL CULTURAL RESOURCES

Findings

- ~~Historic features provide a link with the past and add character and variety to the community design. Unfortunately, much of Tigard's heritage has already been lost to unmanaged development with only a few distinct structures remaining.~~

~~• The design of developments within the community can be regarded from two viewpoints; the design of structures as they relate to site and function (architectural design), and their relationship to the surrounding area (community design). Both aspects are of equal importance.~~

~~• Good architectural design is necessary to provide visual variety and allow for individual identity. At the same time, good community design provides a sense of unity with other development while eliminating conflicting appearances.~~

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#### ~~POLICY~~

~~3.7.1 THE CITY SHALL IDENTIFY AND PROMOTE THE PRESERVATION AND PROTECTION OF HISTORICALLY AND CULTURALLY SIGNIFICANT STRUCTURE, SITE, OBJECTS AND DISTRICTS WITHIN TIGARD.~~

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#### ~~IMPLEMENTATION STRATEGIES~~

~~1. To preserve the community's history, an index of historic sites shall be developed and made available to the general public. A program shall be developed to acquire and/or restore a number of historic structures identified as significant. The City should consider the renovation of a historic structure as an historic museum or cultural center and meeting hall such as Durham School, Ye Old Windmill and John Tigard Home.~~

Agenda Item:  
Hearing Date: August 26, 2008 Time: 6:30 PM

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** COMPREHENSIVE PLAN AMENDMENT TO UPDATE GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES PERTAINING TO STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES AND HISTORIC AREAS

**FILE NO.:** Comprehensive Plan Amendment (CPA) CPA2008-00003

**PROPOSAL:** The City is requesting approval of a Comprehensive Plan Amendment to amend the current Comprehensive Plan Topic 3: Natural Features and Open Spaces by updating the goals, policies and recommended action measures to reflect current community conditions and values.

**APPLICANT:** City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97223

**OWNER:** N/A

**LOCATION:** Citywide

**ZONING DESIGNATION:** All City zoning districts

**COMP PLAN:** All City comprehensive plan designations

**APPLICABLE REVIEW**

**CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters Citizen Involvement, Environmental Quality, Hazards, Parks and Open space, and Public Facilities and Services; Metro Functional Plan Titles 3 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7 and 11.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the City Council find this request to meet the necessary approval criteria and amend the Tigard Comprehensive Plan as determined through the public hearing process.

### SECTION III. BACKGROUND INFORMATION

#### **Project History**

The Tigard Comprehensive Plan is the primary document that guides land use decisions within the community. It outlines goals, policies, and recommended action measures that are intended to reflect the community's values and aspirations for a broad range of matters relating to land use planning and growth management. It also aims to organize and coordinate the relationships between people, land, resources, and facilities to meet the current and future needs of Tigard.

The Tigard Comprehensive Plan is required by State law and must conform to 12 of the 19 Oregon Statewide Planning Goals. Land development and related activities, including the City's development codes, also must be consistent with adopted Comprehensive Plan goals and policies.

It is now eight years beyond the year 2000 planning horizon of the City's 1983 Comprehensive Plan. Tigard has grown dramatically since 1983, from 18,379 residents to 46,715 today. Jobs and business activity have grown just as fast. Although minor updates have taken place over the years, the 1983 Plan, in many ways, does not reflect current and projected community conditions. For this reason, it is necessary to undertake a thorough update. This is important to ensure the Plan remains a viable tool for decision-makers and citizens to use when seeking policy direction regarding land use and Tigard's future. For this reason, the Tigard City Council has made it a goal to update the Comprehensive Plan.

The first step in updating the Tigard Comprehensive Plan involved City staff developing a fact base to inform the update. The result was the *Tigard 2007* resource document completed in February 2007. Key findings from *Tigard 2007* combined with community issues and values, form the basis for Plan goals, policies, and recommended action measures. Community issues and values were identified through the community's visioning process and a number of surveys completed over the last several years.

The second step involved community volunteers and stakeholders coming together to develop draft goals, policies, and recommended action measures. These Policy Interest Teams have been meeting over the past several months to discuss Comprehensive Plan topics in which they share an interest. City Department Review Teams then review and provide comment on the work of the policy interest teams. These final draft goals, policies, and recommended action measures are then forwarded to the Planning Commission to begin the legislative process.

The final step is the legislative process. Since each of the Policy Interest Teams are moving at their own pace, Staff will be bringing a series of Comprehensive Plan Amendments (CPA) through the legislative process over the next several months. Each CPA will correspond to a Statewide Planning Goal that is applicable to Tigard. The CPA will strike the appropriate language from the existing plan and replace the language with an updated chapter that addresses that particular Statewide Planning Goal.

The chapter before the Council tonight is Natural Resource and Historic Areas Planning (Goal 5), as unanimously recommended by the Planning Commission on June 16, 2008. The Planning Commission hosted two workshops on May 5<sup>th</sup> and May 19<sup>th</sup>, and two public hearings on June 2<sup>nd</sup> and 16<sup>th</sup>, of this year to discuss the draft introduction, goals, policies, and recommended action measures that were formulated. At the Council workshop of August 5, staff received input from Councilors that has led to the following changes and alternatives to the June 16<sup>th</sup> recommendation for the Council's consideration:

## Fish and Wildlife Habitat

1<sup>st</sup> Paragraph, Page 5-2

Wildlife habitat within the City of Tigard is heavily concentrated adjacent to water bodies, such as Fanno Creek, Summer Lake, and the streams and wetlands in Cook Park. However, there are patches of upland habitat in drier, higher elevations across the City, such as the forested ravines of Bull Mountain. This upland vegetation not only contributes in providing protective cover for wildlife, but also contributes to the aesthetic quality of the community and serves as an essential element in controlling runoff and soil erosion, moderating temperatures, and reducing air pollution.

*Staff Commentary: Staff recommends the inclusion of this language in response to Council's concerns that the narrative was insufficiently specific to Tigard.*

2<sup>nd</sup> Paragraph, Page 5-2

The result of the IGA was the City adopting the Significant Habitat Areas Map and voluntary habitat friendly development provisions in December 2006 that seek to protect the wildlife habitat identified within the community.

*Staff Commentary: Staff recommends the inclusion of this language to more clearly articulate the regulatory history, and to respond to a public request by Mr. Frewing to reference specific maps.*

4<sup>th</sup> Paragraph, Pages 5-2 and 5-3

The analysis results show that the City of Tigard has 588 acres of habitat designated as "highest" value ~~"strictly" limit~~ (i.e. Metro inventoried Class I and II riparian resources within the Clean Water Services Vegetated Corridor). An estimated 370 acres of Class I and II riparian habitat situated outside the Clean Water Services' vegetated corridor are designated as "moderate" value ~~"moderately" limit~~. In addition, 422 acres of non-Class I and II riparian resources within the City are designated as "lowest" value ~~"lightly" limit~~, including both upland and lower-value riparian habitat areas.

*Staff Commentary: Staff recommends the inclusion of this language in response to Council's concerns that the proposed language was not consistent with the adopted Significant Habitat Areas Map, in addition to concern over the word "limit" within this context.*

## Key Findings

6<sup>th</sup> Finding, Page 5-7

Based on the Economic, Social, Environmental and Energy (ESEE) analysis conducted by the Tualatin Basin Partners for Natural Places, 588 acres of the inventoried regionally significant habitat was designated as "Highest" value ~~"strictly limit"~~, 370 acres was designated as "moderate" value ~~"moderately limit"~~ and 422 acres was designated as "lowest" value ~~"lightly limit."~~

*Staff Commentary: Staff recommends the inclusion of this language in response to Council's concerns that the proposed language was not consistent with the adopted Significant Habitat Areas Map, in addition to concern over the word "limit" within this context.*

7<sup>th</sup> Finding, Page 5-7

In December 2006, the City of Tigard adopted the Significant Habitat Areas Map and voluntary Habitat Friendly Development Provisions (Ordinance 06-20) that encourages the protection of habitat with the use of low impact development practices.

*Staff Commentary: Staff recommends the inclusion of this language to more clearly articulate the regulatory history, and to respond to a public request by Mr. Frewing to reference specific maps.*

#### Policies

7. *Alternative 1:* The City shall protect riparian and upland habits, ~~to the maximum extent possible, and restore them,~~ to the extent feasible, restore them on both public and private lands.

*Alternative 2:* The City shall protect and restore riparian and upland habits to the maximum extent possible feasible, ~~and restore them, to the extent feasible,~~ on both public and private lands.

*Alternative 3:* The City shall encourage protection of riparian and upland habits, and to the ~~maximum extent possible~~ extent feasible, and restore them, ~~to the extent feasible,~~ on both public and private lands.

*Staff Commentary: In response to concern expressed by Council at the August 5 workshop, staff has prepared three alternatives to Policy 5.1.7. During deliberations, the Policy Interest Team and Planning Commission expressed a desire to see both riparian and upland habitats equally protected; this is not presently the case. In addition, they wanted these protections to be strong and required, not optional. The three alternatives above allows the Council to choose from a range of policy approaches, while still honoring the original desires of previously involved citizens and decision makers.*

10: ~~The City shall complete and, concurrent with the Periodic Review of the Comprehensive Plan, Metro Programs, or as necessary, update and improve its baseline inventory of natural resources to reflect changing conditions, standards, and community desires. The City shall complete a baseline inventory of significant natural resources and update or improve it as necessary, such as at the time of Comprehensive Plan Periodic Review, changes to Metro or State programs, or to reflect changed conditions, circumstances, and community values.~~

*Staff Commentary: Staff recommends this amendment for the purpose of clarifying the intent and timing of the Policy.*

#### Recommended Action Measures

i. Identify and inventory locally significant ~~habitats and plant communities~~ natural resources not included in the Nature in Neighborhoods and Tualatin Gbasin Natural Resources Coordinating Committee studies.

*Staff Commentary: Staff recommends this change in language after receiving comments from Council that the existing language was overly specific.*

- ~~iv. Inventory and preserve locally significant tree groves not considered regionally significant habitat.~~

*Staff Commentary:* Staff recommends the removal of this Recommended Action Measure as it overlaps with, and duplicates, language in the Urban Forest subchapter of the Comprehensive Plan.

- vii. Incorporate bioregional **and watershed based** conservation strategies, such as those identified in the Oregon Conservation Strategy and Clean Water Service's Healthy Streams Plan, into regulations and restoration programs.

*Staff Commentary:* Staff recommends the inclusion of this language to better clarify the intent of this Action Measure, which is the use of conservation strategies that recognize and work with natural resource systems that overlap and are not exclusively within the political boundaries of Tigard.

- x. Protect and restore natural resources through a variety of methods including, but not limited to, the use of development and land management regulations and incentives **that encourage habitat friendly development and provide flexibility in meeting state and regional land use goals**; acquisition of land and conservation easements, educational outreach, and external partnerships.

- ~~xi. Implement land use regulations and standards that protect and restore essential habitat elements that satisfy the food, water, shelter, mobility, and reproductive needs of fish and wildlife~~

*Staff Commentary:* Staff recommends amendments to Action Measures x, and deletion of Action Measure xi, in response to feedback received by Council at the August 5, 2008 workshop. Word additions to Action Measure x are in response to comments by Council. Deletion of Action Measure xi is recommended in light of council comments and the significant overlap between the action measures.

- ~~xvii. Supplement or replace groundwater extraction with alternative sources of water during periods of high demand.~~

- ~~xviii. Encourage the use of automatic sprinkler protection systems in all buildings to reduce water consumption during fire fighting operations and reduce runoff into adjacent natural resource areas.~~

*Staff Commentary:* Staff recommends the deletion of these action measures due to their unnecessary specificity (action measure xviii), or their contradiction with existing ASR water storage facilities and management strategies (xvii), as pointed out by Council at the August 5 workshop.

### Proposal Description

The primary intent of the proposed update is to ensure the Comprehensive Plan remains a viable tool for decision-makers. By updating the Comprehensive Plan, the City will ensure it is in compliance with applicable laws, rules, regulations, plans, and programs. As importantly, the update will also ensure the Comprehensive Plan reflects current community conditions and values.

This amendment is part of a series of amendments that will update the Comprehensive Plan in its entirety. This amendment will update Statewide Planning Goal 5 with goals, policies, and recommended action measures that will serve as the "legislative foundation" in regards to the

City's natural resources and historic areas planning program. Land use actions and amendments to the Tigard Development Code will be based on the new language included in this amendment.

Below is an explanation of the terms that create the "legislative foundation":

#### *Goal*

Definition - A general statement indicating a desired end or the direction the City will follow to achieve that end.

Obligation - The City cannot take action which violates a goal statement unless:

1. Action is being taken which clearly supports another goal.
2. There are findings indicating the goal being supported takes precedence (in the particular case) over another.

#### *Policy*

Definition - A statement identifying Tigard's position and a definitive course of action. Policies are more specific than goals. They often identify the City's position in regard to implementing goals. However, they are not the only actions the City can take to accomplish goals.

Obligation - The City must follow relevant policy statements when amending the Comprehensive Plan, or developing other plans or ordinances which affect land use. To amend the Comprehensive Plan, the City must show consistency with the Statewide Land Use Goals. Such an amendment must take place following prescribed procedures prior to taking an action that would otherwise violate a Plan policy.

#### *Recommended Action Measures*

Definition - A statement which outlines a specific City project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to specific projects, standards, or courses of action the City desires other jurisdictions to take in regard to specific issues. These statements also define the relationship the City desires to have with other jurisdictions and agencies in implementing Comprehensive Plan goals and policies.

Obligation - Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies, will depend on a number of factors such as citizen priorities, finances, staff availability, etc.

The City should periodically review and prioritize recommended action measures based on current circumstances, community needs and the City's goal and policy obligations. These statements are suggestions to future City decision-makers as ways to implement the goals and policies. The listing of recommended action measures in the plan does not obligate the City to accomplish them. Neither do recommended action measures impose obligations on applicants who request amendments or changes to the Comprehensive Plan. The list of recommended action measures is not exclusive. It may be added to or amended as conditions warrant.



## **SECTION IV. SUMMARY OF REPORT**

### *Applicable criteria, findings and conclusions*

- Tigard Community Development Code
  - Chapter 18.380
  - Chapter 18.390
- Applicable Comprehensive Plan Policies
  - Newly Adopted Chapters 1, 6, 7, 8, and 11
  - Old Topics 1
- Applicable Metro Standards
  - Title 3 and 13
- Statewide Planning Goals
  - Goals 1, 2, 5, 6, 7, and 11.

### *City Department and outside agency comments*

## **SECTION V. APPLICABLE CRITERIA AND FINDINGS**

### **CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)**

#### **Chapter 18.380: Zoning Map and Text Amendments**

##### **Chapter 18.380.020 Legislative Amendments to the Title and Map**

**A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.309.060G**

**Findings:** The proposed amendments to the Tigard Comprehensive Plan would establish policies to be applied generally throughout the City of Tigard; and therefore, the application is being processed as a Type IV procedure, Legislative Amendment, as governed by Section 18.390.060G.

#### **Chapter 18.390: Decision-Making Procedures**

##### **Chapter 18.390.020. Description of Decision-Making Procedures**

**B.4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.**

**Findings:** The proposed amendments to the Tigard Comprehensive Plan will be reviewed under the Type IV procedure as detailed in Section 18.390.060.G. In accordance with this section, the amendments will initially be considered by the Planning Commission with City Council making the final decision.

**Chapter 18.390.060.G. Decision-making considerations. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:**

- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**
- 2. Any federal or state statutes or regulations found applicable;**
- 3. Any applicable Metro regulations;**
- 4. Any applicable comprehensive plan policies; and**
- 5. Any applicable provisions of the City's implementing ordinances.**

**Findings:** As indicated pursuant to the findings and conclusions that address applicable Statewide Planning Goals and Regional Functional Plan Titles, the amendment is consistent with this criterion.

**CONCLUSION:** Based on the analysis above, staff finds that the proposed amendments satisfy the applicable review criteria within the Tigard Community Development Code and recommends the Planning Commission forward these proposed amendments to the City Council with a recommendation for adoption.

**CITY OF TIGARD COMPREHENSIVE PLAN POLICIES:**

A review of the comprehensive plan identified the following relevant policies for the proposed amendments:

**Newly Adopted Comprehensive Plan Chapters**

**Chapter 1: Citizen Involvement**

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

**Policy 2. The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.**

**Findings:** The proposal has complied with all notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code. This staff report was also available seven days in advance of the hearing pursuant to Chapter 18.390.070.E.b of the Tigard Community Development Code.

Additionally, a Public Involvement Program for the Comprehensive Plan Update was developed in March 2006. This Program was reviewed and endorsed by the Committee for Citizen Involvement and the Planning Commission. The Program outlined the information, outreach methods, and involvement opportunities available to the citizens during the process.

Information was distributed throughout the process via the project website, an interested parties listserv, Cityscape articles, press releases, articles in the local paper, and two project open houses. Outreach methods also included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

Involvement opportunities included two open houses, participation on a policy interest team, submitting written comments via the website, and attending two Planning Commission workshops. Additionally, the interested parties listserv and volunteers who signed up for the policy interest teams were provided notice of all meetings held regarding the Comprehensive Plan Update.

As part of the Comprehensive Plan Amendment process, public notice of this Planning Commission public hearing was sent to the interested parties list and published in the May 15, 2008 issue of The Times. Notice will be published again prior to the City Council public hearing. The notices invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the text changes could be viewed.

**Policy 5. The opportunities for citizen involvement provided by the City shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community.**

Findings: As outlined above, the community was given multiple venues to get information and get involved. This included a number of articles in the Cityscape newsletter that is delivered to every household in Tigard. Staff also made a good faith effort to ensure a diversity of citizens and stakeholders were involved in the policy interest team meetings by not only soliciting volunteers, but by inviting organizations that share a common interest in that particular topic.

**Goal 1.2 Ensure all citizens have access to:**

- A. opportunities to communicate directly to the City; and
- B. information on issues in an understandable form.

**Policy 1. The City shall ensure pertinent information is readily accessible to the community and presented in such a manner that even technical information is easy to understand.**

Findings: Information regarding the topics included in this Comprehensive Plan Amendment was available in multiple locations in an understandable format for the duration of the process. This included paper and electronic copies that were available in the permit center and also on the website. Information was regularly sent to the project listserv and to the community volunteers who participated on the policy interest teams.

**Policy 2. The City shall utilize such communication methods as mailings, posters, newsletters, the internet, and any other available media to promote citizen involvement and continue to evaluate the effectiveness of methods used.**

Findings: Information was distributed throughout the process via the project website, an interested parties listserv, Cityscape articles, press releases, articles in the local paper, and two project open houses. Outreach methods also included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

**Policy 5. The City shall seek citizen participation and input through collaboration with community organizations, interest groups, and individuals in addition to City sponsored boards and committees.**

Findings: Outreach methods included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

Involvement opportunities included two open houses, participation on a policy interest team, submitting written comments via the website, and attending two Planning Commission workshops and two Planning Commission Public Hearings. Additionally, the interested parties listserv and volunteers who signed up for the policy interest teams were provided notice of all meetings held regarding the Comprehensive Plan Update.

## **Chapter 6: Environmental Quality**

**Goal 6.1 Reduce air pollution and improve air quality in the community and region.**

**Policy 1: The City shall require that all development complies with or exceeds regional, state, and federal standards for air quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1 and implementing Policies 1, 3, 4, 5, 8, and 12. This Goal and its supporting policies require the City to protect and restore natural resource functions and services. The protected and restored plant communities that form natural resource systems can protect air quality by filtering pollutants, preventing windborne erosion, and performing other air quality functions

**Policy 2. The City shall support regional and state plans and programs to attain regional, state, and federal standards for air quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and more specifically implementing Policy 4 that requires the City to actively coordinate and consult with other governmental agencies and jurisdictions regarding the protection and restoration of natural resources which can protect air quality by filtering pollutants, preventing windborne erosion, and other air quality functions.

**Policy 6. The City shall encourage the maintenance and improvement of open spaces, natural resources, and the City's tree canopy to sustain their positive contribution to air quality.**

Findings: This policy is satisfied by Goal 5.1 and related Policies 1 through 13. More specifically, Goal 5.1 focuses on the protection and restoration of natural resources consistent with State Planning Goal 5, and is implemented through the thirteen previously mentioned policies which contribute to the protection, enhancement, or mitigation of natural resource elements such as plants that contribute to air quality.

**Goal 6.2 Ensure land use activities protect and enhance the community's water quality.**

**Policy 1. The City shall require that all development complies with or exceeds regional, state, and federal standards for water quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1 and specifically Policies 1, 3, 4, 5, 7, 8, and 12. This Goal and its supporting policies require the City to protect and restore natural resource functions and services, of which the maintenance and improvement of water quality is but one function of natural resources like wetlands and riparian vegetation.

**Policy 2. The City shall continue cooperation with federal, state, and regional agencies in the management of Tigard's water resources and the implementation of plans and programs.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and more specifically implementing Policy 4 that requires the City to actively coordinate and consult with other governmental agencies and jurisdictions regarding the protection and restoration of natural resources including wetlands, streams, and groundwater.

**Policy 3. The City shall encourage the use of low impact development practices that reduce stormwater impacts from new and existing development.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1 and implementing Policies 2 and 3 that requires and encourages public and private development to uses sustainable building technologies and low impact development techniques for the purpose of protecting natural resource quality and functions.

**Policy 4. The City shall protect, restore, and enhance, to the extent practical, the natural functions of stream corridors, trees, and water resources for their positive contributions to water quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and implementing Policies 1 through 12. More specifically, these policies require or encourage the protection, restoration, or creation (i.e. mitigation) of existing, degraded, and potential natural resource systems whose natural functions and services include water quality.

**Policy 6. The City shall continue to collaborate on informing the public of techniques and practices private individuals can employ to help correct water quality issues.**

Findings: The proposed amendment is consistent with the existing Policy through Goal 5.1 and Policies 1, 3, 4, and 11. Policy 1 requires the City to protect natural resources and restore natural resources through a variety of methods, of which education can be one part. Policy 3 encourages the use of sustainable building technologies and low impact development techniques which will protect or improve water quality. Policies 4 and 11 require consultation and education of local landowners regarding the protection and restoration of natural systems including streams and wetlands which are key components of water quality.

#### **Chapter 7: Hazards**

**Goal 7.1 Protect people and property from flood, landslide, earthquake, wildfire, and severe weather hazards.**

**Policy 10. The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1 and implementing Policy 4 that requires the city to actively coordinate with other governmental jurisdictions and agencies regarding the protection and restoration of natural resources such as streams and wetlands.

#### **Chapter 8: Parks, Recreation, Trails, and Open Space**

**Goal 9.1 Provide a wide variety of high quality park and open spaces for all residents, including both:**

- a. developed areas with facilities for active recreations; and
- b. undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

**Policy 2. The City shall preserve and, where appropriate, acquire and improve natural areas located within a half mile of every Tigard resident to provide passive recreational opportunities.**

**Policy 6. The City shall acquire and manage some open spaces to solely provide protection of natural resources and other open spaces to additionally provide nature-oriented outdoor recreation and trail-related activities.**

Findings: The two policies above are satisfied by the proposed amendment through Goal 5.1 and Policy 1. More specifically, Policy 1 directs the City to protect and restore natural resources through a variety of methods to provide educational opportunities, recreational amenities, and other services.

**Policy 9. The City shall integrate green concepts into park and open space design, maintenance, and operations.**

**Policy 17. The City shall maintain and manage its parks and open space resources in ways that preserve, protect, and restore Tigard's natural resources, including rare, or state and federally listed species, and provide "Nature in the City" opportunities.**

Findings: These two policies are satisfied by the proposed amendment through Goal 5.1, and implementing Policies 1, 2, 7, 8 and 13. Policies 1, 7, and 8 require the city to protect and restore natural resources on both public and private lands. Policy 2 requires public projects to use sustainable building technologies and low impact development techniques to the extent feasible, both of which are applicable to the design, maintenance and operation of parks, open space, and their appurtenant facilities. Similarly, Policy 13 requires the City to, where feasible, integrate wildlife corridors into parks and open space planning. As a result, these two existing policies are supported by the proposed amendment.

**Policy 22. City-owned property may be used for private wetlands mitigation considered on a case-by-case basis.**

Findings: This policy is satisfied by proposed Goal 5.1 and Policies 7 and 12. More specifically, Policy 12 requires the City to develop and implement standards and procedures for the mitigation of lost natural resources, including wetlands. Similarly, Policy 7 requires the City to restore riparian and upland habitats, which include wetlands, to the extent feasible on public lands. As a result, the use of public land is enabled and encouraged by this policy.

#### **Chapter 11: Public Facilities and Services**

**Goal 11.1 Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.**

**Policy 6. The City shall maintain streams and wetlands in their natural state, to the extent necessary, to protect their stormwater conveyance and treatment functions.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and Policies 1, 2, 3, 6, 7, 8, 11, and 12. These eight implementing policies direct the city to protect and restore natural resource functions such as stormwater conveyance and treatment.

**Policy 7: The City shall encourage low impact development practices and other measures that reduce the amount of, and/or treat, stormwater runoff at the source.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and Policies 3, 4, and 11. Policies 2 and 3 require and encourage the use of sustainable building technologies and low impact development techniques which will protect or improve water quality. Policies 4 and 11 require consultation and education of local landowners regarding the protection and restoration of natural systems including streams and wetlands which are key components of water quality.

#### Old Comprehensive Plan Topics

##### Topic 1: General Policies

##### Policy 1.1.1 THE CITY SHALL ENSURE THAT:

- a. THIS COMPREHENSIVE PLAN AND ALL FUTURE LEGISLATIVE CHANGES ARE CONSISTENT WITH THE STATEWIDE PLANNING GOALS ADOPTED BY THE LAND CONSERVATION AND DEVELOPMENT COMMISSION, THE REGIONAL PLAN ADOPTED BY THE METROPOLITAN SERVICE DISTRICT;
- b. ANY NEIGHBORHOOD PLANNING ORGANIZATION PLANS AND IMPLEMENTATION MEASURES ADOPTED BY THE CITY OF TIGARD AFTER THE EFFECTIVE DATE OF THIS COMPREHENSIVE PLAN ARE DESIGNED TO BE CONSISTENT WITH THIS PLAN; AND
- c. THE TIGARD COMPREHENSIVE PLAN AND COMMUNITY DEVELOPMENT CODE ARE KEPT CURRENT WITH THE NEEDS OF THE COMMUNITY. IN ORDER TO DO THIS:
  1. THIS PLAN SHALL BE REVIEWED AND UPDATED AT LEAST EVERY FIVE YEARS.

Policy 1.1.2 THE COMPREHENSIVE PLAN AND EACH OF ITS ELEMENTS SHALL BE OPENED FOR AMENDMENTS THAT CONSIDER COMPLIANCE WITH THE PLANS OF THE METROPOLITAN SERVICE DISTRICT (MSD) OR ITS SUCCESSOR ON AN ANNUAL BASIS, AND MAY BE SO AMENDED OR REVISED IF DEEMED NECESSARY BY THE CITY COUNCIL. ANNUAL AMENDMENT AND REVISION FOR COMPLIANCE WITH THE ABOVE REGIONAL GOALS, OBJECTIVES AND PLANS SHALL BE CONSISTENT WITH ANY SCHEDULE FOR RE-OPENING OF LOCAL PLANS APPROVED BY THE LAND CONSERVATION AND DEVELOPMENT COMMISSION (LCDC).

THIS PROVISION IS NOT TO BE CONSTRUED AS WAIVING ANY LEGAL RIGHTS WHICH THE CITY MAY HAVE TO CHALLENGE THE LEGALITY OF A REGIONAL GOAL, OBJECTIVE, OR PLAN PROVISION.

Findings: This update will ensure the City is in compliance with applicable laws, rules, regulations, plans, and programs. This update will also ensure continued compliance with Statewide Planning Goal 5 as the new goals and policies reflect current community conditions and values. The new goals and policies have been developed through a citizen involvement effort, reviewed by City staff, reviewed by affected agencies, and reviewed by the Planning Commission at two workshops on May 5 and May 19, 2008, and two public hearings on June 2 and 16, 2008.

**CONCLUSION:** Based on the analysis above, staff finds that the proposed amendment satisfies the applicable policies contained in the City of Tigard Comprehensive Plan.

**APPLICABLE METRO REGULATIONS:**

**Metro Urban Growth Management 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 from development activities and protecting life and property from dangers associated with flooding.**

Findings: In 2002, the City of Tigard adopted Comprehensive Plan and Code Amendments to comply with Title 3 of Metro's Urban Growth Management Functional Plan, which outlines water quality and flood management requirements for the region. The adopted standards were based on a unified program developed by local governments in the Tualatin Basin and implemented through Clean Water Services (CWS) Design & Construction Standards, which provides for vegetated stream corridor buffers up to 200 feet wide and mandating restoration of corridors in marginal or degraded condition.

In addition, Clean Water Services, local cities, Washington County, Metro, and Tualatin Hills Park and Recreation District, partnered on a parallel effort to develop the CWS Healthy Streams Plan (HSP), an updated watershed plan designed to enhance the functions of the Tualatin Basin surface water system and address the Clean Water Act and Endangered Species Act (ESA).

The proposed amendment will continue to ensure compliance with Title 3 requirements and standards. Policy 4 provides clear direction that the City of Tigard feels that coordinating with regional partners to comply with wetlands and stream regulations is very important to the community. Additionally, Policies 1 through 8, 11, and 12 further signify the City's commitment to protecting the resources that are critical to improving water quality, flood management, and fish/wildlife habitat and conservation.

**Metro Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods – conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.**

Findings: The multi-jurisdictional approach undertaken by Tualatin Basin jurisdictions was used to develop a program to meet Statewide Goal 5 requirements for inventorying riparian areas and wildlife habitat and to comply with Metro's Urban Growth Management Functional Plan Title 13 (the regional *Nature in Neighborhoods* program). The *Tualatin Basin Fish and Wildlife Habitat Program* was developed to complement Clean Water Services Design and Construction Standards to protect the beneficial uses of water (including rivers, streams and creeks) within the Tualatin Basin.

The proposed amendment will continue to ensure compliance with Title 3 requirements and standards. Policy 4 provides clear direction that the City of Tigard feels that coordinating with regional partners is very important to the community. Additionally, Policies 1 through 8, 11, and 12 further signify the City's commitment to protecting the resources to comply with water quality



regulations, protect fish and wildlife habitat, and preserve the floodplain that are critical to the community's well-being.

**CONCLUSION:** Based on the analysis above, staff finds that the proposed amendment satisfies the applicable Metro regulations.

#### **THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197**

##### ***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.**

**Findings:** This goal was met through an extensive public involvement process. A Public Involvement Program for the Comprehensive Plan Update was developed in March 2006. This Program was reviewed and endorsed by the Committee for Citizen Involvement and the Planning Commission. The Program outlined the information, outreach methods, and involvement opportunities available to the citizens during the process.

Information was distributed throughout the process via the project website, an interested parties listserv, Cityscape articles, press releases, articles in the local paper, and two project open houses. Outreach methods also included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

Involvement opportunities included two open houses, participation on a policy interest team, submitting written comments via the website, and attending the Planning Commission workshop. Additionally, the interested parties listserv and volunteers who signed up for the policy interest teams were provided notice of all meetings held regarding the Comprehensive Plan Update.

As part of the Comprehensive Plan Amendment process, public notice of this Planning Commission public hearing was sent to the interested parties list and published in the March 20, 2008 issue of The Times (in accordance with Tigard Development Code Chapter 18.390). Notice will be published again prior to the City Council public hearing. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the text changes could be viewed.

##### ***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.**

**Findings:** The proposed amendment to the Tigard Comprehensive Plan is being processed as a Type IV procedure, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations, comprehensive plan policies, and City's implementing ordinances, be addressed as part of the decision-making process. Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

***Statewide Planning Goal 5 – Natural Resources***

**This goal requires the inventory and protection of natural resources, open spaces, historic areas and sites.**

Findings: The proposed amendment is consistent with this statewide planning goal as the proposed changes direct the City to protect and restore natural resources, and to protect and promote historic areas and culturally significant resources. This policy direction is an enhancement to existing Goal 5 policies and action measures already in place in the community. This enhancement is occurring because significant change has occurred in the relevant conditions and circumstances since 1983. State and Federal regulations have evolved and expanded, new information is known about natural resources and historic areas, and community expectations and values are substantially different than they were 25 years ago.

Proposed Goals 5.1 and 5.2 and their associated policies (see Exhibit A), provide clear direction that natural and historic resources are an important component of the community and the City will continue in partnership with other jurisdictions to ensure regulations and standards are being met and programs being implemented. The proposed policies also aim to minimize development's impact upon the resources by protecting them thru the City's land use program, and in compliance with regional, state, and federal regulations and programs.

***Statewide Planning Goal 6: Air, Water, and Land Resources Quality***

**To maintain and improve the quality of the air, water, and land resources of the state.**

Findings: The proposed amendment is consistent with this goal as the proposed changes direct the City to manage development to protect natural resources and their functions in improving the quality of the community's environment.

Proposed Goal 5.1 and its associated policies provide clear direction that environmental quality is an important component of the community and the City will continue in partnership with other jurisdictions to ensure standards are being met and programs being implemented. These policies aim to minimize impacts from development, and to encourage the restoration of degraded resources.

***Statewide Planning Goal 11: Public Facilities and Services***

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

Findings: The proposed amendment is consistent with this goal as the proposed changes direct the City to protect, enhance, and when necessary mitigate public services provided by Tigard's natural resource systems. These services include stormwater control, air/water quality maintenance, and recreational areas.

Proposed Goal 5.1 and its associated policies provide clear direction that public services are an important function of natural resources and the City will continue in partnership with other jurisdictions to ensure standards are being met and regional/national programs being implemented. These policies also aim to minimize impacts from development, and to encourage the restoration of degraded resources.

## SECTION VI. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Building Division, Engineering Division, Current Planning Division, Library Department, Administrative Department, Financial and Information Technology Departments, Public Works Department, and Police Department has had an opportunity to review this proposal and did not respond.

**CONCLUSION:** Based on no response from City staff, staff finds the proposed amendment does not interfere with the best interests of the City.

## SECTION VII. OUTSIDE AGENCY COMMENTS

The following agencies/jurisdictions had an opportunity to review this proposal and did not respond:

City of Durham  
City of Beaverton  
City of King City  
City of Lake Oswego  
City of Portland  
City of Tualatin  
Washington County, Department of Land Use and Transportation  
Metro Land Use and Planning  
Oregon Department of Land Conservation and Development  
Oregon Department of Transportation

The following agencies/jurisdictions had an opportunity to review this proposal and had the following comments:

**Oregon Department of Fish and Wildlife:** This agency submitted a letter attached as Exhibit "A" to this Staff Report. This letter contained the following three comments:

1. "The format of [the] layout is difficult to follow. It is recommended that for each Goal, the Policies and Recommended Action [Measures] are grouped together."

**Findings:** The format of the chapter is consistent with formatting chosen for the whole of the Tigard Comprehensive Plan. The chosen format is advantageous as it reduces unnecessary duplication of language; Recommended Action Measures may implement several Policies, and one Policy may apply to multiple natural resources. Examples of this include draft Policies 5.1.5, 5.1.8, and Recommended Action Measure 5.1.ii. Staff acknowledges the comment, but recommends the Council adopt the existing format as the regulatory effect is the same while reducing unnecessary duplication of language.

2. "The City identifies the following resources that are addressed in Goal 5: fish and wildlife habitat, wetlands, streams, groundwater, and historic and cultural resources. It is strongly recommended that fish and wildlife species are also identified as a resource. It is also recommended that the fish and wildlife habitat is separated into wetland and upland habitats."

Findings: The proposed language satisfies the minimum requirements of Goal 5, and regional programs implemented through METRO and the Tualatin Basin Partners for Natural Places, regarding the protection of natural resources. The proposed language contains broad protections for fish and wildlife through the protection and restoration of both riparian and upland habitats including Goal 5.1 and Policies 5.1.1, 2, 3, 4, 6, 7, 9, 11, 12, and 13. Policy 5.2.7 would require the City to protect “riparian and upland habitats”. The specification of both acknowledges the distinction between the habitat types, and the glossary will contain definitions of both to further draw distinctions. Furthermore, the proposed language would not prohibit the City from implementing species specific protection and recovery plans at a future date, should that become necessary. Staff acknowledges the comment, but recommends that the Council not adopt it their suggestion.

3. “It is recommended that each of the City’s identified resources should be addressed by a policy specific to that resource.”

Findings: The existing language carries the same regulatory effect and standing as individual policies specific to a resource. The decision to write umbrella policies (including but not limited to Policies 5.1.1, 5.1.4, and 5.1.8) was made to prevent the unnecessary duplication of language in the document. Resource specific policies are already proposed including, but not limited to 7, 8 and 9. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.

**Oregon Department of Environmental Quality:** This agency submitted a letter attached as Exhibit “B” to this Staff Report. This letter contained the following comment: “DEQ likes the emphasis on protecting ecological function in the language of your amendment...Urban streams are most vulnerable to the impacts caused by increasing the area of impermeable surfaces. Policy 3 that encourages low impact development and Policy 9b have language that can directly affect this impact. We encourage you to maintain this language in the adopted amendment, and to support Action Measure viii as strongly as you are able.”

Findings: This comment letter supports existing language within the proposed amendment (Exhibit “A”). While the Planning Commission removed subsection b of Policy 9 (as originally proposed), the affect of this change is negligible as impermeable surface reduction is addressed through Policy 3 that calls for Low Impact Development, policies 7 and 8 that require the protection of riparian systems and habitats, and a broadly inclusive Policy 9.

**Oregon Department of Geology and Mineral Industries:** Declined to comment.

**Tualatin Valley Fire & Rescue:** Requested language be added to encourage the use of fire sprinklers as a mechanism for reducing water runoff, and potential contaminants therein, during firefighter operations.

Findings: Staff recommends against the inclusion of such language within the comprehensive plan as it is overly specific for this document. The comment will be reconsidered during future code updates. The full text of this comment letter is contained in Exhibit “C” to this staff report.

**Tualatin Valley Water District:** Declined to comment.

**Beaverton School District #48:** Had no objections.

**Clean Water Services:** Submitted a comment letter attached as Exhibit “D” to this staff report. In that letter they recommended the inclusion of any and all relevant provisions of the current

intergovernmental agreement (IGA) between the City of Tigard and Clean Water Services, and the relevant provisions of the current Design and Construction Standards.

Findings: Existing and proposed policies will support the existing IGA and design standards, though inclusion of specific provisions is unnecessarily specific for a Comprehensive Plan. The proposed amendment supports the existing IGA and Design and Construction Standards through Policy 5.1.4 which directs the city to actively coordinate and consult with other government agencies regarding natural resource protection and management. Additionally, recently adopted Policy 11.1.2 requires the City to collaborate with Clean Water Services in the planning, operation, and maintenance of a comprehensive stormwater management system. Similarly, Policy 11.1.3 requires the City to comply with regional regulations and programs, such as the Design and Construction standards.

CONCLUSION: Staff finds the proposed amendment meets all requirements of these agencies and does not interfere with the best interests of the City.

#### SECTION VIII. CONCLUSION

The proposed changes comply with the applicable Statewide Planning Goals, Metro regulations, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

Therefore, Staff recommends that the Planning Commission recommend approval of the Comprehensive Plan Amendment to the Tigard City Council as determined through the public hearing process.

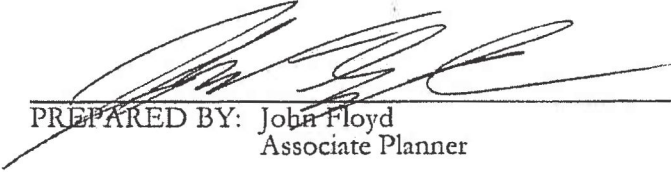
#### ATTACHMENT:

EXHIBIT A: LETTER FROM OREGON DEPARTMENT OF FISH AND WILDLIFE

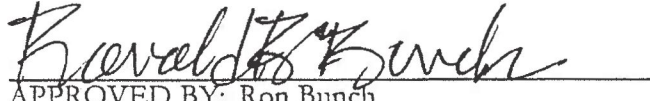
EXHIBIT B: LETTER FROM OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

EXHIBIT C: LETTER FROM TUALATIN VALLEY FIRE AND RESCUE

EXHIBIT D: LETTER FROM CLEAN WATER SERVICES

  
PREPARED BY: John Floyd  
Associate Planner

August 13, 2008  
DATE

  
APPROVED BY: Ron Bunch  
Assistant Community Development Director

August 13, 2008  
DATE



# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Sauvie Island Wildlife Area  
North Willamette Wildlife District  
18330 NW Sauvie Island Road  
Portland, OR 97231  
503-621-3488  
FAX 503-621-3025

May 28, 2008

John Floyd  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223



Mr. Floyd,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the City of Tigard's draft Goal 5 of the Comprehensive Plan and would like to offer the following comments and recommendations.

The City provides one goal, followed by a series of "Policies" which are followed by a series of "Recommended Action Items". The format of this layout is difficult to follow. It is recommended that for each Goal, the Policies and Recommended Action Items are grouped together. Following is an example of the recommended format.

Goal 5  
Policy 5.1  
Recommended Action Item A  
Recommended Action Item B  
Recommended Action Item C

The City identifies the following resources that are addressed in Goal 5: fish and wildlife habitat, wetlands, streams, groundwater, and historic and cultural resources. It is strongly recommended that fish and wildlife species are also identified as a resource. It is also recommended that the fish and wildlife habitat is separated into wetland and upland habitats.

The goal of the City is to "protect natural resources and the environmental and ecological functions they provide; and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity." It is recommended that each of the City's identified resources should be addressed by a policy specific to that resource. For example, there should be a separate policy addressing wildlife upland habitat, fish and wildlife stream and wetland habitat, fish and wildlife species and groundwater. For example:

**Policy 5.1: Wildlife Upland Habitat**

Protect, conserve and restore upland habitats related to wildlife, aesthetics, slope protection and groundwater recharge. Encourage increased vegetation, additional wildlife habitat areas, and expansion and enhancement of undeveloped spaces. Upland habitats include all habitats that are not categorized as wetland or waterway. Examples include mixed conifer forest, oak woodland, oak savannah, grasslands, prairie, etc.

**Recommended Action Item A:**

Protect, conserve and restore upland habitats and Oregon Conservation Strategy habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

Conduct a baseline inventory of all upland habitat types within the City.

**Policy 5.2: Fish and Wildlife Stream and Wetland Habitat**

Protect, conserve and restore streams, riparian corridors and wetland habitat which have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

**Recommended Action Item A:**

Conserve riparian, wetland, and water body natural resources through the designation and protection of transition areas between the resource and other urban development and activities. Restrict non-water dependent or non-water related development within the riparian area. The recommended riparian buffer size is 200 feet for fish-bearing streams and 100 feet for non fish-bearing streams.

**Recommended Action Item B:**

Conduct a baseline inventory of all wetland and waterway habitats within the City.

**Policy 5.3: Fish and Wildlife Species**

Protect, conserve and restore fish and wildlife populations that contain ESA threatened and endangered, Oregon state sensitive, rare and Oregon Conservation Strategy species through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item A:**

Protect, conserve and restore stream, wetland and upland habitat that contain ESA threatened and endangered, Oregon state sensitive or Oregon Conservation Strategy species habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

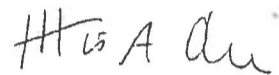
Establish a high level of biodiversity within the stream, wetland and upland habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item C:**

Conduct a baseline inventory of all fish and wildlife species.

These examples are not meant to be a comprehensive list of all Policies and Recommended Action Items, but to provide a recommended example of how to adequately protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife recommends that the City of Tigard includes their Natural Resource Committee to develop a comprehensive list of Policies and Recommended Action Items that will protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife would like to thank the City of Tigard for the opportunity to provide comments. If you have any questions or would like to discuss the comments and recommendation of this letter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Mischa Connine". The signature is written in a cursive style with a small dot above the 'i' in "Connine".

Mischa Connine  
Habitat Biologist  
18330 NW Sauvie Island Road  
Portland, OR 97231  
(503) 621-3488 ext 228  
mischa.a.connine@state.or.us



**John Floyd**

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**From:** NEWELL Avis [NEWELL.Avis@deq.state.or.us]  
**Sent:** Thursday, May 15, 2008 10:07 AM  
**To:** John Floyd  
**Subject:** FW: Comp Plan Amendment comments

Seems I misspelled the email address the first time around.  
Hopefully this will work.

-----Original Message-----

**From:** NEWELL Avis  
**Sent:** Thursday, May 15, 2008 10:04 AM  
**To:** 'johnf@tigard-or.gov'  
**Subject:** Comp Plan Amendment comments

Good Morning John,

I am the Tualatin Basin Coordinator in the water quality section of DEQ's Northwest Regional Office. I have reviewed the proposed amendments for Tigard's Goal Five of the Statewide Planning requirements. You have requested comments by May 16, so I am providing them here by email. My comments reflect an interest in and expertise in water quality; I am sure you will receive comments pertaining to other natural resources from other parties. I hope that my comments do not conflict with those, and if they do, I would be happy to discuss any questions that arise.

DEQ likes the emphasis on protecting ecological function in the language of your amendment. You do this in particular in Policy items 1c and 1d, 3, 7, 8 and 9, and to a lesser extent in the remaining policy items.

Urban streams are most vulnerable to the impacts caused by increasing the area of impermeable surfaces. Policy 3 that encourages low impact development, and Policy 9b have language that can directly affect this impact. We encourage you to maintain this language in the adopted amendment, and to support Action Measure viii as strongly as you are able.

Thank you for the opportunity to review this proposal, and please feel free to contact me if you have any questions.

Avis Newell  
Tualatin Basin Coordinator  
Oregon Department of Environmental Quality  
(503)229-6018

**John Floyd**

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**From:** Dalby, John K. [John.Dalby@tvfr.com]  
**Sent:** Wednesday, May 07, 2008 3:54 PM  
**To:** John Floyd  
**Subject:** (CPA) 2008-00003 Goal 5: Natural Resources and Historic Areas

Good afternoon Mr. Floyd,

Our comment regarding this update involves the city's endorsement of the fire district's desire to promote automatic sprinkler protection in all buildings hereinafter constructed.

Fires occurring in residential and commercial buildings not protected with automatic sprinklers require a significant amount of water to control and extinguish.

Buildings with automatic sprinkler protection do not require such large amounts of water for extinguishment when fire occurs.

The runoff from fighting structure fires contaminates adjacent wetlands and waterways.

The runoff from fires in buildings protected with automatic sprinkler systems is comparatively insignificant.

How you wordsmith it to fit within the document sent for our review is up to you.

We would be happy to provide additional input should you so desire.

Thanks,

John K. Dalby, Deputy Fire Marshal II

Tualatin Valley Fire & Rescue, North Division

14480 SW Jenkins Road

Beaverton, OR 97005-1152

503-356-4723



EXHIBIT D

**MEMORANDUM**

DATE: May 2, 2008

FROM: David Schweitzer, Clean Water Services

TO: John Floyd, Associate Planner  
City of Tigard Planning Division

SUBJECT: Review Comments – Planning Goals 5 Natural Resources and Historic Areas,  
2008-00003 CPA

GENERAL COMMENTS

- We recommend following any and all relevant provisions of the current Intergovernmental Agreement (IGA) between the City of Tigard and Clean Water Services and the relevant provisions of the current Design and Construction Standards (currently R&O 07-20, available on line at:  
<http://cleanwaterservices.org/PermitCenter/DesignandConstruction/Update/default.aspx> ) for all issues relating to development, vegetated corridors, erosion control, and preservation of wetlands, natural drainage ways, and enhancements thereof.



City of Tigard  
Memorandum

ATTACHMENT 3

To: Jodie Inman, President; and members of the Planning Commission  
From: John Floyd, Associate Planner  
Re: Continued Public Hearing for CPA 2008-00003 (Natural Resources)  
Date: June 9, 2008

On June 2, 2008 the Tigard Planning Commission opened a Public Hearing for CPA 2008-00003 to update Goals, Policies, and Recommended Action measures pertaining to Statewide Planning Goal 5 (Natural Resources and Historic Areas). Following the receipt of public testimony and subsequent deliberation, the hearing was continued to allow staff time to respond to eleven points of discussion by the Commission. This memorandum outlines Staff's response and supplements materials distributed for and at the June 2, 2007 hearing (attached).

1. Requested Language Changes

Staff concurs with the Commission's request to amend the following draft Goal and Policy:

Goal 5.1 - Protect Natural Resources and the environmental and ecological functions they provide; and, ~~where possible~~ to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

Policy 5.1.10 - The City shall complete and periodically update and improve its baseline inventory of natural resources through surveys and monitoring."

In addition, staff recommends additional draft language amendments in discussion sections 5, 6, 8, and 9 below.

2. Appropriateness of the phrase "to the extent feasible"

This language appears in draft Goal 5.1 and associated Policies 1, 6, 7, 8, and 13. Discussion of the appropriateness of this qualifying phrase is provided below. Before proceeding, staff wishes to remind the commission of the draft definition of "feasible" as currently proposed:

Feasible – reasonably capable of being done, executed, or effected with the means at hand and the circumstances as they are; practicable.

In every instance except two (draft Policies 6 and 13), this qualifying language only applies to restoration, not the protection of natural resources. This qualifying phrase was added following extensive discussion at Commission workshops regarding the potential burdens and costs associated with restoration, and that any future implementing action should be proportional and reasonably capable of being accomplished after taking into consideration cost, existing technology, and logistics in light of the overall project and probable impact on ecological functions. Staff continues to find the use of this language appropriate, and recommends its retention to ensure any future implementing action is reasonable and proportional.

This phrase is used in draft Policy 6 in regards to the use of incentives/disincentives to discourage the degradation of natural resources prior to an application for development or annexation. Staff finds the use of this language appropriate given its applicability to landowners outside of Tigard's jurisdiction, and the limited powers held by the City in relationship to external actors.

In draft Policy 13, this phrase is used in relation to the identification, preservation, and creation of linkages between wildlife habitats as a component of parks, open space, and surface water management plans. Staff finds the phrase appropriate for this policy, as each of the identified plans will have to balance a range of public interests, and will occur under unforeseen circumstances including the fiscal health of the City and the availability of land for acquisition.

### 3. Glossary Definitions

In response to comments received at the June 2 hearing, staff proposes the following definitions for consideration. As a reminder, these definitions are for discussion only as the Comprehensive Plan Glossary will be considered and adopted at a future date.

Natural Resource – ~~Inventoried Resources and natural~~ resource systems identified in Statewide Planning Goal 5 including fish and wildlife habitats; wetlands; streams and associated riparian corridors; groundwater; and rare and endangered fish and wildlife, plants, and plant communities.

Riparian Corridor – water areas, fish and wildlife habitat, wetlands, and adjacent riparian areas that consist of the zone of transition from an aquatic ecosystem to a terrestrial ecosystem.

Riparian Habitat – Habitat areas located within, and dependant upon the unique habitat elements provided within, a Riparian Corridor

Upland Habitat – All habitats beyond a riparian corridor.

4. Relevance of Existing Policies

On June 2 the Commission requested more information as to how the existing policies compare to draft policies proposed in this amendment. Staff maintains its original position that the existing policies are outdated, insufficient, and that better natural resource protection will occur through the proposed language. On June 16, staff will present and discuss the existing policies and how they compare to the new language.

5. Applicability to Upland Habitat

Questions were raised regarding the applicability of the draft language to upland habitats and plant communities. Much of this concern stems from present upland habitat regulations that were adopted shortly after Measure 37 and crafted in a climate of fiscal and regulatory uncertainty. Recent passage of Measure 49 has resolved many of these concerns, and will allow the City to move forward with more certainty.

As presented, the draft language applies to both upland and natural resource habitats and Staff finds sufficient legislative grounds that both enable and require the City to protect upland resources. Draft Goal 5.1 addresses all natural resources and the functions and services they provide, of which uplands is included. Associated draft policies directly or indirectly applicable to upland resources include the following: 1, 3, 4, 5, 6, 7, 10, 11, 12, and 13.

The only goal or policy to that specifically addresses upland habitats is draft Policy 5.1.7 which requires the City to “protect, and to the extent feasible, restore riparian and upland habitats for fish and wildlife to the maximum extent possible on public and private lands.” This draft policy directs the City to take an aggressive stance, and protect both riparian and upland to the maximum extent possible. Because this policy has been edited on several occasions, the language has grown awkward. As a result staff recommends the following reorganization of the policy language:

Policy 5.1.7 - The City shall protect to the maximum extent possible, and ~~to the extent feasible~~, restore riparian and upland habits for fish and wildlife ~~to the maximum extent possible~~ to the extent feasible, on public and private lands.

6. Directing Implementation Through Policy

On June 2 staff received direction from the Commission to explore language that could strengthen Policy 5.1.3 which encourages the use of sustainable building technologies and low impact development techniques. Mandating the implementation of these policies is complicated by three prime obstacles: (1) increased cost of construction; (2) the emergent nature of many of these technologies; and (3) the pre-emptive regulations

and authority of external jurisdictions and agencies such as Tualatin Fire and Rescue, Clean Water Services, METRO, and the State Building Codes Division. As a result staff recommends the policy be split into two separate policies, one for private construction and another for City projects. The proposed revisions to draft Policy 5.1.3 are as follows:

~~Policy 5.1.3 - The City shall encourage public and private development to use sustainable building technologies and low impact development techniques, and include measures to protect and improve natural resource quality/functions as part of site and building design.~~

Policy 5.1.2 - The City shall demonstrate leadership in natural resource protection through the use of sustainable building practices and low impact development strategies, to the extent feasible, on all City projects.

Policy 5.1.3 - The City shall provide options to conventional construction and site planning techniques, and incorporate sustainable and low-impact building and site planning technologies into City codes and standards as they become available.

7. Engaging a Broader Audience

Staff is redoubling its efforts to broaden the participation of Tigard citizens and stakeholders in the consideration of this Comprehensive Plan Amendment.

8. Implementing a Baseline Inventory

Policy 5.1.10 presently requires the City to periodically update its baseline inventory. On June 2 the Commission asked staff to strengthen language regarding the implementation and periodic update of this Policy. As a result staff proposes the following revisions:

Policy 5.1.10 - The City shall complete, and concurrent with the periodic review of the Comprehensive Plan, Metro Nature in Neighborhoods Program, or other applicable program update and improve its baseline inventory of natural resources ~~through surveys and monitoring~~ to reflect changing conditions, standards, and community desires.

9. Engaging Volunteers in the Baseline Inventory

Public participation will be an essential component of the baseline inventory completion and update as local residents have an intimate familiarity with their local landscape. That said, to achieve a high quality and legally defensible inventory will require the use of qualified professionals and a work plan approved by a number of external agencies. As a result staff cannot provide a definitive answer as to the exact role citizens will plan, but

can point to existing policies within the Citizen Involvement Chapter that require the City to allow and plan for meaningful citizen input.

10. Channel Migration

Comments were received from John Frewing encouraging the City to acknowledge and incorporate the concept of Channel Migration into the City's resource inventory and protection regime. Given the obligation of the City to coordinate any new natural resource regulation with Metro and the Tualatin Basin Partnership, and presence of broad policies that enable this level of protection, staff recommends against the inclusion of this concept in a new or existing policy.

11. Overlay Zones

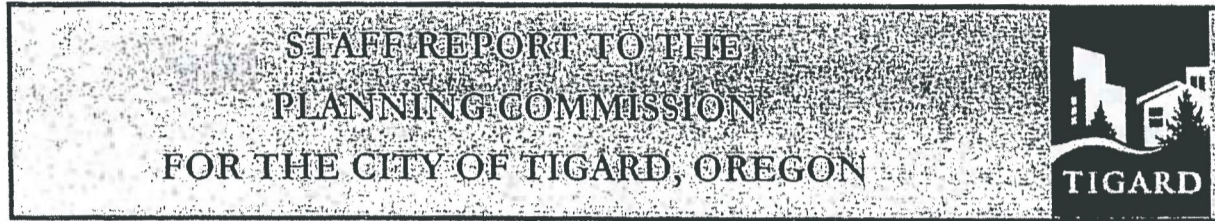
Comments were received from John Frewing requesting language be inserted that mandates the use of Natural resource Overlay Zones, as is done in other jurisdictions, to protect Natural Resources. As presently written, natural resource zones are enable and consistent with the Comprehensive Plan. However, given the obligation of the City to coordinate any new natural resource regulation with Metro and the Tualatin Basin Partnership, and presence of broad policies that enable this level of protection, staff recommends against the inclusion of this concept in a new or existing policy.

Attachments:

- A. Staff Report to the Planning Commission for the June 2, 2008 Public Hearing for CPA2008-00003
- B. Memorandum to the Planning Commission regarding "Comments received from Oregon Department of Fish and Wildlife (ODFW) and Sue Bielke regarding CPA2008-00003" dated June 2, 2008
- C. Memorandum to the Planning Commission regarding "Additional language proposed for deletion in CPA2008-00003" dated June 2, 2008



Agenda Item: 6.1  
Hearing Date: June 2, 2008 Time: 7:00 PM



120 DAYS = N/A

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** COMPREHENSIVE PLAN AMENDMENT TO UPDATE GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES PERTAINING TO STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES AND HISTORIC AREAS

**FILE NO.:** Comprehensive Plan Amendment (CPA) CPA2008-00003

**PROPOSAL:** The City is requesting approval of a Comprehensive Plan Amendment to amend the current Comprehensive Plan Topic 3: Natural Features and Open Spaces by updating the goals, policies and recommended action measures to reflect current community conditions and values.

**APPLICANT:** City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97223

**OWNER:** N/A

**LOCATION:** Citywide

**ZONING DESIGNATION:** All City zoning districts

**COMP PLAN:** All City comprehensive plan designations

**APPLICABLE REVIEW**

**CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters Citizen Involvement, Environmental Quality, Hazards, Parks and Open space, and Public Facilities and Services; Metro Functional Plan Titles 3 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7 and 11.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission finds this request to meet the necessary approval criteria. Therefore, staff recommends that the Planning Commission RECOMMENDS to the Tigard City Council that it amends the Tigard Comprehensive Plan as determined through the public hearing process.

### SECTION III. BACKGROUND INFORMATION

#### **Project History**

The Tigard Comprehensive Plan is the primary document that guides land use decisions within the community. It outlines goals, policies, and recommended action measures that are intended to reflect the community's values and aspirations for a broad range of matters relating to land use planning and growth management. It also aims to organize and coordinate the relationships between people, land, resources, and facilities to meet the current and future needs of Tigard.

The Tigard Comprehensive Plan is required by State law and must conform to 12 of the 19 Oregon Statewide Planning Goals. Land development and related activities, including the City's development codes, also must be consistent with adopted Comprehensive Plan goals and policies.

It is now seven years beyond the year 2000 planning horizon of the City's 1983 Comprehensive Plan. Tigard has grown dramatically since 1983, from 18,379 residents to 46,715 today. Jobs and business activity have grown just as fast. Although minor updates have taken place over the years, the 1983 Plan, in many ways, does not reflect current and projected community conditions. For this reason, it is necessary to undertake a thorough update. This is important to ensure the Plan remains a viable tool for decision-makers and citizens to use when seeking policy direction regarding land use and Tigard's future. For this reason, the Tigard City Council has made it a goal to update the Comprehensive Plan.

The first step in updating the Tigard Comprehensive Plan involved City staff developing a fact base to inform the update. The result was the *Tigard 2007* resource document completed in February 2007. Key findings from *Tigard 2007* combined with community issues and values, form the basis for Plan goals, policies, and recommended action measures. Community issues and values were identified through the community's visioning process and a number of surveys completed over the last several years.

The second step involved community volunteers and stakeholders coming together to develop draft goals, policies, and recommended action measures. These Policy Interest Teams have been meeting over the past several months to discuss Comprehensive Plan topics in which they share an interest. City Department Review Teams then review and provide comment on the work of the policy interest teams. These final draft goals, policies, and recommended action measures are then forwarded to the Planning Commission to begin the legislative process.

The final step is the legislative process. Since each of the Policy Interest Teams are moving at their own pace, Staff will be bringing a series of Comprehensive Plan Amendments (CPA) through the legislative process over the next several months. Each CPA will correspond to a Statewide Planning Goal that is applicable to Tigard. The CPA will strike the appropriate language from the existing plan and replace the language with an updated chapter that addresses that particular Statewide Planning Goal.

The chapter before the Planning Commission tonight is Natural Resource and Historic Areas Planning (Goal 5). The Planning Commission hosted two Policy Interest Team meetings before holding workshops on May 5<sup>th</sup> and May 19<sup>th</sup> of this year to discuss the draft goals, policies, and recommended action measures that were formulated. At the Planning Commission workshop, staff received input from Commissioners that has led to the following changes and alternatives for the Commission's consideration (also found in Exhibit A with deleted text as ~~strikes~~ and added text underlined):

## Goal

- 5.1 ~~Protect and restore natural resources, and the environmental and ecological services they provide, through naturally functioning systems that demonstrate a high level of biodiversity.~~ Protect natural resources and the environmental and ecological functions they provide; and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

ALTERNATIVE: Protect natural resources and the functions and services they provide; and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

## Policies

1. The City shall protect and, to the extent feasible, restore natural resources in a ~~manner that will~~ a variety of methods to:
  - a. Contribute to the City's scenic quality ~~of Tigard~~ and its unique sense of place;
  - b. Provide educational opportunities, recreational amenities, and buffering between differential land uses;
  - c. Maximize natural resource functions and ~~values~~ services including fish and wildlife habitat and water quality; and
  - d. Result in healthy and naturally functioning systems containing a high level of biodiversity.
- ~~2. The City shall continue to protect and restore natural resources through a variety of methods. Such methods shall include, but not be limited to, the use of development and land management regulations, acquisition of land and conservation easements, educational outreach, and external partnerships as appropriate.~~
3. ~~The City shall encourage public and private development to use sustainable building technologies, low impact development techniques, and incorporate existing and potential natural resource functions and values into the landscape and infrastructure designs of development projects.~~ The City shall encourage public and private development to use sustainable building technologies and low impact development techniques, and include measures to protect and improve natural resource quality/functions as part of site and building design.
4. The City shall actively coordinate and consult with landowners, local stakeholders, and governmental jurisdictions and agencies ~~in~~ regarding the inventory, protection, and restoration of natural resources ~~with landowners, local stakeholders, and governmental jurisdictions and agencies.~~

5. The City shall utilize periodic assessments of the effectiveness of the City's programs and regulatory structures to ~~inform~~ guide future decisions regarding natural resource protection, management, and restoration.
6. The City shall utilize incentives or disincentives ~~as appropriate~~ to the extent feasible, to ~~prevent~~ discourage property owners from removing or degrading natural resources prior to application for development or annexation.
7. The City shall ~~preserve~~ protect and, to the extent feasible, restore riparian and upland habitats for fish and wildlife to the maximum extent possible on public and private lands through:
  - ~~a. Land use regulations and standards that protect and restore essential habitat elements that satisfy the food, water, shelter, mobility, and reproductive needs of fish and wildlife;~~
  - ~~b. Land use regulations and standards that mitigate the loss of habitat elements and functions as a result of development, with priority given to protection over mitigation;~~
  - ~~c. Preservation and creation of linkages between wildlife habitat areas, when possible, as a key component of parks, open space, and surface water management plans; and~~
  - ~~d. Implementation of outreach and regulatory programs to identify and remove invasive species that threaten habitat areas.~~
8. The City shall ~~preserve, maintain,~~ protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and values services of streams, wetlands, and associated riparian corridors. Strategies shall include, but not be limited to:
  - ~~a. Compliance with Federal, State and Regional regulations as they apply to streams, wetlands, and associated riparian corridors;~~
  - ~~b. Mitigating the loss of wetlands and their associated functions and values as a result of development, with priority given to protection over mitigation;~~
  - ~~c. Protection of riparian vegetation necessary for erosion control, water quality, and fish and wildlife habitat; and~~
  - ~~d. Maintenance and restoration of hydrologic regimes that support fish and wildlife, provide flood control, enable natural recharge of groundwater, and other ecological and community benefits.~~
9. The City shall ~~continue~~ implement measures to protect groundwater by:
  - ~~a. Continuing to work with regional and state agencies to identify and address potential sources of contamination;~~
  - ~~b. Minimizing the amount of impervious surface area covering the City that prevents the natural recharge of groundwater aquifers; and~~
  - ~~c. Supplementing groundwater extraction with alternative sources.~~
10. The City shall ~~maintain and utilize a~~ periodically update and improve its baseline inventory of natural resources through surveys and monitoring.
11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education,

incentives, planned development standards and regulations, and conservation easements.

12. The City shall develop and implement standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection over mitigation.

13. The City shall identify, preserve and create linkages between wildlife habitat areas, to the extent feasible, as a key component of parks, open space, and surface water management plans.

#### Recommended Action Measures

- i. Identify and inventory locally significant habitats and plant communities not included in the Nature in Neighborhoods and Tualatin Basin Natural Resources Coordinating Committee studies.
- ii. ~~Establish baseline measures and periodically evaluate natural resource protection and restoration activities in a manner that will measure success and enable further refinement towards measurable goals.~~ Utilize an active management approach that seeks to improve natural resource standards and programs by establishing a measurable baseline condition and desired end goals, periodically measuring the success of existing city actions against those goals, and making corrections as necessary to improve success.
- iii. Inventory and preserve small perennial streams as natural resource for their contributions to fish and wildlife habitat.
- iv. Inventory and preserve locally significant tree groves not considered regionally significant habitat.
- v. ~~Identify and preserve areas demonstrating high scenic quality, and implement mechanisms for preserving, maintaining and/or enhancing this quality.~~
- vi. Periodically evaluate identify and make steps to improve the effectiveness of existing natural resource protections with the Development code; ~~identify gaps, conflicts, and opportunities for enhancement.~~
- vii. Continue membership and active involvement with nonprofit and government agencies such as the Tualatin Basin Natural Resources Coordinating Committee.
- viii. ~~Identify opportunities for, and encourage the use of, habitat friendly development practices and low impact development techniques.~~
- ix. Incorporate bioregional conservation strategies, such as those identified in the Oregon Biodiversity Project Conservation Strategy and Clean Water Service's Healthy Streams Plan into regulations and restoration programs.

- x. Utilize indicators of biodiversity as a measure of the quality and health of natural resource systems, and as a measure of success of City actions and strategies.
- xi. ~~Identify mechanisms for stabilizing or reducing surface and groundwater extraction for residential and commercial uses.~~ Implement a program to assist the state in identifying and canceling unused water rights within Tigard for the purpose of stabilizing or reducing surface and groundwater diversion and extraction.
- xii. Protect and restore natural resources through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisition of land and conservation easements, educational outreach, and external partnerships.
- xiii. Implement Land use regulations and standards that protect and restore essential habitat elements that satisfy the food, water, shelter, mobility, and reproductive needs of fish and wildlife.
- xiv. Implement outreach and regulatory programs to identify and remove invasive species that threaten habitat areas.
- xv. Identify and implement measures to protect riparian vegetation necessary for erosion control, water quality, and fish and wildlife habitat.
- xvi. Identify and implement measures to maintain and, where possible, restore hydrologic systems and regimes that support fish and wildlife, provide flood control, enable natural recharge of groundwater, and other ecological and community benefits.
- xvii. Work with regional and state agencies to identify and address potential sources of contamination.
- xviii. Identify and implement measures to reduce the amount of impervious surface area covering the City that prevents the natural recharge of groundwater aquifers.
- xix. Supplement or replace groundwater extraction with alternative sources of water during periods of high demand.
- xx. Encourage the use of automatic sprinkler protection systems in all buildings to reduce water consumption during fire-fighting operations and reduce runoff into adjacent natural resource areas.

Goal

- 5.2 Promote the preservation and protection of historically and culturally significant resources.

#### Policies

1. The City shall actively promote the protection and preservation of historic and cultural resources **and consider the development and implementation of new culturally significant resources** and cooperate with organizations involved in their protection.

#### Recommended Action Measures

- i. Promote and publicize historic resources in the City.
- ii. Support volunteer programs to preserve historic resources.
- iii. Encourage ~~rental~~ **rehabilitation** and **reuse** of historic buildings ~~where appropriate.~~
- iv. Consider holding City functions in historic buildings, ~~where appropriate.~~
- v. Support efforts to obtain historic designation at the city, county, state, and national levels for public and private historic sites.
- vi. Facilitate the development of **appropriate** economic options and alternatives for historic and cultural resources and organizations involved in their protection, when requested.

#### Proposal Description

The primary intent of the proposed update is to ensure the Comprehensive Plan remains a viable tool for decision-makers. By updating the Comprehensive Plan, the City will ensure it is in compliance with applicable laws, rules, regulations, plans, and programs. As importantly, the update will also ensure the Comprehensive Plan reflects current community conditions and values.

This amendment is part of a series of amendments that will update the Comprehensive Plan in its entirety. This amendment will update Statewide Planning Goal 5 with goals, policies, and recommended action measures that will serve as the "legislative foundation" in regards to the City's natural resources and historic areas planning program. Land use actions and amendments to the Tigard Development Code will be based on the new language included in this amendment.

Below is an explanation of the terms that create the "legislative foundation":

#### *Goal*

Definition - A general statement indicating a desired end or the direction the City will follow to achieve that end.

Obligation - The City cannot take action which violates a goal statement unless:

1. Action is being taken which clearly supports another goal.
2. There are findings indicating the goal being supported takes precedence (in the particular case) over another.

#### *Policy*

Definition - A statement identifying Tigard's position and a definitive course of action. Policies are more specific than goals. They often identify the City's position in regard to implementing goals. However, they are not the only actions the City can take to accomplish goals.

Obligation - The City must follow relevant policy statements when amending the Comprehensive Plan, or developing other plans or ordinances which affect land use. To amend the Comprehensive Plan, the City must show consistency with the Statewide Land Use Goals. Such an amendment must take place following prescribed procedures prior to taking an action that would otherwise violate a Plan policy.

#### *Recommended Action Measures*

Definition - A statement which outlines a specific City project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to specific projects, standards, or courses of action the City desires other jurisdictions to take in regard to specific issues. These statements also define the relationship the City desires to have with other jurisdictions and agencies in implementing Comprehensive Plan goals and policies.

Obligation - Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies, will depend on a number of factors such as citizen priorities, finances, staff availability, etc.

The City should periodically review and prioritize recommended action measures based on current circumstances, community needs and the City's goal and policy obligations. These statements are suggestions to future City decision-makers as ways to implement the goals and policies. The listing of recommended action measures in the plan does not obligate the City to accomplish them. Neither do recommended action measures impose obligations on applicants who request amendments or changes to the Comprehensive Plan. The list of recommended action measures is not exclusive. It may be added to or amended as conditions warrant.

## **SECTION IV. SUMMARY OF REPORT**

### *Applicable criteria, findings and conclusions*

- Tigard Community Development Code
  - Chapter 18.380
  - Chapter 18.390
- Applicable Comprehensive Plan Policies
  - Newly Adopted Chapters 1, 6, 7, 8, and 11
  - Old Topics 1
- Applicable Metro Standards
  - Title 3 and 13
- Statewide Planning Goals
  - Goals 1, 2, 5, 6, 7, and 11.

### *City Department and outside agency comments*



## SECTION V. APPLICABLE CRITERIA AND FINDINGS

### CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

#### Chapter 18.380: Zoning Map and Text Amendments

##### Chapter 18.380.020 Legislative Amendments to the Title and Map

A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.309.060G

Findings: The proposed amendments to the Tigard Comprehensive Plan would establish policies to be applied generally throughout the City of Tigard; and therefore, the application is being processed as a Type IV procedure, Legislative Amendment, as governed by Section 18.390.060G.

#### Chapter 18.390: Decision-Making Procedures

##### Chapter 18.390.020. Description of Decision-Making Procedures

B.4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

Findings: The proposed amendments to the Tigard Comprehensive Plan will be reviewed under the Type IV procedure as detailed in Section 18.390.060.G. In accordance with this section, the amendments will initially be considered by the Planning Commission with City Council making the final decision.

Chapter 18.390.060.G. Decision-making considerations. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;
2. Any federal or state statutes or regulations found applicable;
3. Any applicable Metro regulations;
4. Any applicable comprehensive plan policies; and
5. Any applicable provisions of the City's implementing ordinances.

Findings: As indicated pursuant to the findings and conclusions that address applicable Statewide Planning Goals and Regional Functional Plan Titles, the amendment is consistent with this criterion.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendments satisfy the applicable review criteria within the Tigard Community Development Code and recommends the Planning Commission forward these proposed amendments to the City Council with a recommendation for adoption.

#### CITY OF TIGARD COMPREHENSIVE PLAN POLICIES:

A review of the comprehensive plan identified the following relevant policies for the proposed amendments:

##### Newly Adopted Comprehensive Plan Chapters

###### Chapter 1: Citizen Involvement

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

**Policy 2. The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.**

Findings: The proposal has complied with all notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code. This staff report was also available seven days in advance of the hearing pursuant to Chapter 18.390.070.E.b of the Tigard Community Development Code.

Additionally, a Public Involvement Program for the Comprehensive Plan Update was developed in March 2006. This Program was reviewed and endorsed by the Committee for Citizen Involvement and the Planning Commission. The Program outlined the information, outreach methods, and involvement opportunities available to the citizens during the process.

Information was distributed throughout the process via the project website, an interested parties listserv, Cityscape articles, press releases, articles in the local paper, and two project open houses. Outreach methods also included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

Involvement opportunities included two open houses, participation on a policy interest team, submitting written comments via the website, and attending two Planning Commission workshops. Additionally, the interested parties listserv and volunteers who signed up for the policy interest teams were provided notice of all meetings held regarding the Comprehensive Plan Update.

As part of the Comprehensive Plan Amendment process, public notice of this Planning Commission public hearing was sent to the interested parties list and published in the May 15, 2008 issue of The Times. Notice will be published again prior to the City Council public hearing. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the text changes could be viewed.

**Policy 5. The opportunities for citizen involvement provided by the City shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community.**

Findings: As outlined above, the community was given multiple venues to get information and get involved. This included a number of articles in the Cityscape newsletter that is delivered to every household in Tigard. Staff also made a good faith effort to ensure a diversity of citizens and stakeholders were involved in the policy interest team meetings by not only soliciting volunteers, but by inviting organizations that share a common interest in that particular topic.

**Goal 1.2 Ensure all citizens have access to:**

- A. opportunities to communicate directly to the City; and
- B. information on issues in an understandable form.

**Policy 1. The City shall ensure pertinent information is readily accessible to the community and presented in such a manner that even technical information is easy to understand.**

Findings: Information regarding the topics included in this Comprehensive Plan Amendment was available in multiple locations in an understandable format for the duration of the process. This included paper and electronic copies that were available in the permit center and also on the website. Information was regularly sent to the project listserv and to the community volunteers who participated on the policy interest teams.

**Policy 2. The City shall utilize such communication methods as mailings, posters, newsletters, the internet, and any other available media to promote citizen involvement and continue to evaluate the effectiveness of methods used.**

Findings: Information was distributed throughout the process via the project website, an interested parties listserv, Cityscape articles, press releases, articles in the local paper, and two project open houses. Outreach methods also included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

**Policy 5. The City shall seek citizen participation and input through collaboration with community organizations, interest groups, and individuals in addition to City sponsored boards and committees.**

Findings: Outreach methods included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

Involvement opportunities included two open houses, participation on a policy interest team, submitting written comments via the website, and attending the Planning Commission workshop. Additionally the interested parties listserv and volunteers who signed up for the policy interest teams were provided notice of all meetings held regarding the Comprehensive Plan Update.

## **Chapter 6: Environmental Quality**

**Goal 6.1 Reduce air pollution and improve air quality in the community and region.**

**Policy 1: The City shall require that all development complies with or exceeds regional, state, and federal standards for air quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1 and implementing Policies 1, 3, and 8. This Goal and three supporting policies require the City to protect and restore natural resource functions and services. The protected and restored plant communities that form natural resource systems can protect air quality by filtering pollutants, preventing windborne erosion, and performing other air quality functions

**Policy 2. The City shall support regional and state plans and programs to attain regional, state, and federal standards for air quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and more specifically implementing Policy 4 that requires the City to actively coordinate and consult with other governmental agencies and jurisdictions regarding the protection and restoration of natural

resources which can protect air quality by filtering pollutants, preventing windborne erosion, and other air quality functions.

**Policy 6. The City shall encourage the maintenance and improvement of open spaces, natural resources, and the City's tree canopy to sustain their positive contribution to air quality.**

Findings: This policy is satisfied by Goal 5.1 and related Policies 1 through 13. More specifically, Goal 5.1 focuses on the protection and restoration of natural resources consistent with State Planning Goal 5, and is implemented through the thirteen previously mentioned policies which contribute to the protection, enhancement, or mitigation of natural resource elements such as plants that contribute to air quality.

**Goal 6.2 Ensure land use activities protect and enhance the community's water quality.**

**Policy 1. The City shall require that all development complies with or exceeds regional, state, and federal standards for water quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1 and specifically Policies 1, 3, 7, and 8. This Goal and four supporting policies require the City to protect and restore natural resource functions and services, of which the maintenance and improvement of water quality is but one function of natural resources like wetlands and riparian vegetation.

**Policy 2. The City shall continue cooperation with federal, state, and regional agencies in the management of Tigard's water resources and the implementation of plans and programs.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and more specifically implementing Policy 4 that requires the City to actively coordinate and consult with other governmental agencies and jurisdictions regarding the protection and restoration of natural resources including wetlands, streams, and groundwater.

**Policy 3. The City shall encourage the use of low impact development practices that reduce stormwater impacts from new and existing development.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and more specifically implementing Policy 3 that encourages public and private development to use sustainable building technologies and low impact development techniques for the purpose of protecting natural resource quality and functions.

**Policy 4. The City shall protect, restore, and enhance, to the extent practical, the natural functions of stream corridors, trees, and water resources for their positive contributions to water quality.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and Policies 1, 3, 7, 8, 11, and 12. More specifically, these require or encourage the protection, restoration, or creation (i.e. mitigation) of existing, degraded, and potential natural resource systems whose natural functions and services include water quality.

**Policy 6.** The City shall continue to collaborate on informing the public of techniques and practices private individuals can employ to help correct water quality issues.

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and Policies 3, 4, and 11. Policy 3 encourages the use of sustainable building technologies and low impact development techniques which will protect or improve water quality. Policies 4 and 11 require consultation and education of local landowners regarding the protection and restoration of natural systems including streams and wetlands which are key components of water quality.

#### **Chapter 7: Hazards**

**Goal 7.1** Protect people and property from flood, landslide, earthquake, wildfire, and severe weather hazards.

**Policy 10.** The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and Policy 4 that requires the city to actively coordinate with other governmental jurisdictions and agencies regarding the protection and restoration of natural resources such as streams and wetlands.

#### **Chapter 8: Parks, Recreation, Trails, and Open Space**

**Goal 9.1** Provide a wide variety of high quality park and open spaces for all residents, including both:

- a. developed areas with facilities for active recreations; and
- b. undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

**Policy 2.** The City shall preserve and, where appropriate, acquire and improve natural areas located within a half mile of every Tigard resident to provide passive recreational opportunities.

**Policy 6.** The City shall acquire and manage some open spaces to solely provide protection of natural resources and other open spaces to additionally provide nature-oriented outdoor recreation and trail-related activities.

Findings: These two policies are satisfied by the proposed amendment through Goal 5.1 and Policy 1. More specifically, Policy 1 requires the City to protect and restore natural resources through a variety of methods to provide educational opportunities, recreational amenities, and other services. This both enables and encourages the City to acquire and improve areas with potential for passive recreation such as trails.

**Policy 9.** The City shall integrate green concepts into park and open space design, maintenance, and operations.

**Policy 17.** The City shall maintain and manage its parks and open space resources in ways that preserve, protect, and restore Tigard's natural resources, including rare, or state and federally listed species, and provide "Nature in the City" opportunities.

Findings: These two policies are satisfied by the proposed amendment through Goal 5.1, and Policies 1, 3, 7, 8 and 13. Policies 1, 7, and 8 require the city to protect and restore natural resources on both public and private lands. Policy 3 encourages public projects to use sustainable building technologies and low impact development techniques, both of which are applicable to the design, maintenance and operation of parks, open space, and their appurtenant facilities. Similarly, Policy 13 requires the City to, where feasible, integrate wildlife corridors into parks and open space planning. As a result these two existing policies are supported by the proposed amendment.

**Policy 22. City-owned property may be used for private wetlands mitigation considered on a case-by-case basis.**

Findings: This policy is satisfied by proposed Goal 5.1 and Policy 12. More specifically, Policy 12 requires the City to develop and implement standards and procedures for the mitigation of lost natural resources, including wetlands. Standards and procedures for the use of public land is enabled and encouraged by this policy.

#### **Chapter 11: Public Facilities and Services**

**Goal 11.1 Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.**

**Policy 6. The City shall maintain streams and wetlands in their natural state, to the extent necessary, to protect their stormwater conveyance and treatment functions.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and Policies 1, 3, 8, 11, and 12. The five proposed policies direct the city to protect and restore natural resource functions such as stormwater conveyance and treatment.

**Policy 7: The City shall encourage low impact development practices and other measures that reduce the amount of, and/or treat, stormwater runoff at the source.**

Findings: This policy is satisfied by the proposed amendment through Goal 5.1, and Policies 3, 4, and 11. Policy 3 encourages the use of sustainable building technologies and low impact development techniques which will protect or improve water quality. Policies 4 and 11 require consultation and education of local landowners regarding the protection and restoration of natural systems including streams and wetlands which are key components of water quality.

#### **Old Comprehensive Plan Topics**

##### **Topic 1: General Policies**

##### **Policy 1.1.1 THE CITY SHALL ENSURE THAT:**

- a. THIS COMPREHENSIVE PLAN AND ALL FUTURE LEGISLATIVE CHANGES ARE CONSISTENT WITH THE STATEWIDE PLANNING GOALS ADOPTED BY THE LAND CONSERVATION AND DEVELOPMENT COMMISSION, THE REGIONAL PLAN ADOPTED BY THE METROPOLITAN SERVICE DISTRICT;
- b. ANY NEIGHBORHOOD PLANNING ORGANIZATION PLANS AND IMPLEMENTATION MEASURES ADOPTED BY THE CITY OF TIGARD AFTER THE EFFECTIVE DATE OF THIS

COMPREHENSIVE PLAN ARE DESIGNED TO BE CONSISTENT WITH THIS PLAN; AND

- c. THE TIGARD COMPREHENSIVE PLAN AND COMMUNITY DEVELOPMENT CODE ARE KEPT CURRENT WITH THE NEEDS OF THE COMMUNITY. IN ORDER TO DO THIS:
  1. THIS PLAN SHALL BE REVIEWED AND UPDATED AT LEAST EVERY FIVE YEARS.

Policy 1.1.2 THE COMPREHENSIVE PLAN AND EACH OF ITS ELEMENTS SHALL BE OPENED FOR AMENDMENTS THAT CONSIDER COMPLIANCE WITH THE PLANS OF THE METROPOLITAN SERVICE DISTRICT (MSD) OR ITS SUCCESSOR ON AN ANNUAL BASIS, AND MAY BE SO AMENDED OR REVISED IF DEEMED NECESSARY BY THE CITY COUNCIL. ANNUAL AMENDMENT AND REVISION FOR COMPLIANCE WITH THE ABOVE REGIONAL GOALS, OBJECTIVES AND PLANS SHALL BE CONSISTENT WITH ANY SCHEDULE FOR RE-OPENING OF LOCAL PLANS APPROVED BY THE LAND CONSERVATION AND DEVELOPMENT COMMISSION (LCDC).

THIS PROVISION IS NOT TO BE CONSTRUED AS WAIVING ANY LEGAL RIGHTS WHICH THE CITY MAY HAVE TO CHALLENGE THE LEGALITY OF A REGIONAL GOAL, OBJECTIVE, OR PLAN PROVISION.

Findings: This update will ensure the City is in compliance with applicable laws, rules, regulations, plans, and programs. This update will also ensure continued compliance with Statewide Planning Goal 5 as the new goals and policies reflect current community conditions and values. The new goals and policies have been developed through a citizen involvement effort, reviewed by City staff, reviewed by affected agencies, and reviewed by the Planning Commission at two workshops on May 5 and May 19, 2008.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendment satisfies the applicable policies contained in the City of Tigard Comprehensive Plan.

APPLICABLE METRO REGULATIONS:

Metro Urban Growth Management 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 from development activities and protecting life and property from dangers associated with flooding.

Findings: In 2002, the City of Tigard adopted Comprehensive Plan and Code Amendments to comply with Title 3 of Metro's Urban Growth Management Functional Plan, which outlines water quality and flood management requirements for the region. The adopted standards were based on a unified program developed by local governments in the Tualatin Basin and implemented through Clean Water Services (CWS) Design & Construction Standards, which provides for vegetated stream corridor buffers up to 200 feet wide and mandating restoration of corridors in marginal or degraded condition.

In addition, Clean Water Services, local cities, Washington County, Metro, and Tualatin Hills Park and Recreation District, partnered on a parallel effort to develop the CWS Healthy Streams Plan (HSP), an updated watershed plan designed to enhance the functions of the Tualatin Basin surface water system and address the Clean Water Act and Endangered Species Act (ESA).

The proposed amendment will continue to ensure compliance with Title 3 requirements and standards. Policy 4 provides clear direction that the City of Tigard feels that coordinating with regional partners to comply with wetlands and stream regulations is very important to the community. Additionally, Policies 1, 3, 5, 6, 7, 8, 11, and 12 further signify the City's commitment to protecting the resources that are critical to improving water quality, flood management, and fish/wildlife habitat and conservation.

**Metro Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods – conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.**

Findings: The multi-jurisdictional approach undertaken by Tualatin Basin jurisdictions was used to develop a program to meet Statewide Goal 5 requirements for inventorying riparian areas and wildlife habitat and to comply with Metro's Urban Growth Management Functional Plan Title 13 (the regional *Nature in Neighborhoods* program). The *Tualatin Basin Fish and Wildlife Habitat Program* was developed to complement Clean Water Services Design and Construction Standards to protect the beneficial uses of water (including rivers, streams and creeks) within the Tualatin Basin.

The proposed amendment will continue to ensure compliance with Title 3 requirements and standards. Policy 4 provides clear direction that the City of Tigard feels that coordinating with regional partners is very important to the community. Additionally, Policies 1, 3, 5, 6, 7, 8, 11, and 12 further signify the City's commitment to protecting the resources to comply with water quality regulations, protect fish and wildlife habitat, and preserve the floodplain that are critical to the community's well-being.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendment satisfies the applicable Metro regulations.

#### **THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197**

##### *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.**

Findings: This goal was met through an extensive public involvement process. A Public Involvement Program for the Comprehensive Plan Update was developed in March 2006. This Program was reviewed and endorsed by the Committee for Citizen Involvement and the Planning Commission. The Program outlined the information, outreach methods, and involvement opportunities available to the citizens during the process.



Information was distributed throughout the process via the project website, an interested parties listserv, Cityscape articles, press releases, articles in the local paper, and two project open houses. Outreach methods also included presentations to a number of civic organizations in the community, personal emails sent to groups and organizations, updates to City boards and commissions, presentations to high school students, and staff attendance at community events to pass out information.

Involvement opportunities included two open houses, participation on a policy interest team, submitting written comments via the website, and attending the Planning Commission workshop. Additionally, the interested parties listserv and volunteers who signed up for the policy interest teams were provided notice of all meetings held regarding the Comprehensive Plan Update.

As part of the Comprehensive Plan Amendment process, public notice of this Planning Commission public hearing was sent to the interested parties list and published in the March 20, 2008 issue of The Times (in accordance with Tigard Development Code Chapter 18.390). Notice will be published again prior to the City Council public hearing. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the text changes could be viewed.

***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.**

Findings: The proposed amendment to the Tigard Comprehensive Plan is being processed as a Type IV procedure, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations, comprehensive plan policies, and City's implementing ordinances, be addressed as part of the decision-making process. Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

***Statewide Planning Goal 5 - Natural Resources***

**This goal requires the inventory and protection of natural resources, open spaces, historic areas and sites.**

Findings: The proposed amendment is consistent with this goal as the proposed changes direct the City to protect and restore natural resources, and to protect and promote historic areas and culturally significant resources. This policy direction is an enhancement to Goal 5 protections already in place in the community.

Proposed Goals 5.1 and 5.2 and its associated policies (see Exhibit A), provide clear direction that natural and historic resources are an important component of the community and the City will continue in partnership with other jurisdictions to ensure regulations and standards are being met and programs being implemented. These policies also aim to minimize development's impact upon the resources by protecting them thru the City's land use program.

***Statewide Planning Goal 6: Air, Water, and Land Resources Quality***

**To maintain and improve the quality of the air, water, and land resources of the state.**

Findings: The proposed amendment is consistent with this goal as the proposed changes direct the City to manage development to protect natural resources and their functions in improving the quality of the community's environment.

Proposed Goal 5.1 and its associated policies (see Exhibit A), provide clear direction that environmental quality is an important component of the community and the City will continue in partnership with other jurisdictions to ensure standards are being met and programs being implemented. These policies aim to minimize impacts from development, and to encourage the restoration of degraded resources.

***Statewide Planning Goal 11: Public Facilities and Services***

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

Findings: The proposed amendment is consistent with this goal as the proposed changes direct the City to protect, enhance, and when necessary mitigate public services provided by Tigard's natural resource systems. These services include stormwater control, air/water quality maintenance, and recreational areas.

Proposed Goal 5.1 and its associated policies (see Exhibit A), provide clear direction that public services are an important function of natural resources and the City will continue in partnership with other jurisdictions to ensure standards are being met and regional/national programs being implemented. These policies also aim to minimize impacts from development, and to encourage the restoration of degraded resources.

**SECTION VI. ADDITIONAL CITY STAFF COMMENTS**

The City of Tigard's Building Division, Engineering Division, Current Planning Division, Library Department, Administrative Department, Financial and Information Technology Departments, Public Works Department, and Police Department has had an opportunity to review this proposal and did not respond.

CONCLUSION: Based on no response from City staff, staff finds the proposed amendment does not interfere with the best interests of the City.

**SECTION VII. OUTSIDE AGENCY COMMENTS**

The following agencies/jurisdictions had an opportunity to review this proposal and did not respond:

City of Durham  
City of Beaverton  
City of King City  
City of Lake Oswego  
City of Portland  
City of Tualatin  
Washington County, Department of Land Use and Transportation  
Metro Land Use and Planning

**Oregon Department of Land Conservation and Development  
Oregon Department of Transportation**

The following agencies/jurisdictions had an opportunity to review this proposal and had the following comments:

**Oregon Department of Environmental Quality:** This agency submitted a letter attached as Exhibit "B". This letter contained the following: "DEQ likes the emphasis on protecting ecological function in the language of your amendment. You do this in particular in Policy items 1c and 1d, 3, 7, 8, and 9, and to a lesser extent in the remaining policy items... Urban streams are most vulnerable to the impacts caused by increasing the area of impermeable surfaces. Policy 3 that encourages low impact development and Policy 9b have language that can directly affect this impact. We encourage you to maintain this language in the adopted amendment, and to support Action Measure viii as strongly as you are able."

Findings: This comment letter supports existing language within the proposed amendment (Exhibit "A"). Proposed modifications remove subsection b of Policy 9, and Recommended Action Measure viii. The affect of these changes are negligible as impermeable surface reduction is addressed through Policy 3 that calls for Low Impact Development, policies 7 and 8 that require the protection of riparian systems and habitats, and a broadly inclusive Policy 9.

**Oregon Department of Geology and Mineral Industries:** Declined to comment.

**Tualatin Valley Fire & Rescue:** Requested language be added to encourage the use of fire sprinklers as a mechanism for reducing water runoff, and potential contaminants therein, during firefighter operations.

Findings: In response to this comment, staff recommends the addition of Recommended Action Measure "xx", as contained in Exhibit "A". The full text of this comment letter is contained in Exhibit "C".

**Tualatin Valley Water District:** Declined to comment.

**Beaverton School District #48:** Had no objections.

**Clean Water Services:** Recommended the inclusion of any and all relevant provisions of the current intergovernmental agreement between the City of Tigard and Clean Water Services, and the relevant provisions of the current Design and Construction Standards.

Findings: The proposed amendment does not reference issues relating to development, natural resources, historic areas, or enhancements thereof. These issues, and specifically the Design and Construction Standards are discussed in the Public Facilities (Goal 11) chapter.

**CONCLUSION:** Staff finds the proposed amendment meets all requirements of these agencies and does not interfere with the best interests of the City.

**SECTION VIII. CONCLUSION**

The proposed changes comply with the applicable Statewide Planning Goals, Metro regulations, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

Therefore, Staff recommends that the Planning Commission recommend approval of the Comprehensive Plan Amendment to the Tigard City Council as determined through the public hearing process.

ATTACHMENT:

EXHIBIT A: PROPOSED AMENDMENT TO THE TIGARD COMPREHENSIVE PLAN.

EXHIBIT B: LETTER FROM OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

EXHIBIT C: LETTER FROM TUALATIN VALLEY FIRE AND RESCUE

ATTACHMENT 1: MEMORANDUM REGARDING DRAFT DEFINITIONS

\_\_\_\_\_  
PREPARED BY: John Floyd  
Associate Planner

May 22, 2008  
DATE

\_\_\_\_\_  
APPROVED BY: Ron Bunch  
Assistant Community Development Director

May 22, 2008  
DATE

## Natural Resources and Historic Areas

Each community possesses certain natural and historic resources that help to establish its identity. Tigard is fortunate to contain a variety of these resources that contribute to its high quality of life. From the riparian corridors along the Tualatin River and its tributaries, to the City's wetlands, to the upland habitat resources, the community's natural resources are a visual and ecological asset. The historic and cultural resources of the community represent a part of the community that provides a living history of the area. Protecting and conserving these resources are vital components to a successful land use planning program.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces  
*"To protect natural resources and conserve scenic and historic areas and open spaces."*

As awareness of the importance of natural and historic resources and their relationship to the quality of life has increased, so has concern for protecting these resources. Protecting the City's valuable natural and historic resources is thus one of Tigard's primary goals. In addition, the City must comply with federal, state, and regional laws protecting the resources, including sensitive, threatened, and endangered species and their habitats. The following resources are addressed in this chapter:

- Fish and Wildlife Habitat
- Wetlands
- Streams
- Groundwater
- Historic and Cultural Resources

As Tigard's population continues to grow, so does the potential for conflict between the desire to preserve resources and the need to provide adequate land for growth. As development patterns change to accommodate growth, more pressure is placed on the resources that are present. The tension between the built and natural environments results from the competition for land resources. The steady trend of growth and development further necessitates the importance of finding a suitable balance in the future, both locally and regionally.

### Fish and Wildlife Habitat

Despite growing urbanization, Tigard and the surrounding area remain home to an impressive diversity of birds, mammals, fish, amphibians and reptiles. Fish and wildlife species depend on a complex array of habitat conditions for their food, water, mobility, security, and reproductive needs. Wildlife habitat within the City of Tigard is heavily concentrated adjacent to water bodies, such as streams and wetlands. However, there are patches of upland habitat in drier, higher elevations across the City. This upland vegetation not only contributes in providing protective cover for wildlife, but also contributes to the aesthetic quality of the community and

serves as an essential element in controlling runoff and soil erosion, moderating temperatures, and reducing air pollution.

A number of agencies are involved in the effort to address the management and protection of fish and wildlife habitat. In 2000, Metro began work on a regional inventory of significant fish and wildlife habitat, focusing on riparian corridor and wildlife habitat resources. Shortly after completion of the inventory in 2002, the Tualatin Basin Partners for Natural Places, an alliance between Washington County and local cities (including Tigard) working with Metro, Tualatin Hills Parks and Recreation District and Clean Water Services, was formed to meet relevant federal, state, and regional requirements. Metro entered into an intergovernmental agreement (IGA) with the Tualatin Basin Partners for Natural Places to develop a basin-specific approach to protect Goal 5 (riparian and wildlife habitat) resources in compliance with the Metro's *Urban Growth Management Functional Plan*, Title 3 (Water Quality and Flood Management) and Title 13 (Nature in Neighborhoods). The result of the IGA was the City adopting voluntary habitat friendly development provisions in December 2006 that seek to protect the wildlife habitat identified within the community. The provisions include an opportunity for low impact development practices that can reduce impacts to the identified resources.

The Tualatin Basin Partners for Natural Places used the regional habitat inventory as the basis for conducting a general analysis of the Economic, Social, Environmental, and Energy (ESEE) consequences of allowing, limiting or prohibiting uses that would negatively impact inventoried resources. The site-specific component of the ESEE analysis provided a more localized analysis and an opportunity to refine the Basin-wide "limit" decision where necessary.

The analysis results show that the City of Tigard has 508 acres of habitat designated as "strictly" limit (i.e. Metro inventoried Class I and II riparian resources within the Clean Water Services Vegetated Corridor). An estimated 370 acres of Class I and II riparian habitat situated outside the Clean Water Services' vegetated corridor are designated as "moderately" limit. In addition, 422 acres of non-Class I and II riparian resources within the City are designated as "lightly" limit, including both upland and lower-value riparian habitat areas.

#### Wetlands

Wetlands, including swamps, bogs, fens, marshes, and estuaries, play a crucial role in a healthy ecosystem by providing essential habitat for waterfowl, fish, amphibians and many other animal and plant species. The state defines a wetland as an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (Oregon Administrative Rule (OAR) 660-023-0100). These areas also serve several natural hydrologic functions, including absorbing flood waters, sustaining summer stream flows, replenishing groundwater, and filtering out harmful pollutants from waterways. Wetlands also offer prime sites for people to witness the wonders of a unique natural setting where fish, wildlife, plants, and water converge. These

## Exhibit "A"

beneficial functions of wetlands, however, may be adversely affected by human activities such as encroachment through development, alterations to natural drainage patterns, pollution, and the introduction of nuisance plant species.

As outlined under OAR 141-086 for Wetland Conservation Planning, Tigard's locally significant wetlands were designated according to the criteria and procedures for identification of significant wetlands adopted by DSL. Inventoried wetlands were deemed significant if they received the highest rating on at least two of the four primary wetland functions, namely wildlife habitat, fish habitat, water quality, and hydrological control. Of the wetlands (within the City limits) identified in Tigard's Local Wetlands Inventory, roughly 98% are classified as significant wetlands.

In 1997, the City of Tigard Local Wetlands Inventory (LWI) and Wetlands Assessment were approved by DSL. Approval by DSL means that the wetlands inventory meets state LWI standards, and therefore becomes part of the State Wetlands Inventory and must be used in lieu of the National Wetlands Inventory.

Since the approval of the LWI, several new wetland delineations have occurred within the city limits. These new delineations were performed by wetland professionals and concurred by DSL. The newly delineated wetlands become part of the LWI, although a function assessment was not performed. Without the assessment, significance cannot be determined. However, the majority of the newly delineated wetlands is currently under protection from the City's sensitive lands review process because of their location in a stream corridor, 100-year floodplain, or within the CWS vegetated corridor. The remaining wetlands, although not covered by the City's sensitive lands review process, are subject to the state Removal-Fill Law and must secure permits as required by the law.

### Streams

Roughly 30 miles of stream corridors cross through the City and nearly all the streams in Tigard drain into Fanno Creek, which then flows into the Tualatin River. These stream corridors provide a complex ecosystem linking water, land, plants, and animals and perform several ecological functions, including storing and conveying surface water, modulating flows, removing pollutants and providing vital habitat for aquatic organisms.

The City collaborates with Clean Water Services (CWS), the surface water management and sanitary sewer system utility for urban Washington County, to protect local water resources. Through CWS *Design and Construction Standards*, local governments in the Tualatin Basin (including Tigard) developed a unified program to address water quality and flood management requirements for Title 3 of Metro's *Urban Growth Management Functional Plan*.

In 2002, the City of Tigard adopted regulations restricting development within and adjacent to sensitive water resource areas, including streams, through standards in the CWS *Design and Construction Standards*. The CWS standards provide for vegetated corridor buffers, ranging from 15 to 200 feet wide, and mandate restoration of

## Exhibit "A"

corridors in marginal or degraded condition. In addition, land-use applicants proposing development near streams and wetlands are required to prepare a site assessment and obtain approval from CWS prior to submitting a land use application to the City.

Additionally, the Tigard *Community Development Code* (18.775) contains a chapter devoted to the protection of sensitive lands, including natural drainageways, wetlands, and the 100-year floodplain, by requiring applicants proposing development within a sensitive area to obtain a permit for certain activities depending on their nature and intensity.

The City of Tigard also collaborates in implementing Clean Water Services' *Healthy Streams Plan* (June 2005). The goal of this plan is to improve watershed and stream health for community benefit by recommending a number of policy and program refinements, as well as outlining a capital projects program. The capital projects focus on stream preservation and enhancement, flow restoration, community tree planting, stormwater outfall and culvert replacement.

### Groundwater

The importance of groundwater to the community is twofold. First, it serves the function of naturally replenishing surface waters such as wetlands, streams, and lakes. This helps provide vital habitat for aquatic organisms and wildlife. Secondly, it is a source of clean water to help meet human water needs for drinking, household use, commercial/industrial use, and irrigation.

The western portion of the City of Tigard is located above the Cooper Mountain/Bull Mountain Critical Groundwater Area. The Critical Groundwater Area was declared in 1973 in response to heavy pumping and the slow rate of recharge. This is significant because the City owns water rights to withdraw groundwater from the aquifer and it was once an important source of drinking water. Currently, the City of Tigard Water Division has one groundwater well in operation that is available to supplement the drinking water supply in times of high demand. The Water Division has also developed Aquifer Storage Recovery wells that allow potable water to be injected into the aquifer during the winter to supplement the summer high demands.

### Historic and Cultural Resources

In 1984, the City adopted a Cultural Resource Overlay District to manage significant historic resources. Section 18.740 of the Community Development Code governs the application and removal of the district overlay, the primary purpose of which is to facilitate the protection, enhancement, and conservation of landmarks and historic and cultural sites and areas. Under state law (ORS 197.772) enacted in 1995, a local government is required to allow a property owner to remove a historic property designation that was imposed by the local government; in addition, the property owner may refuse to consent to the designation at any time in the process, thus removing the property from consideration for all but the National Register of



## Exhibit "A"

Historic Places. The implication of the statute and rule for Tigard's current historic code provisions is that if the property designation does not have owner consent, the provisions are no longer relevant or enforceable.

Local conservation efforts can be combined with the National Register of Historic Places (the National Register), a list of cultural resources of national, regional, state, or local significance that is kept by the Department of the Interior's (DOI) National Park Service (NPS). Being listed on the Register does not protect a property from demolition, but it does document and evaluate the property's historic significance based on National Register criteria and makes the property eligible for federal grants when available, including rehabilitation tax credits.

Many of the cultural resources associated with the original development of the Tigard area have not survived the City's growth during the last forty years. Improvements to Hwy 99W also contributed to the demise of the City's resource base. Those resources that survived include a mix of residential, educational, and commercial buildings.

Currently, nine resources have the overlay designation. Two sites, the John F. Tigard House and the Shaver-Bilyeu House, are listed on the National Historic Register. The only property from which the overlay has been removed was the Tigard Feed and Garden Store when the owner initiated the removal request. Chapter 18.740 of the Community Development Code requires that if an overlay property receives approval for demolition, a condition of approval will require submittal of a graphic and pictorial history and artifacts to the Washington County Museum.

### Key Findings

- Clean Water Services' *Design and Construction Standards* establish a vegetated corridor buffer adjacent to the City's streams to protect water quality; the City adopted these standards in 2002.
- In addition to contributing to the general aesthetic quality of the area, streams and the adjacent riparian areas perform several ecological functions.
- Roughly 98% of the City's wetlands are classified as "locally significant wetlands," per procedures outlined under OAR 141-086.
- The Tigard *Community Development Code* requires Sensitive Lands Review for any development which would impact significant wetlands or the vegetated corridor buffer to wetlands.
- Wetlands may be adversely affected by human activities such as encroachment through development, alterations to natural drainage patterns, pollution, and the introduction of nuisance plant species.
- Based on the Economic, Social, Environmental and Energy (ESEE) analysis conducted by the Tualatin Basin Partners for Natural Places, 588 acres of the inventoried regionally significant habitat was designated as "strictly limit", 370 acres was designated as "moderately limit" and 422 acres was designated as "lightly limit."

## Exhibit "A"

- In December 2006, the City of Tigard adopted voluntary Habitat Friendly Development Provisions (Ordinance 06-20) that encourages the protection of habitat with the use of low impact development practices.
- The Critical Groundwater Area on Cooper Mountain and Bull Mountain was declared by the State of Oregon in 1973 and restricts the withdrawal of groundwater on the western half of the City.
- Groundwater wells currently in operation are limited to one traditional well and two aquifer storage recovery (ASR) wells.
- In 1984, the City adopted a Historic Overlay District to manage significant historic resources.
- In 1995, ORS 197.772 required local governments to allow a property owner to remove a historic property designation that was imposed by the local government. The implication for Tigard's current historic code provisions is that if the property designation does not have owner consent, the provisions are no longer relevant or enforceable.
- Nine resources have the overlay designation. Two sites, the John F. Tigard House and the Shaver-Bilyeu House, are listed on the National Historic Register; only the Tigard house has the Historic District overlay.
- The citizens of Tigard value trees and natural resources and feel that protecting these resources will benefit the community.
- The citizens of Tigard are concerned about the impact of growth on the community's natural resources.

### Goal

- 5.1 ~~Protect and restore natural resources, and the environmental and ecological services they provide, through naturally functioning systems that demonstrate a high level of biodiversity.~~ Protect natural resources and the environmental and ecological functions they provide; and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

ALTERNATIVE: Protect natural resources and the functions and services they provide; and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

Policies

1. The City shall protect and, to the extent feasible, restore natural resources in a manner that will a variety of methods to:
  - a. Contribute to the City's scenic quality of Tigard and its unique sense of place;
  - b. Provide educational opportunities, recreational amenities, and buffering between differential land uses;
  - c. Maximize natural resource functions and ~~values~~ services including fish and wildlife habitat and water quality; and
  - d. Result in healthy and naturally functioning systems containing a high level of biodiversity.
- ~~2. The City shall continue to protect and restore natural resources through a variety of methods. Such methods shall include, but not be limited to, the use of development and land management regulations, acquisition of land and conservation easements, educational outreach, and external partnerships as appropriate.~~
3. ~~The City shall encourage public and private development to use sustainable building technologies, low impact development techniques, and incorporate existing and potential natural resource functions and values into the landscape and infrastructure designs of development projects.~~ The City shall encourage public and private development to use sustainable building technologies and low impact development techniques, and include measures to protect and improve natural resource quality/functions as part of site and building design.
4. The City shall actively coordinate and consult with landowners, local stakeholders, and governmental jurisdictions and agencies ~~in~~ regarding the inventory, protection, and restoration of natural resources ~~with landowners, local stakeholders, and governmental jurisdictions and agencies.~~
5. The City shall utilize periodic assessments of the effectiveness of the City's programs and regulatory structures to ~~inform~~ guide future decisions regarding natural resource protection, management, and restoration.
6. The City shall utilize incentives or disincentives ~~as appropriate~~ to the extent feasible, to ~~prevent~~ discourage property owners from removing or degrading natural resources prior to application for development or annexation.

7. The City shall ~~preserve~~ **protect** and, to the extent feasible, restore riparian and upland habitats for fish and wildlife to the maximum extent possible on public and private lands through:
  - ~~a. Land use regulations and standards that protect and restore essential habitat elements that satisfy the food, water, shelter, mobility, and reproductive needs of fish and wildlife;~~
  - ~~b. Land use regulations and standards that mitigate the loss of habitat elements and functions as a result of development, with priority given to protection over mitigation;~~
  - ~~c. Preservation and creation of linkages between wildlife habitat areas, when possible, as a key component of parks, open space, and surface water management plans; and~~
  - ~~d. Implementation of outreach and regulatory programs to identify and remove invasive species that threaten habitat areas.~~
  
8. The City shall ~~preserve, maintain,~~ **protect** and, to the extent feasible, restore the diverse ecological and non-ecological functions and ~~values~~ services of streams, wetlands, and associated riparian corridors. ~~Strategies shall include, but not be limited to:~~
  - ~~a. Compliance with Federal, State and Regional regulations as they apply to streams, wetlands, and associated riparian corridors;~~
  - ~~b. Mitigating the loss of wetlands and their associated functions and values as a result of development, with priority given to protection over mitigation;~~
  - ~~c. Protection of riparian vegetation necessary for erosion control, water quality, and fish and wildlife habitat; and~~
  - ~~d. Maintenance and restoration of hydrologic regimes that support fish and wildlife, provide flood control, enable natural recharge of groundwater, and other ecological and community benefits.~~
  
9. The City shall ~~continue~~ implement measures to protect groundwater by:
  - ~~a. Continuing to work with regional and state agencies to identify and address potential sources of contamination;~~
  - ~~b. Minimizing the amount of impervious surface area covering the City that prevents the natural recharge of groundwater aquifers; and~~
  - ~~c. Supplementing groundwater extraction with alternative sources.~~
  
10. The City shall ~~maintain and utilize a~~ periodically update and improve its baseline inventory of natural resources through surveys and monitoring.

11. The City shall assist landowners in the protection of natural resources through diverse methods including, **but not limited to**: education, incentives, planned development standards and regulations, and conservation easements.
12. The City shall develop and implement standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection over mitigation.
13. The City shall identify, preserve and create linkages between wildlife habitat areas, to the extent feasible, as a key component of parks, open space, and surface water management plans.

#### Recommended Action Measures

- i. Identify and inventory locally significant habitats and plant communities not included in the Nature in Neighborhoods and Tualatin Basin Natural Resources Coordinating Committee studies.
- ii. ~~Establish baseline measures and periodically evaluate natural resource protection and restoration activities in a manner that will measure success and enable further refinement towards measurable goals.~~ Utilize an active management approach that seeks to improve natural resource standards and programs by establishing a measurable baseline condition and desired end goals, periodically measuring the success of existing city actions against those goals, and making corrections as necessary to improve success.
- iii. Inventory and preserve small perennial streams as natural resource for their contributions to fish and wildlife habitat.
- iv. Inventory and preserve locally significant tree groves not considered regionally significant habitat.
- v. ~~Identify and preserve areas demonstrating high scenic quality, and implement mechanisms for preserving, maintaining and/or enhancing this quality.~~
- vi. Periodically ~~evaluate~~ identify and make steps to improve the effectiveness of existing natural resource protections with the Development code; ~~identify gaps, conflicts, and opportunities for enhancement.~~

- vii. Continue membership and active involvement with nonprofit and government agencies such as the Tualatin Basin Natural Resources Coordinating Committee.
- ~~viii. Identify opportunities for, and encourage the use of, habitat friendly development practices and low impact development techniques.~~
- ix. Incorporate bioregional conservation strategies, such as those identified in the Oregon Biodiversity Project Conservation Strategy and Clean Water Service's Healthy Streams Plan into regulations and restoration programs.
- x. Utilize indicators of biodiversity as a measure of the quality and health of natural resource systems, and as a measure of success of City actions and strategies.
- ~~xi. Identify mechanisms for stabilizing or reducing surface and groundwater extraction for residential and commercial uses. Implement a program to assist the state in identifying and canceling unused water rights within Tigard for the purpose of stabilizing or reducing surface and groundwater diversion and extraction.~~
- ~~xii. Protect and restore natural resources through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisition of land and conservation easements, educational outreach, and external partnerships.~~
- ~~xiii. Implement Land use regulations and standards that protect and restore essential habitat elements that satisfy the food, water, shelter, mobility, and reproductive needs of fish and wildlife.~~
- ~~xiv. Implement outreach and regulatory programs to identify and remove invasive species that threaten habitat areas.~~
- ~~xv. Identify and implement measures to protect riparian vegetation necessary for erosion control, water quality, and fish and wildlife habitat.~~
- ~~xvi. Identify and implement measures to maintain and, where possible, restore hydrologic systems and regimes that support fish and wildlife, provide flood control.~~

enable natural recharge of groundwater, and other ecological and community benefits.

- xvii. Work with regional and state agencies to identify and address potential sources of contamination.
- xviii. Identify and implement measures to reduce the amount of impervious surface area covering the City that prevents the natural recharge of groundwater aquifers.
- xix. Supplement or replace groundwater extraction with alternative sources of water during periods of high demand.
- xx. Encourage the use of automatic sprinkler protection systems in all buildings to reduce water consumption during fire-fighting operations and reduce runoff into adjacent natural resource areas.

#### Goal

- 5.2 Promote the preservation and protection of historically and culturally significant resources.

#### Policies

- 1. The City shall actively promote the protection and preservation of historic and cultural resources and consider the development and implementation of new culturally significant resources and cooperate with organizations involved in their protection.

#### Recommended Action Measures

- i. Promote and publicize historic resources in the City.
- ii. Support volunteer programs to preserve historic resources.
- iii. Encourage ~~rental~~ rehabilitation and reuse of historic buildings to the extent feasible, ~~where appropriate.~~
- iv. Consider holding City functions in historic buildings, where appropriate.

- v. Support efforts to obtain historic designation at the city, county, state, and national levels for public and private historic sites.
- vi. Facilitate the development of appropriate economic options and alternatives for historic and cultural resources and organizations involved in their protection, when requested.

~~3. NATURAL FEATURES AND OPEN SPACE~~

~~This chapter addresses a broad range of topics all having to do with the natural resources located within the Tigard Urban Planning Area. This chapter reflects the concerns expressed in several of the Statewide Planning Goals including:~~

~~Goal #3 Agricultural Lands; Goal #4 Forest Land; Goal #5 Open Spaces; Scenic and Historic Areas and Natural Resources; Goal #7 Areas subject to Natural Disasters and Hazards; and Goal #8 Recreational Needs.~~

~~The natural environments within the planning area offer many opportunities for a unique and healthy urban development. Those environments, when viewed as a series of systems rather than isolated features, will provide Tigard with those elements necessary for a healthy place in which to live, work and play. Floodplain greenways, for example, can provide the community with an excellent system of open space links between neighborhoods and services, in addition to providing a relatively inexpensive system for storm water runoff. It is to the community's benefit that consideration be given to both the opportunities and the limitations of the various environments within the planning area.~~

~~The natural environments included within the planning area all have their own respective limitations with regard to urbanization. Development pressure upon lands with such limitations can have profound effects on the environment. Erosion of steep slopes caused by inappropriate development, for instance, does not occur as an isolated incident. Soil type, permeability, vegetation and drainage all play major roles in and are effected by development. Likewise, the effects of inappropriate development located within the floodplain areas could have adverse effects on properties both up and down stream from the development site. The social, cultural and economic values of such resource lands could be reduced by the effects of urban development nearby. The limitations of the various environments should be considered in reviewing new development within the planning area.~~

~~The recognition of the natural environment in the planning area and the development of findings and policies which address the characteristics of the environment are extremely important elements in the Comprehensive Plan. The purpose of this chapter is to define the parameters of the various natural environments in the planning area and to identify the limitations and opportunities inherent in those environments.~~

~~Additional information on this topic is available in the "Comprehensive Plan Report--Natural Features and Open Spaces."~~

~~3.1 WETLANDS~~

~~POLICY~~

~~3.1.1 THE CITY SHALL NOT ALLOW DEVELOPMENT IN AREAS HAVING THE FOLLOWING DEVELOPMENT LIMITATIONS EXCEPT WHERE THE DEVELOPER DEMONSTRATES THAT GENERALLY ACCEPTED ENGINEERING TECHNIQUES RELATED TO A SPECIFIC SITE PLAN WILL MAKE THE AREA SUITABLE FOR~~



Exhibit "A"

~~THE PROPOSED DEVELOPMENT. (NOTE: THIS POLICY DOES NOT APPLY TO LANDS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP.);~~

~~a. AREAS MEETING THE DEFINITION OF WETLANDS UNDER CHAPTER 18.26 OF THE COMMUNITY DEVELOPMENT CODE;~~

~~(Rev. Ord. 85-13; Ord. 84-36; Ord. 07-20)~~

~~3.2 FLOODPLAINS~~

~~3.2.1 THE CITY SHALL PROHIBIT DEVELOPMENT WITHIN AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP. NO DEVELOPMENT SHALL OCCUR ON PROPERTY ADJACENT TO AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP WITHIN TWENTY FIVE (25) FEET OF THE DESIGNATED WETLANDS AREA. DEVELOPMENT ON PROPERTY ADJACENT TO SIGNIFICANT WETLANDS SHALL BE ALLOWED UNDER THE PLANNED DEVELOPMENT SECTION OF THE CODE.~~

~~(Rev. Ord. 05-01; Ord. 98-19; Ord. 90-22; Ord. 85-13; Ord. 84-36; Ord. 07-20)~~

~~3.3 NATURAL RESOURCES~~

~~Findings~~

- ~~• Currently, there are extensive rock and gravel extraction areas located to the north and west of Tigard's planning area within Beaverton and Washington County.~~  
~~(Rev. Ord. 04-07)~~
- ~~• There is one active mineral or aggregate resource within the Tigard Planning Area, known as the Durham Pits, which is operated by Washington County.~~

~~POLICY~~

~~3.3.1 THE CITY OF TIGARD SHALL SUPPORT THE EFFORTS OF WASHINGTON COUNTY, BEAVERTON AND THE METROPOLITAN SERVICE DISTRICT TO ENSURE THE AVAILABILITY OF THE ROCK MINERAL RESOURCES.~~

~~IMPLEMENTATION STRATEGY~~

- ~~1. The City shall encourage those jurisdictions regulating rock extraction to closely monitor the relationship between the demand for the resource and the amount of land planned for rock and gravel extraction and processing.~~

~~3.4 NATURAL AREAS~~

~~Findings~~

- ~~• There are a variety of plants, animals and water fowl within the Tigard planning area which add greatly to the quality of life within the community~~
- ~~• Each species requires a complex and, often, a narrowly specific set of conditions with respect to food, water and vegetative cover or other natural features necessary for escape and reproduction.~~
- ~~• The significant plant communities and animal habitat areas are the riparian vegetation adjacent to the water resources in the community, and various stands of timber and brush.~~
- ~~• Development adjacent to existing wildlife areas can adversely affect these areas and in~~

- ~~some instances can virtually eliminate these needed wildlife habitat areas.~~
- ~~Vegetation contributes to the aesthetic quality of the community. Vegetation controls erosion, absorbs sound and moderates temperatures. It also affects the flow and moisture content of the air, reduction of air pollution and glare, and softens the impact of the urban environment.~~
- ~~Statewide goal 5 requires local jurisdictions to inventory the location, quantity, and quality of resource sites located within their jurisdictions.~~
- ~~The City has completed an inventory of the location and quantity of the wetland sites within its Active Planning Area. This inventory does not include information on the full range of functions and values of wetland areas as required by Goal 5 inventory standards.~~
- ~~When adequate information is not available on a resource site, OAR 660-16-000 requires a local government to adopt a plan policy expressing its intent to address Goal 5 requirements relative to the site in the post acknowledgment period.~~

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POLICIES

~~3.4.1 THE CITY SHALL DESIGNATE, IN ACCORDANCE WITH GOAL 5, THE FOLLOWING AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN:~~

- ~~a. SIGNIFICANT WETLANDS;~~
- ~~b. AREAS HAVING EDUCATIONAL RESEARCH VALUE, SUCH AS GEOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS; AND~~
- ~~c. AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANTS, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES, OR SPECIFIC NATURAL FEATURES, VALUED FOR THE NEED TO PROTECT NATURAL AREAS.~~

~~3.4.2 THE CITY SHALL:~~

- ~~a. PROTECT FISH AND WILDLIFE HABITAT ALONG STREAM CORRIDORS BY MANAGING THE RIPARIAN HABITAT AND CONTROLLING EROSION, AND BY REQUIRING THAT AREAS OF STANDING TREES AND NATURAL VEGETATION ALONG NATURAL DRAINAGE COURSES AND WATERWAYS BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE;~~
- ~~b. REQUIRE THAT DEVELOPMENT PROPOSALS IN DESIGNATED TIMBERED OR TREE AREAS BE REVIEWED THROUGH THE PLANNED DEVELOPMENT PROCESS TO MINIMIZE THE NUMBER OF TREES REMOVED; AND~~
- ~~c. REQUIRE CLUSTER TYPE DEVELOPMENT IN AREAS HAVING IMPORTANT WILDLIFE HABITAT VALUE AS DELINEATED ON THE "FISH AND WILDLIFE HABITAT MAP" ON FILE AT THE CITY.~~
- ~~d. ADDRESS GOAL 5 RULE REQUIREMENTS PERTAINING TO THE PRESERVATION OF WETLANDS ONCE ADEQUATE INFORMATION ON THE LOCATION, QUALITY, AND QUANTITY OF WETLAND SITES IS OBTAINED. THIS GOAL 5 REVIEW WILL INCLUDE DETERMINING WHICH WETLAND SITES ARE ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT. CITIZENS WILL PARTICIPATE IN MAKING POLICY RECOMMENDATIONS FOR THE PROTECTION AND PRESERVATION OF THOSE WETLAND AREAS DESIGNATED AS SIGNIFICANT. THE CITY SHALL COMPLETE ITS GOAL 5 REVIEW OF WETLAND AREAS BEFORE THE CITY'S NEXT PERIODIC REVIEW, BUT NO LATER THAN DECEMBER 23, 1996.~~

(Rev. Ord. 85-13; Ord. 93-30)

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IMPLEMENTATION STRATEGIES

## Exhibit "A"

- ~~1. The City shall consider the inclusion of an adequate amount of land adjacent to a floodplain or drainageway for dedication to the City's natural greenway system, which allows the area to continue to support existing habitats.~~
- ~~2. The City shall encourage, through the Planned Development Process, the retention of large, varied habitat areas on private and public lands including inventoried plant and animal communities.~~
- ~~3. The City shall review all development proposals adjacent to wildlife habitat areas to ensure that adverse impacts on any wildlife habitat areas are minimized and, if need be, request that other federal, state and local agencies review the development proposals.~~
- ~~4. Where there exist large or unique stands of trees or major vegetation areas within the planning area on undeveloped land, the City shall ensure that development proposals do not substantially alter the character of the vegetation areas through the Planned Development Process and the "Tree Cutting" section of the Community Development Code.~~

### ~~3.7 HISTORICAL CULTURAL RESOURCES~~

#### ~~Findings~~

- ~~• Historic features provide a link with the past and add character and variety to the community design. Unfortunately, much of Tigard's heritage has already been lost to unmanaged development with only a few distinct structures remaining.~~
- ~~• The design of developments within the community can be regarded from two viewpoints; the design of structures as they relate to site and function (architectural design), and their relationship to the surrounding area (community design). Both aspects are of equal importance.~~
- ~~• Good architectural design is necessary to provide visual variety and allow for individual identity. At the same time, good community design provides a sense of unity with other development while eliminating conflicting appearances.~~

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#### ~~POLICY~~

- ~~3.7.1 THE CITY SHALL IDENTIFY AND PROMOTE THE PRESERVATION AND PROTECTION OF HISTORICALLY AND CULTURALLY SIGNIFICANT STRUCTURE, SITE, OBJECTS AND DISTRICTS WITHIN TIGARD.~~

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#### ~~IMPLEMENTATION STRATEGIES~~

- ~~1. To preserve the community's history, an index of historic sites shall be developed and made available to the general public. A program shall be developed to acquire and/or restore a number of historic structures identified as significant. The City should consider the renovation of a historic structure as an historic museum or cultural center and meeting hall such as Durham School, Ye Old Windmill and John Tigard Home.~~

## John Floyd

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**From:** NEWELL Avis [NEWELL.Avis@deq.state.or.us]  
**Sent:** Thursday, May 15, 2008 10:07 AM  
**To:** John Floyd  
**Subject:** FW: Comp Plan Amendment comments

Seems I misspelled the email address the first time around.  
Hopefully this will work.

-----Original Message-----

**From:** NEWELL Avis  
**Sent:** Thursday, May 15, 2008 10:04 AM  
**To:** 'johnf@tigard-or.gov'  
**Subject:** Comp Plan Amendment comments

Good Morning John,

I am the Tualatin Basin Coordinator in the water quality section of DEQ's Northwest Regional Office. I have reviewed the proposed amendments for Tigard's Goal Five of the Statewide Planning requirements. You have requested comments by May 16, so I am providing them here by email. My comments reflect an interest in and expertise in water quality; I am sure you will receive comments pertaining to other natural resources from other parties. I hope that my comments do not conflict with those, and if they do, I would be happy to discuss any questions that arise.

DEQ likes the emphasis on protecting ecological function in the language of your amendment. You do this in particular in Policy items 1c and 1d, 3, 7, 8 and 9, and to a lesser extent in the remaining policy items.

Urban streams are most vulnerable to the impacts caused by increasing the area of impermeable surfaces. Policy 3 that encourages low impact development, and Policy 9b have language that can directly affect this impact. We encourage you to maintain this language in the adopted amendment, and to support Action Measure viii as strongly as you are able.

Thank you for the opportunity to review this proposal, and please feel free to contact me if you have any questions.

Avis Newell  
Tualatin Basin Coordinator  
Oregon Department of Environmental Quality  
(503)229-6018

**John Floyd**

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**From:** Dalby, John K. [John.Dalby@tvfr.com]  
**Sent:** Wednesday, May 07, 2008 3:54 PM  
**To:** John Floyd  
**Subject:** (CPA) 2008-00003 Goal 5: Natural Resources and Historic Areas

Good afternoon Mr. Floyd,

Our comment regarding this update involves the city's endorsement of the fire district's desire to promote automatic sprinkler protection in all buildings hereinafter constructed.

Fires occurring in residential and commercial buildings not protected with automatic sprinklers require a significant amount of water to control and extinguish.

Buildings with automatic sprinkler protection do not require such large amounts of water for extinguishment when fire occurs.

The runoff from fighting structure fires contaminates adjacent wetlands and waterways.

The runoff from fires in buildings protected with automatic sprinkler systems is comparatively insignificant.

How you wordsmith it to fit within the document sent for our review is up to you.

We would be happy to provide additional input should you so desire.

Thanks,

John K. Dalby, Deputy Fire Marshal II

Tualatin Valley Fire & Rescue, North Division

14480 SW Jenkins Road

Beaverton, OR 97005-1152

503-356-4723



## City of Tigard Memorandum

To: Jodie Inman, President; and members of the Planning Commission

From: John Floyd

Re: Draft Definitions related to CPA2008-00003

Date: May 23, 2008

The Following is a list of Draft Definitions for use by the Planning Commission when making decisions regarding CPA2008-00003 (Natural Resources and Historic Areas). While these draft definitions are not part of the proposed comp plan amendment currently under consideration, scheduled to return with the full glossary at a future date, they are relevant to the June 2 public hearing.

### **Related Definitions to Natural Resource Areas**

**Biodiversity** – The full range and variety and variability within and among organisms and the ecological complexes in which they occur, and encompasses ecosystem or community diversity, species diversity, and genetic diversity.

**Clean Water Services (CWS)** – A public utility committed to protecting water resources in the Tualatin River Watershed through innovative wastewater and stormwater services, flood management projects, water quality and stream enhancement projects, fish habitat protection, and more.

**Encourage** – support, advocate, or take affirmative action to achieve a particular community objective.

**Feasible** – reasonably capable of being done, executed, or effected with the means at hand and circumstances as they are; practicable.

**Functions and Services** – This definition is limited to natural resource functions and services. Functions refers variously to the physical, chemical, and biological processes or attributes that contribute to the self-maintenance of a natural system. Some examples of ecosystem functions are provision of wildlife habitat, carbon cycling, or the trapping of nutrients. Services represent the benefits human populations derive, directly or indirectly, from ecosystem functions. Some examples of ecosystem services are

support of the food chain, harvesting of animals or plants, and the provision of clean water or scenic views. Functions and services do not necessarily demonstrate a one-for-one correspondence due to the interrelated nature of many functions and services.

**Goal** – A general statement indicating a desired end or the direction the City will follow to achieve that end.

**Habitat** – An area upon which fish and/or wildlife depends in order to meet their requirements for food, water, mobility, security, and reproduction.

**Healthy Streams Plan** – Approved by CWS in June 2005, the goal of the plan is to utilize scientific knowledge and innovation to improve watershed and stream health for community benefit.

**Historic and Cultural Resources** – Historic and prehistoric sites, structures, districts, landscapes, objects, and other evidences of human activities that represent facets of the history, or ongoing cultural identity, of the Nation, Oregon, and/or Tigard.

**Impervious Surface** – A solid surface, such as streets, parking lots, and roofs that prevents rain from being absorbed into the soil, thereby increasing the amount of water runoff that typically reaches a receiving stream.

**Low Impact Development (LID) Practices** – An approach to land development that uses various land use planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts.

**Natural Resources** – Inventoried resources and natural resource systems including fish and wildlife habitats; wetlands; streams and associated riparian corridors; groundwater; and rare and endangered fish and wildlife, plants, and plant communities.

**Natural Systems** – interactive, interrelated, and interdependent elements forming a complex whole that exists in or is formed by nature. Hydrologic and ecological systems are two examples.

**Nature in Neighborhoods Program** – A Metro region conservation initiative that brings people and government together to ensure a healthy urban ecosystem. The initiative will align the region's conservation programs behind a strategic effort to protect clean water and healthy natural areas for fish, wildlife and people. It will add more hands-on capacity for conservation education and habitat restoration.

**Policy** – A statement identifying Tigard's position and a definitive course of action. Policies are more specific than goals. They often identify the City's position in regard to implementing goals. However, they are not the only actions the City can take to accomplish goals.

**Promote** – support, advocate, or take affirmative action to achieve a particular community objective.

**Recommended Action Measure** – A statement which outlines a specific City project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to specific projects, standards, or courses of action the City desires other jurisdictions to take in regard to specific issues. These statements also define the relationship the City desires to have with other jurisdictions and agencies in implementing Comprehensive Plan goals and policies.

**Regionally Significant Habitat** – Areas containing significant fish and wildlife habitat as identified and periodically updated through the Metro Nature in Neighborhoods Program.

**Riparian Corridor** – See Stream Corridor

**Sensitive Lands** – As defined in Chapter 18.775.010.G of the City of Tigard Community Development Code.

**Stream Corridor** – Area adjacent to a perennial or intermittent creek or river that protects the water quality functions of the stream as well as fish and wildlife habitat.

**Sustainable (Sustainability)** - Using, developing and protecting resources at a rate and in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic and community needs.

**Wetland** – An area that is inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.





City of Tigard  
Memorandum

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To: Jodie Inman, President; and members of the Planning Commission

From: John Floyd

Re: Comments received from Oregon Department of Fish and Wildlife (ODFW) and Sue Bielke regarding CPA2008-00003

Date: June 2, 2008

The purpose of this memo is to convey recent correspondence regarding the Natural Resources Comprehensive Plan Amendment (CPA2008-00003). Subsequent to distribution of the packet for June 2, 2008, staff received one letter and one email regarding CPA2008-00004. Both are attached for your review and include the following:

- Letter from Mischa Connine, Oregon Department of Fish and Wildlife. May 28, 2008
- Email from Sue Bielke, June 2, 2008 including one attachment

**Oregon Department of Fish and Wildlife**

The letter from ODFW of May 28, 2008 contained four comments. None of these comments challenged the legitimacy of the document (i.e. its compliance with applicable regulations), each being a suggestion on how the document might be strengthened from their perspective. A summary and staff response is below:

1. "The format of [the] layout is difficult to follow. It is recommended that for each Goal, the Policies and Recommended Action [Measures] are grouped together."

*Staff Response: The format of this chapter is consistent with formatting chosen for the whole of the Comprehensive Plan. Additionally, a Recommended Action Measure may satisfy several Policies and as a result the suggested format would create unnecessary repetition within the document. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.*

2. "It is strongly recommended that fish and wildlife species are also identified as a resource."

*Staff Response: This recommendation exceeds the minimum requirements of Goal 5, and regional programs implemented through METRO and the Tualatin Basin Partnership, regarding the protection of natural resources insofar that specific fish and wildlife would be regulated in addition to habitat. The proposed language contains protections for fish and wildlife through the protection and restoration of both riparian and upland habitats*

including Goal 5.1 and Policies 1, 6, 7, 8, 11, 12, and 13. Furthermore, the proposed language would not prohibit the City from implementing species specific protection and recovery plans at a future date, should that become necessary. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.

3. "It is also recommended that the fish and wildlife habitat is separated into wetland and upland habitats."

*Staff Response:* This recommendation would split Policy 5.1.7 into two policies, one addressing riparian habitat and another addressing upland habitat. In subsequent conversation, ODFW expressed a concern that it would be difficult for the City to develop specific policies and action items to address conservation, protection, and restoration of both types of habitat. Staff finds that a unified habitat policy has the same regulatory effect and standing as two separate policies, and sees no reason to separate them. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.

4. "It is recommended that each of the City's identified resources should be addressed by a policy specific to that resource."

*Staff Response:* The existing language carries the same regulatory effect and standing as individual policies. The decision to write umbrella policies (including but not limited to Policies 1 and 4) was made to prevent the unnecessary duplication of language in the document. Resource specific policies are already proposed including, but not limited to 7, 8 and 9. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.

#### Sue Bielke

On June 2, 2008 an email was received from Sue Bielke containing comments she wished to present to the Planning Commission for its consideration. The email also contained one attachment, a previous email of May 13, 2008. Both are attached for the Commission's review.

The main points of her email broadly include a request for more time, a reorganization of the document to include resource specific goals, and more explicit language regarding listed species and native American artifacts. Staff acknowledges her comments, but finds the existing language legally adequate and providing the necessary legislative basis for future protection and restoration programs called for in her electronic correspondence.



# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Sauvie Island Wildlife Area  
North Willamette Wildlife District  
18330 NW Sauvie Island Road  
Portland, OR 97231  
503-621-3488  
FAX 503-621-3025

May 28, 2008



John Floyd  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Mr. Floyd,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the City of Tigard's draft Goal 5 of the Comprehensive Plan and would like to offer the following comments and recommendations.

The City provides one goal, followed by a series of "Policies" which are followed by a series of "Recommended Action Items". The format of this layout is difficult to follow. It is recommended that for each Goal, the Policies and Recommended Action Items are grouped together. Following is an example of the recommended format.

Goal 5  
Policy 5.1  
Recommended Action Item A  
Recommended Action Item B  
Recommended Action Item C

The City identifies the following resources that are addressed in Goal 5: fish and wildlife habitat, wetlands, streams, groundwater, and historic and cultural resources. It is strongly recommended that fish and wildlife species are also identified as a resource. It is also recommended that the fish and wildlife habitat is separated into wetland and upland habitats.

The goal of the City is to "protect natural resources and the environmental and ecological functions they provide, and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity." It is recommended that each of the City's identified resources should be addressed by a policy specific to that resource. For example, there should be a separate policy addressing wildlife upland habitat, fish and wildlife stream and wetland habitat, fish and wildlife species and groundwater. For example:

**Policy 5.1: Wildlife Upland Habitat**

Protect, conserve and restore upland habitats related to wildlife, aesthetics, slope protection and groundwater recharge. Encourage increased vegetation, additional wildlife habitat areas, and expansion and enhancement of undeveloped spaces. Upland habitats include all habitats that are not categorized as wetland or waterway. Examples include mixed conifer forest, oak woodland, oak savannah, grasslands, prairie, etc.

**Recommended Action Item A:**

Protect, conserve and restore upland habitats and Oregon Conservation Strategy habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

Conduct a baseline inventory of all upland habitat types within the City.

**Policy 5.2: Fish and Wildlife Stream and Wetland Habitat**

Protect, conserve and restore streams, riparian corridors and wetland habitat which have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

**Recommended Action Item A:**

Conserve riparian, wetland, and water body natural resources through the designation and protection of transition areas between the resource and other urban development and activities. Restrict non-water dependent or non-water related development within the riparian area. The recommended riparian buffer size is 200 feet for fish-bearing streams and 100 feet for non fish-bearing streams.

**Recommended Action Item B:**

Conduct a baseline inventory of all wetland and waterway habitats within the City.

**Policy 5.3: Fish and Wildlife Species**

Protect, conserve and restore fish and wildlife populations that contain ESA threatened and endangered, Oregon state sensitive, rare and Oregon Conservation Strategy species through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item A:**

Protect, conserve and restore stream, wetland and upland habitat that contain ESA threatened and endangered, Oregon state sensitive or Oregon Conservation Strategy species habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

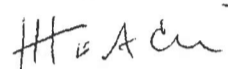
Establish a high level of biodiversity within the stream, wetland and upland habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item C:**

Conduct a baseline inventory of all fish and wildlife species.

These examples are not meant to be a comprehensive list of all Policies and Recommended Action Items, but to provide a recommended example of how to adequately protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife recommends that the City of Tigard includes their Natural Resource Committee to develop a comprehensive list of Policies and Recommended Action Items that will protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife would like to thank the City of Tigard for the opportunity to provide comments. If you have any questions or would like to discuss the comments and recommendation of this letter, please feel free to contact me.

Sincerely,



Mischa Connine  
Habitat Biologist  
18330 NW Sauvie Island Road  
Portland, OR 97231  
(503) 621-3488 ext 228  
mischa.a.connine@state.or.us

## John Floyd

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**From:** Sue Beilke [sbeilke@europa.com]  
**Sent:** Monday, June 02, 2008 9:19 AM  
**To:** John Floyd  
**Cc:** John Frewing; Jay Watson; drescher@teleport.com; jblowers@ix.netcom.com; el.lindstrom@comcast.net; 'Brian Wegener'  
**Subject:** natural resources section of comprehensive plan  
**Attachments:** Fw\_ Meeting\_ Friday at 1pm.eml

John,

Please forward the below comments to the Planning Commission for tonight's Hearing on Goal 5, Natural Resources and Historic Areas

Planning Commission  
City of Tigard

Below are my comments regarding the Natural Resources and Cultural Resources sections for the Comprehensive Plan and the Planning Commission Hearing tonight:

1. I am currently a citizen serving on the Natural Resources Committee of Tigard, and to date we have had two meetings for this subject. As I have stated in the past numerous times, two meetings were insufficient in writing goals and policies that would adequately address the conservation and protection of our natural resources in Tigard. I am therefore requesting, again, that the Planning Commission delay adopting language for Natural Resources Section of the Comprehensive Plan, and allow our citizen committee more time, at least two more meetings, to adequately come up with goals and policies that address the Statewide Planning Goal 5 and its requirements. What started out as 5 goals with associated policies at the first meeting, dwindled down to only 1 goal and policy by the second meeting. This reduction was done by city staff and not citizens. The current document is totally inadequate in protecting and conserving the many natural resources that exist in the city of Tigard.

2. The current Goal has language that is weak and will not be adequate in protecting, conserving and restoring all of the natural resources in Tigard. This one goal needs to be broken down into at least 5 goals, each goal would then address various areas of natural resources, such as "Wetlands", "Upland Forests", "Fish and Wildlife", etc. Then, each of the 5 goals would have associated policies that could specifically address the needs of that resource, for example, for Fish and Wildlife, an example of a policy would be "The city shall restore fish and wildlife populations in order to achieve a high level of biological diversity"

3. We strongly recommend taking out the verbiage that the PC inserted in the first workshop; where our committee had "Protect and restore", the PC changed to "Protect and then "restore where feasible". This so weakens the document as to make it virtually unenforceable. Why would anyone NOT want to restore natural resources, especially in light of the massive influx of invasive species invading Oregon, including plants and wildlife. It is our duty to be good stewards of our natural resources and to do Everything we can to protect and restore what we have inherited.

Therefore, I recommend taking out "where possible" or "where appropriate" from all of the document and replacing it with "Protect, conserve and restore" for all of the goals. Language such as "where appropriate" only serves to weaken this document and make unuseable.

4. Our Natural Resources Committee did not get to the stage for developing a Definitions Section (it was done by staff), hence the following comments on that:

- "Natural Resources" - in this definition, the city starts with "inventoried". This word needs to be removed, as natural resources should refer to ALL of the natural resources not just those inventoried, since much of the city has not been inventoried. We still need to inventory many areas of the city, but regardless of what has or has not been inventoried, we need to protect ALL of our natural resources.

- **"Rare"** - We wanted to make sure this is part of this section and should be defined as "Plants, fish, wildlife or habitats considered to be unique, uncommon, unusual or of high value due to declines in local population numbers compared to historical levels or considered to be a cultural resource by Native American tribes". Examples of local "rare" species would be camas, pond turtles, painted turtles, any salmonid fish species, examples of rare habitats would be oak prairie habitat; examples of Native American cultural resources would be camas, western red cedar trees, and anything determined to be "a usual and accustomed place".

- **"Sensitive Habitat"** - This would be defined as "Sensitive Habitats are those area containing rare and/or any plant, fish or wildlife or habitat type on any state or federal lists as defined below."

- **"Uplands"** - A definition for uplands was also left out of this section. Upland could be defined as "all habitats beyond the riparian zone of an ecosystem" which includes for example, mixed conifer forests, oak prairies, and meadows.

- **"Species on State or Federal Lists"** - We also need a definition for this, which can read "All species that are on any state or federal lists, including threatened, endangered, sensitive, critical or species of concern." Example of species on these lists include both native turtles and red-legged frogs.

- **"Sustainable"** - This definition should include verbage that also addresses the sustainability of the resource, can the resource be sustainable with any level of development? Who ever proves they can do this? The current definition is totally backwards and should read: "Any development or use of any resource by people must ensure that they will not in any manner reduce the fish and wildlife populations or reduce the amount of habitat or the functionality of that habitat(s) in question."

5. We need to have a policy that addresses protection of sensitive habitats, including those which contain rare or listed species, in order to protect and restore these species. Examples include: Policy: The city shall make it a high priority to protect and restore sensitive habitats which will include not allowing development of any kind into these areas (e.g., no trails, etc.). The city is already doing this but it needs to be in writing and part of the Comp. Plan. Policy: The city shall make it a high priority to actively pursue funding to restore sensitive habitats."

6. The city needs to have a goal and related policies that addresses biological diversity and its importance in relation to natural resources. Example: Goal: Protect, conserve and restore the biological diversity of all habitats within the city. Example of associated Policy: The city shall actively work with local conservation groups and citizens to restore the highest level of biological diversity to all wetlands in the city of Tigard.

7. Goal 5.2 - Regarding protection and preservation of historic and cultural resources, I saw NO mention of Native American artifacts that have been found in Tigard, including those found on the library site, on the Ash Creek Natural Area or anywhere else. This needs to be documented in an attached inventory and then needs associated policies in order to protect and preserve these important cultural resources. In addition, there are areas in Tigard that are considered "usual and accustomed places" by Native American tribes and this also needs to be addressed in an inventory and with associated policies, such as "The city shall protect, conserve and restore areas considered "usual and accustomed places" by any Native American tribe."

Attached are additional comments and recommendations I submitted to the city on May 9 after the first PC workshop. Again, we still have much work to do before this section of the Comprehensive Plan is adequate and able to be adopted as part of the Goal 5 statewide planning process. I therefore an requesting that the Planning Commission NOT adopt the current language for the Natural Resource or Cultural Resource sections of the Comprehensive PPlan, but rather, work with local citizens and conservation groups, such as Fans of Fanno Creek and The Biodiversity Project of Tigard, to make this a more complete and worthy document that will guide natural resource protection, conservation and restoration for the next 20 years in Tigard.

Thank you for your consideration in this matter.

Sue Beilke,  
Director, The Biodiversity Project of Tigard  
Board Member, Fans of Fanno Creek  
Vice President, Friends of Summer Creek  
Director, The Turtle Conservancy

## John Floyd

---

**From:** Sue Beilke [sbeilke@europa.com]  
**Sent:** Tuesday, May 13, 2008 9:03 AM  
**To:** John Floyd  
**Subject:** Fw: Meeting: Friday at 1pm

Here it is.

----- Original Message -----

**From:** Sue Beilke  
**To:** John Floyd, John Frewing  
**Cc:** Marissa Daniels  
**Sent:** Friday, May 09, 2008 8:56 AM  
**Subject:** Re: Meeting: Friday at 1pm

John,

Here are some of the recommendations/comments/language changes I proposed at the PC workshop for Natural Resources.

- Use "Protect, conserve and restore" where we now have "protect and restore"
- omit "where appropriate" from the entire document
- keep in "values" but make sure it is defined in the Definitions section, and include some examples
  
- For the Goal; we now only have one goal, I think that is "lame" considering the extent of the diversity of natural resources we are addressing. Originally we had at least 5 as I recall. I recommend splitting 5.1 into 3 goals
  - 5.1 Protect, conserve and restore natural resources and the environmental and ecological services they provide.
  - 5.2 Protect, conserve and restore natural resources in order to reach a high level of biodiversity
  - 5.3 Protect, conserve and restore plants, plant communities and fish and wildlife populations considered rare, or on any state and federal species lists as a high priority.
  
- I do not recommend deleting Policy 2.

Somewhere in the PC meeting, the chairwoman, said something to the effect that "low impact development does not include incorporating natural resources"? I need to have that clarified and then that needs to be addressed at the next meeting, as she is very wrong on that one if that is what she said.

- Policy 3- this needs more work and we really need to define "sustainable" in regard to natural resources. For example, if you put in several houses near a stream and only have a 50' buffer, this will not overtime "sustain" the wildlife that live there. That size buffer is too small to "sustain" the birds, mammals and other species that have inhabited it for thousands of years.

- I recommend adding several new policies,

- Policy - The City shall create a distinct zone for open space, greenways, etc. in order to protect permanently all natural resources

- Policy - The City shall place a high priority on the protection, conservation, and restoration of rare plants and habitats (e.g., oak prairie) and rare and state and federal fish and wildlife species listed as "Species of Concern, Sensitive, Threatened, or Endangered (e.g., Northern red-legged frog, native turtles).

- Make sure we define "hydrologic regimes"

- Policy 10: I would have several policies covering inventories, etc. 1. The City shall conduct surveys of All natural resources in order to establish a baseline inventory.



2. The City shall periodically maintain and update the Natural Resources inventory through surveys and monitoring efforts.

3. The City shall utilize the natural resources inventory to assist with setting goals and objectives for restoration activities.

Then under these 2 Policies I would add these Action Measures: a. Conduct surveys and monitoring of all natural resources to establish a baseline inventory.

b. Utilize available documents such as the Oregon Conservation Strategy to help guide restoration efforts. c. Engage citizens and volunteers to assist with surveys and monitoring. d. Identify opportunities for funding and apply for grants to assist with restoration efforts.

We also need to make sure that "uplands" are addressed, such as in Policy 8.

I recommend adopting Metro's Title 13 as John recommended at the workshop, again so that uplands are protected, etc.

- We need to look at the CWS standards that the city has adopted in order to see if they are adequate in protecting our natural resources, since CWS standards and regs. are set up to only address "water quality". I think it would then be in order to establish several goals and policies that address buffers, etc. in order to further protection for habitats and fish and wildlife.

See you at 1PM.

Sue

----- Original Message -----

**From:** John Floyd  
**To:** 'sbeilke@europa.com'; 'John Frewing'  
**Cc:** Marissa Daniels; Ron Bunch  
**Sent:** Tuesday, May 06, 2008 3:03 PM  
**Subject:** Meeting: Friday at 1pm

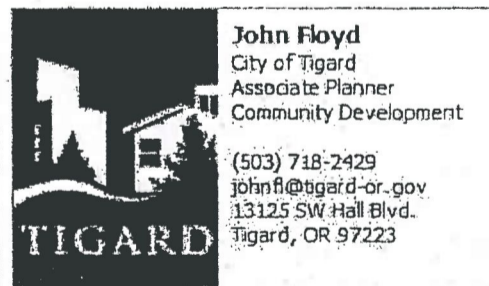
Hello Sue and John,

Friday at 1pm seems to work for all of use. I'll go ahead and reserve a room, just come to the front counter and ask for me.

If you could, please forward me (and each other if you haven't already) any comments you have ahead of time. If you don't mind, Marissa Daniels would like to attend the meeting as well.

Thanks,

John





City of Tigard  
Memorandum

To: Jodie Inman, President; and members of the Planning Commission  
From: John Floyd  
Re: Additional Language proposed for deletion in CPA2008-00003  
Date: June 2, 2008

The purpose of this email is to supplement the packet distributed for the June 2, 2008 meeting of the Planning Commission regarding CPA2008-00003. Staff inadvertently left out two existing policies proposed for removal (listed and ~~struckthrough~~ below), should the Comprehensive Plan Amendment be approved.

EXISTING POLICIES

~~3-1.1 THE CITY SHALL NOT ALLOW DEVELOPMENT IN AREAS HAVING THE FOLLOWING DEVELOPMENT LIMITATIONS EXCEPT WHERE IT CAN BE SHOWN THAT ESTABLISHED AND PROVEN ENGINEERING TECHNIQUES RELATED TO A SPECIFIC SITE PLAN WILL MAKE THE AREA SUITABLE FOR THE PROPOSED DEVELOPMENT. (NOTE THIS POLICY DOES NOT APPLY TO LANDS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP.)~~

~~a AREAS MEETING THE DEFINITION OF WETLANDS UNDER CHAPTER 18.26 OF THE COMMUNITY DEVELOPMENT CODE;~~

~~(Rev. Ord. 85-13, Ord. 84-36)~~

~~3-2.1 THE CITY SHALL PROHIBIT ANY LAND FROM ALTERATIONS OR DEVELOPMENTS IN THE 100-YEAR FLOODPLAIN WHICH WOULD RESULT IN ANY RISE IN ELEVATION OF THE 100-YEAR FLOODPLAIN.~~

~~(Rev. Ord. 05-01; Ord. 98-19; Ord. 90-22; Ord. 85-13; Ord. 84-36)~~

CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
June 2, 2008

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present: President Inman, Commissioners: Anderson, Doherty, Hasman, Muldoon, and Vermilyea

Commissioners Absent: Caffall, Fishel, Walsh

Staff Present: Ron Bunch, Assistant Community Development Director; Greg Berry, Project Engineer; John Floyd, Associate Planner; Darren Wyss, Associate Planner; Doreen Laughlin, Administrative Specialist II

3. COMMUNICATIONS – None.

4. APPROVE MEETING MINUTES

There was a motion by Commissioner Vermilyea, seconded by Commissioner Hasman, to approve the May 19, 2008 meeting minutes as submitted. The motion carried as follows:

AYES: Anderson, Doherty, Inman, Muldoon, Vermilyea, Walsh

NAYS: None

ABSTENTIONS: Hasman

EXCUSED: Caffall, Fishel

5. RECOMMENDATION – Renaming of SW Alpine View

The following commissioners reported site visits: Commissioners Vermilyea and Hasman.

Greg Berry, Project Engineer, presented the staff report on the City's behalf. He reported that this was a request to the Planning Commission to recommend that City Council approve or disapprove the proposed name change of SW Alpine View to SW Alpine View Drive. He went on to explain what was written in the staff report (Exhibit A).

After the presentation, there was a motion by Commissioner Vermilyea as follows:  
"I move we recommend to approve the name change as proposed by the City." Commissioner Hasman seconded the motion. The motion carried as follows:

AYES: Anderson, Doherty, Hasman, Inman, Muldoon, Vermilyea

NAYS: None

ABSTENTIONS: Fishel

EXCUSED: Caffall, Walsh

## 6. PUBLIC HEARING

### 6.1 COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00003

**Tigard Comprehensive Plan Update Pertaining to Statewide Planning Goal 5: Natural Resources and Historic Areas REQUEST:** To amend the current Comprehensive Plan to include goals, policies and recommended action measures to reflect current community conditions and values relating to Tigard's Natural Resources and Historical Areas. The complete text of the proposed Amendment can be viewed on the City's website at [http://www.tigard-or.gov/code\\_amendments](http://www.tigard-or.gov/code_amendments). **LOCATION:** Citywide. **ZONE:** All City Zoning Districts. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters Citizen Involvement, Environmental Quality, Hazards, Public Facilities and Services, and Natural Features and Open Spaces; Metro Functional Plan Titles 3 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7 and 11.

President Inman opened the Public Hearing portion of the meeting. Associate Planner, John Floyd, presented the staff report on behalf of the City. Floyd advised the commission that they are entering the public hearing phase of the Natural Resources and Historic Areas Comprehensive Plan Amendment (CPA2008-00003). He said staff is seeking approval of changes to Section 3 of the existing Comprehensive Plan pertaining to Statewide Planning Goal 5. Two memorandums had been distributed for their review. He noted that one of them (Exhibit B) includes additional language to be removed because of this amendment, and corrects an oversight in the original packet. The second (Exhibit C) contains two pieces of correspondence received by staff subsequent to distribution of the packet. He reminded those present that this hearing follows multiple Policy Interest Team (PIT) meetings and two Planning Commission Workshops on the contents therein. He said staff has responded to feedback received at the workshops, with changes noted in Attachment "A" of the packet.

Floyd reported that staff recommends that the Planning Commission finds this request to meet the necessary approval criteria. And further, staff recommends that the Planning Commission make a recommendation to Tigard City Council that it amend the Tigard Comprehensive Plan as determined through the public hearing process.

At this point President Inman opened up the meeting to questions from the commissioners. The following questions were asked - answers are in italics:

- One of the commissioners referred to Sue Beilke's email (Exhibit C) and questioned whether the policy shouldn't be broken down into separate sections as suggested. *It's more a matter of formatting. I believe there's equal regulatory weight and power in both formats. It's just that during the process a lot of the language seemed to be very repetitive.*
- Why isn't the term "uplands" mentioned? We should make sure it gets included in the definition so it is understood. *Very good point, thank you.*
- Is there a problem using the verbiage protect, preserve and restore? *The language in Attachment A speaks to "protect and restore." We did a survey of many documents and the phrase "protect and restore" and "protect, preserve and restore" are interchangeable in the documents we looked at. It was chosen for the sake of simplicity. It means the same thing.*
- Are there fiscal restraints with restoring? *Yes - it would be dependent on the situation.*
- So, in other words, if you've got a policy to "restore" and you don't have the funds to restore, then, is it enforceable at all? *I think the phrasing "to the extent feasible" is in this document and, in the "Definitions" section, we define the word "feasible." Feasible is defined as "reasonably capable of being done, executed, or effected with the means at hand and circumstances as they are; practicable."*
- Do you know whether the City has budgeted money for stream restoration? *The City has some funds for stream restoration and some of the monies we get through partnerships with Clean Water Services. There are some physical restraints for restoration, for example, if a developer worked on a site that had remnants of a very high valued wetland that had been previously graded, it all depends on how you interpret restore. Implementation of "restore" is highly dependent on the ability to actually get it done. Taken to the extreme, it could be extremely expensive and very difficult to do and could pose a burden on both the City and the developers. So there is, indeed, a feasibility component of restoration.*

At this point, the commissioners turned their attention to Sue Beilke's email regarding adding definitions.

One of the commissioners recommended taking out the word "inventoried" in the definition and staff agreed that it could be taken out. There was more discussion regarding the other definitions that had been raised by Ms. Beilke.

## PUBLIC TESTIMONY

### PROPONANTS:

John Frewing – 7110 SW Lola Lane, Tigard, drew a picture on the whiteboard for later reference. He said he agrees with Ms. Beilke in several regards and that he had several key comments to make.

Comment 1 - Frewing talked about the generality of the policies. He said there should be more specificity and clear policies.

Comment 2 - Frewing spoke about riparian areas. He believes the area of interest needs to be broadened to include the "channel migration zone." He referred to the drawing on the board (Exhibit D) saying it was a rough drawing of such a zone. He said the stream was in the dip in the center and the broad flat area near the stream is the channel migration zone where the stream will change from year to year or decade to decade. He thinks this should be included in the new Comp Plan and added to the sensitive areas to be protected – from not only flooding, but also landslides.

Comment 3 – He suggested that the Planning Commission direct staff to reference the current maps, tables, charts, whatever, that provide inventories and, if staff wants to update those things, great. However, let us name the documents that are to be created so we can see what we are going to have to make decisions on.

Comment 4 – In a previous workshop I asked that the Comp Plan mandate the creation of overlay zones in the City for natural resource protection – whether wetlands, timbered areas, whatever and I've not seen that implemented. I would testify that I think that's a good idea and I think other cities do it. It's feasible, if you will.

Comment 5 – There should be provision regarding natural resources for citizen enforcement action. Citizens can have a role in enforcement. This should be in the Comp Plan.

Comment 6 – In the sustainable sites document used by Metro it doesn't use the word "people". Sustainable means sustainable to everything – not just sustainable to people. I think when you use the word sustainable, it should be broadened to include more than people.

Comment 7 – There should be some sort of citizen enforcement. There are a variety of legal things in our country where citizens can have a role in enforcement and I think Tigard is limited in its capability of enforcement and should have some provision for this in the Comp Plan. With regard to Natural Resources, the 1972 Federal Water Quality Act includes specific provisions for citizen enforcement – reporting violations, discharges, and so forth. Those kinds of things should be specifically included in this Comp Plan.

At this point President Inman opened it up to questions of Mr. Frewing. Following are the questions by the Commissioners (italics are answers by Frewing.)

What more specific policies would you have us put into what we already have?

*I'd be glad to provide you with a recommended list. I would ask you to commit to do something more than (reference Goal 5.1 policy 4 – bottom of page 3 of 20) "actively coordinate and consult with landowners, etc."*

*- What does "coordinate and consult" mean? No idea. Tell me what you're going to do. Be more specific. And Goal 5.1 Policy 13 - create linkages? I think you should say you'll place a priority on properties, on sites, that create linkages. It's so general it's not useful to me. I believe it needs more work before going to Council.*

Please explain what you mean by citizen enforcement. *Its citizens initiating actions that have to be acted on by authorities.*

#### OPPONENTS:

Eric Lindstrom, 6801 SW Canyon Crest Drive, Portland, OR, regarding Policies 1 & 3, Mr. Lindstrom read a letter he'd written verbatim for the record (Exhibit E).

Following are questions from the commissioners - italics indicate Lindstrom's answers:

With respect to policy 3 when you refer to "Using a hammer when necessary" - what would you suggest we do that is more than "strongly encouraging"? I assume you understand that the City is somewhat circumscribed in its ability to force technology on developers, but I'm open to suggestions in terms of what we can do that is more than strongly encouraging using those kinds of technologies, without getting into mandating a particular type of building technology, for example.

*Look for new language - be creative and sensitive as you move forward. Set a leadership tone - not a minimum. It needs personality. It shouldn't be "empty" so that it's "safe." Be specific when you CAN be specific. I don't believe public documents have to be empty just so they can be "safe." A lot of what got stricken from the original document probably shouldn't have been struck - it should simply be updated.*

Sue Beilke, 11755 SW 114<sup>th</sup> Place, Tigard, OR, referred to her email dated June 2, 2008 (Last page of Exhibit C). She said she'd submitted several comments both in writing and at previous workshops. She said she would not go over those again but would summarize some things and answer a question that one of the commissioners had asked about earlier. She noted that at the original Natural Resource Committee meeting, they had at least 5 goals and associated policies. At the second meeting, it was reduced to one goal and associated policies - lumped all together. She said the committee was not responsible for that - staff was - and that she and the rest of the committee did not agree with that, nor like it. She said she was very unhappy with that - which is why she was speaking once again as an opponent. She referred to an inventory that is not complete. She said much of it is what Metro did. She said there are many areas that no one's walked thru and need to be on an inventory. She spoke about sensitive habitats, noting that on the current Comp Plan it reads "The City shall designate areas of value for their fragile character" - in other words, "sensitive habitats." She wants this to be addressed in the new Comp Plan. She spoke about the wording "where feasible - where appropriate" and doesn't believe those words are necessary.

Beilke addressed the question of whether the word "rare" is in the Comp Plan and said that, yes, it is there - in the Parks section. She expressed concern that the "definitions" section

had not been worked on or looked at by the public yet. ["Introduction & Definitions" is on the schedule for a workshop and will have a public hearing in the near future as well.] Beilke also would like the word "Services" taken out and the word "values" put back in.

Following are questions from the commissioners – answers are in italics:

How many meetings were there on Natural Resources? Floyd answered: *There were three meetings scheduled – people attended two of them.*

Sue, are you suggesting we table this section until all the resources are inventoried? *That's how I would do it; however, I think you could deal with this issue by making sure you have very specific policies that address this issue. You could get this done within one year.*

No one will disagree that getting an inventory is important but I don't see a timeline such as you suggest as feasible, remember, this is a 20 year document. *You could hire an undergraduate to do it as their senior thesis – get someone good – they could work with City staff. Since this was written we've lost most of our urban forest.*

Beilke asked, "If this is not the place for a timeframe, what is the appropriate place?" One of the commissioners asked. What are action measures for? Do they have to be complied with? Ron Bunch, Assistant Community Development Director, answered – *They set forth the work plan by which you implement the Comprehensive Plan. Along that line, we have several responses to the question of inventory. At some time, we'd like to talk about the whole process of inventorying and what's required and also emphasis it's as much a budget issue as staff's willingness to do this."*

Beilke said in conclusion, "Some of this is good, but what we have would not meet goal 5 requirements."

9:03pm – PUBLIC HEARING CLOSED

#### DELIBERATIONS:

After much discussion, President Inman summed up the deliberations to that point by saying there appear to be three main issues 1) Time; 2) Formatting and specificity; and 3) Use of the language "extent feasible" She noted that those are the "big" issues – from there we get into things that could be more easily "fixed" to reach a conclusion. She wondered whether the Planning Commission is at a point where they should postpone this and backtrack. "Not that I want to derail getting the Comp Plan done, but do we feel ready to progress on this tonight or are we actually at the point where we would want to postpone this, do more workshops, and maybe backtrack this?" Commissioner Vermilyea said there's a bigger picture of what we're trying to accomplish. I don't believe I'm ready to vote on this. If I were to vote, I'd vote no, if, for no other reason, than to force us to work on it some more. President Inman polled the commissioners as to whether they should move this forward. The general consensus was to take a couple more weeks working on this section.



Ron Bunch said it's very important that other interested parties be engaged in this as well. He said, "If we take more time on this, what I'd like to do is broaden this discussion. Rather than just have two or three people here, we need to get more people for example, homebuilders, the real estate industry, and other development interests need to come into this particular process. There are also other groups in the community including the Tualatin River Basin Partners, and others that need to be engaged in this as well.

Commissioner Doherty said she didn't think there were a whole lot of major changes. She summed up what she'd heard to be just a couple of issues:

1. There was good stuff in the old Comprehensive Plan -- ones not included in this and it was "meatier"; and
2. There's a need to add an "uplands" policy.

She said the rest appears to simply be on somebody's "wish list." It would be nice if we could spend lots and lots of money on restoration and that kind of thing but I think what we're looking at is a policy that we can actually go through and deal with. So what I heard were those things. I'd like to look at the old policy and see what can be kept and then also deal with uplands.

Commissioner Vermilyea said he is concerned about the process. He said the citizens are not happy with this. This is a disconnect. He said he thinks they need at least one more work session on this. Commissioner Hasman said if there's another session there should be a vote. President Inman agreed saying she wasn't sure another work session would be productive towards leading towards compromise as much as it's going to be an opportunity to reiterate again their opinions as to why it's not working. She said she'd rather see something that is driven towards something that works versus a continued affirmation that it just doesn't. She said we need to get to an answer. If we have to vote we'll be more motivated to get to a point of making something work.

Ron Bunch said staff had taken detailed notes and will deal with existing policies, talk about how to integrate those, and things in that general direction. So general themes will be dealt with and brought back to the commission. John Floyd concurred with what Bunch had said and added the uplands issue and the concept of the language "to the extent feasible." He said they could come back and talk about that in depth. Also, the language to provide security that something will actually happen -- that this isn't a repeat of what happened in 1983. Lastly, to bring to the discussion a broader group of interest groups who do business here or have an interest in Tigard for whatever reason. Floyd asked whether there was something he'd missed. One of the commissioners said he suggests the language "to the extent feasible" be stricken from all of the policies in the document -- he said that it weakens the document. He would also like them to make policy 3 stronger in terms of directive and see if they can come up with a stronger verb than "encourage" - recognizing that we only have a limited ability (or none at all) to mandate the things that are talked about in that but he empathizes with the testimony given with respect to that word and he would like to see what could be done about that. In policy 10, he'd like to see the words "complete and" inserted between "shall" and "periodically" -- making it very clear that it is the policy of the

City that we will have a complete baseline done. He said we could deal with the issue of timing as appropriate. There was also some discussion about overlay.

At 10:00pm it was decided to continue the Public Hearing on CPA2008-00003 to the June 16 Planning Commission meeting.

#### DELIBERATIONS CLOSED

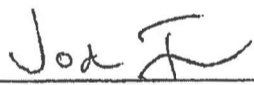
#### 7. OTHER BUSINESS

Darren Wyss, Associate Planner, presented his May 23 memo (Exhibit F) and explained the matrix that was attached. There was discussion about whether or not to move the July 7<sup>th</sup> Planning Commission meeting as it follows the July 2 Joint meeting with Council so closely. They decided to table that discussion to the June 16 meeting.

#### 8. ADJOURNMENT

President Inman adjourned the meeting at 10:15 pm.

  
Doreen Laughlin, Administrative Specialist II

  
ATTEST: President Jodie Inman



City of Tigard  
Memorandum

EXHIBIT B

To: Jodie Inman, President; and members of the Planning Commission  
From: John Floyd  
Re: Additional Language proposed for deletion in CPA2008-00003  
Date: June 2, 2008

The purpose of this email is to supplement the packet distributed for the June 2, 2008 meeting of the Planning Commission regarding CPA2008-00003. Staff inadvertently left out two existing policies proposed for removal (listed and ~~struck through~~ below), should the Comprehensive Plan Amendment be approved.

EXISTING POLICIES

~~3.1.1 THE CITY SHALL NOT ALLOW DEVELOPMENT IN AREAS HAVING THE FOLLOWING DEVELOPMENT LIMITATIONS EXCEPT WHERE IT CAN BE SHOWN THAT ESTABLISHED AND PROVEN ENGINEERING TECHNIQUES RELATED TO A SPECIFIC SITE PLAN WILL MAKE THE AREA SUITABLE FOR THE PROPOSED DEVELOPMENT. (NOTE: THIS POLICY DOES NOT APPLY TO LANDS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP.)~~

~~a. AREAS MEETING THE DEFINITION OF WETLANDS UNDER CHAPTER 18.26 OF THE COMMUNITY DEVELOPMENT CODE;~~

~~(Rev. Ord. 85-13; Ord. 84-36)~~

~~3.2.1 THE CITY SHALL PROHIBIT ANY LAND FROM ALTERATIONS OR DEVELOPMENTS IN THE 100-YEAR FLOODPLAIN WHICH WOULD RESULT IN ANY RISE IN ELEVATION OF THE 100-YEAR FLOODPLAIN.~~

~~(Rev. Ord. 05-01; Ord. 98-19; Ord. 90-22; Ord. 85-13; Ord. 84-36)~~



City of Tigard  
Memorandum

To: Jodie Inman, President; and members of the Planning Commission

From: John Floyd

Re: Comments received from Oregon Department of Fish and Wildlife (ODFW) and Sue Bielke regarding CPA2008-00003

Date: June 2, 2008

The purpose of this memo is to convey recent correspondence regarding the Natural Resources Comprehensive Plan Amendment (CPA2008-00003). Subsequent to distribution of the packet for June 2, 2008, staff received one letter and one email regarding CPA2008-00004. Both are attached for your review and include the following:

- Letter from Mischa Connine, Oregon Department of Fish and Wildlife. May 28, 2008
- Email from Sue Bielke, June 2, 2008 including one attachment

**Oregon Department of Fish and Wildlife**

The letter from ODFW of May 28, 2008 contained four comments. None of these comments challenged the legitimacy of the document (i.e. its compliance with applicable regulations), each being a suggestion on how the document might be strengthened from their perspective. A summary and staff response is below:

1. "The format of [the] layout is difficult to follow. It is recommended that for each Goal, the Policies and Recommended Action [Measures] are grouped together."

*Staff Response: The format of this chapter is consistent with formatting chosen for the whole of the Comprehensive Plan. Additionally, a Recommended Action Measure may satisfy several Policies and as a result the suggested format would create unnecessary repetition within the document. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.*

2. "It is strongly recommended that fish and wildlife species are also identified as a resource."

*Staff Response: This recommendation exceeds the minimum requirements of Goal 5, and regional programs implemented through METRO and the Tualatin Basin Partnership, regarding the protection of natural resources insofar that specific fish and wildlife would be regulated in addition to habitat. The proposed language contains protections for fish and wildlife through the protection and restoration of both riparian and upland habitats*

including Goal 5.1 and Policies 1, 6, 7, 8, 11, 12, and 13. Furthermore, the proposed language would not prohibit the City from implementing species specific protection and recovery plans at a future date, should that become necessary. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.

3. "It is also recommended that the fish and wildlife habitat is separated into wetland and upland habitats."

*Staff Response:* This recommendation would split Policy 5.1.7 into two policies, one addressing riparian habitat and another addressing upland habitat. In subsequent conversation, ODFW expressed a concern that it would be difficult for the City to develop specific policies and action items to address conservation, protection, and restoration of both types of habitat. Staff finds that a unified habitat policy has the same regulatory effect and standing as two separate policies, and sees no reason to separate them. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.

4. "It is recommended that each of the City's identified resources should be addressed by a policy specific to that resource."

*Staff Response:* The existing language carries the same regulatory effect and standing as individual policies. The decision to write umbrella policies (including but not limited to Policies 1 and 4) was made to prevent the unnecessary duplication of language in the document. Resource specific policies are already proposed including but not limited to 7, 8 and 9. Staff acknowledges the comment, but recommends that the Planning Commission not adopt it.

#### Sue Bielke

On June 2, 2008 an email was received from Sue Bielke containing comments she wished to present to the Planning Commission for its consideration. The email also contained one attachment, a previous email of May 13, 2008. Both are attached for the Commission's review.

The main points of her email broadly include a request for more time, a reorganization of the document to include resource specific goals, and more explicit language regarding listed species and native American artifacts. Staff acknowledges her comments, but finds the existing language legally adequate and providing the necessary legislative basis for future protection and restoration programs called for in her electronic correspondence.



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Sauvie Island Wildlife Area  
North Willamette Wildlife District  
18330 NW Sauvie Island Road  
Portland, OR 97231  
503-621-3488  
FAX 503-621-3025

May 28, 2008



John Floyd  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Mr. Floyd,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the City of Tigard's draft Goal 5 of the Comprehensive Plan and would like to offer the following comments and recommendations.

The City provides one goal, followed by a series of "Policies" which are followed by a series of "Recommended Action Items". The format of this layout is difficult to follow. It is recommended that for each Goal, the Policies and Recommended Action Items are grouped together. Following is an example of the recommended format.

Goal 5  
Policy 5.1  
Recommended Action Item A  
Recommended Action Item B  
Recommended Action Item C

The City identifies the following resources that are addressed in Goal 5: fish and wildlife habitat, wetlands, streams, groundwater, and historic and cultural resources. It is strongly recommended that fish and wildlife species are also identified as a resource. It is also recommended that the fish and wildlife habitat is separated into wetland and upland habitats.

The goal of the City is to "protect natural resources and the environmental and ecological functions they provide; and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity." It is recommended that each of the City's identified resources should be addressed by a policy specific to that resource. For example, there should be a separate policy addressing wildlife upland habitat, fish and wildlife stream and wetland habitat, fish and wildlife species and groundwater. For example:

**Policy 5.1: Wildlife Upland Habitat**

Protect, conserve and restore upland habitats related to wildlife, aesthetics, slope protection and groundwater recharge. Encourage increased vegetation, additional wildlife habitat areas, and expansion and enhancement of undeveloped spaces. Upland habitats include all habitats that are not categorized as wetland or waterway. Examples include mixed conifer forest, oak woodland, oak savannah, grasslands, prairie, etc.

**Recommended Action Item A:**

Protect, conserve and restore upland habitats and Oregon Conservation Strategy habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

Conduct a baseline inventory of all upland habitat types within the City.

**Policy 5.2: Fish and Wildlife Stream and Wetland Habitat**

Protect, conserve and restore streams, riparian corridors and wetland habitat which have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

**Recommended Action Item A:**

Conserve riparian, wetland, and water body natural resources through the designation and protection of transition areas between the resource and other urban development and activities. Restrict non-water dependent or non-water related development within the riparian area. The recommended riparian buffer size is 200 feet for fish-bearing streams and 100 feet for non fish-bearing streams.

**Recommended Action Item B:**

Conduct a baseline inventory of all wetland and waterway habitats within the City.

**Policy 5.3: Fish and Wildlife Species**

Protect, conserve and restore fish and wildlife populations that contain ESA threatened and endangered, Oregon state sensitive, rare and Oregon Conservation Strategy species through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item A:**

Protect, conserve and restore stream, wetland and upland habitat that contain ESA threatened and endangered, Oregon state sensitive or Oregon Conservation Strategy species habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

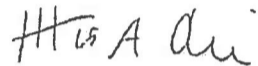
Establish a high level of biodiversity within the stream, wetland and upland habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item C:**

Conduct a baseline inventory of all fish and wildlife species.

These examples are not meant to be a comprehensive list of all Policies and Recommended Action Items, but to provide a recommended example of how to adequately protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife recommends that the City of Tigard includes their Natural Resource Committee to develop a comprehensive list of Policies and Recommended Action Items that will protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife would like to thank the City of Tigard for the opportunity to provide comments. If you have any questions or would like to discuss the comments and recommendation of this letter, please feel free to contact me.

Sincerely,

Handwritten signature of Mischa Connine in cursive script.

Mischa Connine  
Habitat Biologist  
18330 NW Sauvie Island Road  
Portland, OR 97231  
(503) 621-3488 ext 228  
mischa.a.connine@state.or.us



**John Floyd**

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**From:** Sue Bellke [sbeilke@europa.com]  
**Sent:** Monday, June 02, 2008 9:19 AM  
**To:** John Floyd  
**Cc:** John Frewing; Jay Watson; drescher@teleport.com; jblowers@lx.netcom.com; el.lindstrom@comcast.net; 'Brian Wegener'  
**Subject:** natural resources section of comprehensive plan  
**Attachments:** Fw\_ Meeting\_ Friday at 1pm.eml

John,

Please forward the below comments to the Planning Commission for tonight's Hearing on Goal 5, Natural Resources and Historic Areas.

Planning Commission  
City of Tigard

Below are my comments regarding the Natural Resources and Cultural Resources sections for the Comprehensive Plan and the Planning Commission Hearing tonight:

1. I am currently a citizen serving on the Natural Resources Committee of Tigard, and to date we have had two meetings for this subject. As I have stated in the past numerous times, two meetings were insufficient in writing goals and policies that would adequately address the conservation and protection of our natural resources in Tigard. I am therefore requesting, again, that the Planning Commission delay adopting language for Natural Resource Section of the Comprehensive Plan, and allow our citizen committee more time, at least two more meetings, to adequately come up with goals and policies that address the Statewide Planning Goal 5 and its requirements. What started out as 5 goals with associated policies at the first meeting, dwindled down to only 1 goal and policy by the second meeting. This reduction was done by city staff and not citizens. The current document is totally inadequate in protecting and conserving the many natural resources that exist in the city of Tigard.

2. The current Goal has language that is weak and will not be adequate in protecting, conserving and restoring all of the natural resources in Tigard. This one goal needs to be broken down into at least 5 goals, each goal would then address various areas of natural resources, such as "Wetlands", "Upland Forests", "Fish and Wildlife", etc. Then, each of the 5 goals would have associated policies that could specifically address the needs of that resource, for example, for Fish and Wildlife, an example of a policy would be: "The city shall restore fish and wildlife populations in order to achieve a high level of biological diversity".

3. We strongly recommend taking out the verbage that the PC inserted in the first workshop; where our committee had "Protect and restore", the PC changed to "Protect and then "restore where feasible". This so weakens the document as to make it virtually unenforceable. Why would anyone NOT want to restore natural resources, especially in light of the massive influx of invasive species invading Oregon, including plants and wildlife. It is our duty to be good stewards of our natural resources and to do Everything we can to protect and restore what we have inherited.

Therefore, I recommend taking out "where possible" or "where appropriate" from all of the document and replacing it with "Protect, conserve and restore" for all of the goals. Language such as "where appropriate" only serves to weaken this document and make unuseable.

4. Our Natural Resources Committee did not get to the stage for developing a Definitions Section (it was done by staff), hence the following comments on that:

- "Natural Resources" - In this definition, the city starts with "inventoried". This word needs to be removed, as natural resources should refer to ALL of the natural resources not just those inventoried, since much of the city has not been inventoried. We still need to inventory many areas of the city, but regardless of what has or has not been inventoried, we need to protect ALL of our natural resources.

- "Rare" - We wanted to make sure this is part of this section and should be defined as "Plants, fish, wildlife or habitats considered to be unique, uncommon, unusual or of high value due to declines in local population numbers compared to historical levels or considered to be a cultural resource by Native American tribes". Examples of local "rare" species would be camas, pond turtles, painted turtles, any salmonid fish species; examples of rare habitats would be oak prairie habitat; examples of Native American cultural resources would be camas, western red cedar trees, and anything determined to be "a usual and accustomed place".

- "Sensitive Habitat" - This would be defined as "Sensitive Habitats are those area containing rare and/or any plant, fish or wildlife or habitat type on any state or federal lists as defined below."

- "Uplands" - A definition for uplands was also left out of this section. Upland could be defined as "all habitats beyond the riparian zone of an ecosystem" which includes for example, mixed conifer forests, oak prairies, and meadows.

- "Species on State or Federal Lists" - We also need a definition for this, which can read "All species that are on any state or federal lists, including threatened, endangered, sensitive, critical or species of concern." Example of species on these lists include both native turtles and red-legged frogs.

- "Sustainable" - This definition should include verbage that also addresses the sustainability of the resource, can the resource be sustainable with any level of development? Who ever proves they can do this? The current definition is totally backwards and should read: "Any development or use of any resource by people must ensure that they will not in any manner reduce the fish and wildlife populations or reduce the amount of habitat or the functionality of that habitat(s) in question."

5. We need to have a policy that addresses protection of sensitive habitats, including those which contain rare or listed species, in order to protect and restore these species. Examples include: Policy: The city shall make it a high priority to protect and restore sensitive habitats which will include not allowing development of any kind into these areas (e.g., no trails, etc.). The city is already doing this but it needs to be in writing and part of the Comp. Plan. Policy: The city shall make it a high priority to actively pursue funding to restore sensitive habitats."

6. The city needs to have a goal and related policies that addresses biological diversity and its importance in relation to natural resources. Example: Goal: Protect, conserve and restore the biological diversity of all habitats within the city. Example of associated Policy: The city shall actively work with local conservation groups and citizens to restore the highest level of biological diversity to all wetlands in the city of Tigard.

7. Goal 5.2 - Regarding protection and preservation of historic and cultural resources, I saw NO mention of Native American artifacts that have been found in Tigard, including those found on the library site, on the Ash Creek Natural Area or anywhere else. This needs to be documented in an attached inventory and then needs associated policies in order to protect and preserve these important cultural resources. In addition, there are areas in Tigard that are considered "usual and accustomed places" by Native American tribes and this also needs to be addressed in an inventory and with associated policies, such as "The city shall protect, conserve and restore areas considered "usual and accustomed places" by any Native American tribe."

Attached are additional comments and recommendations I submitted to the city on May 9 after the first PC workshop. Again, we still have much work to do before this section of the Comprehensive Plan is adequate and able to be adopted as part of the Goal 5 statewide planning process. I therefore am requesting that the Planning Commission NOT adopt the current language for the Natural Resource or Cultural Resource sections of the Comprehensive Plan, but rather, work with local citizens and conservation groups, such as Fans of Fanno Creek and The Biodiversity Project of Tigard, to make this a more complete and worthy document that will guide natural resource protection, conservation and restoration for the next 20 years in Tigard.

Thank you for your consideration in this matter.

Sue Bellke,  
Director, The Biodiversity Project of Tigard  
Board Member, Fans of Fanno Creek  
Vice President, Friends of Summer Creek  
Director, The Turtle Conservancy

**John Floyd**

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**From:** Sue Beilke [sbeilke@europa.com]  
**Sent:** Tuesday, May 13, 2008 9:03 AM  
**To:** John Floyd  
**Subject:** Fw: Meeting: Friday at 1pm

Here it is.

----- Original Message -----

**From:** Sue Beilke  
**To:** John Floyd ; 'John Frewing'  
**Cc:** Marissa Daniels  
**Sent:** Friday, May 09, 2008 8:56 AM  
**Subject:** Re: Meeting: Friday at 1pm

John,

Here are some of the recommendations/comments/language changes I proposed at the PC workshop for Natural Resources.

- Use "Protect, conserve and restore" where we now have "protect and restore"
- omit "where appropriate" from the entire document
- keep in "values" but make sure it is defined in the Definitions section, and include some examples
  
- For the Goal; we now only have one goal, I think that is "lame" considering the extent of the diversity of natural resources we are addressing. Originally we had at least 5 as I recall. I recommend splitting 5.1 into 3 goals.
  - 5.1: Protect, conserve and restore natural resources and the environmental and ecological services they provide.
  - 5.2: Protect, conserve and restore natural resources in order to reach a high level of biodiversity.
  - 5.3: Protect, conserve and restore plants, plant communities and fish and wildlife populations considered rare, or on any state and federal species lists as a high priority.
  
- I do not recommend deleting Policy 2.
  
- Somewhere in the PC meeting, the chairwoman, said something to the effect that "low impact development does not include incorporating natural resources"? I need to have that clarified and then that needs to be addressed at the next meeting, as she is very wrong on that one if that is what she said.
  
- Policy 3- this needs more work and we really need to define "sustainable" in regard to natural resources. For example, if you put in several houses near a stream and only have a 50' buffer, this will not overtime "sustain" the wildlife that live there. That size buffer is too small to "sustain" the birds, mammals and other species that have inhabited it for thousands of years.
  
- I recommend adding several new policies;
  - Policy - The City shall create a distinct zone for open space, greenways, etc. in order to protect permanently all natural resources.
  - Policy - The City shall place a high priority on the protection, conservation, and restoration of rare plants and habitats (e.g., oak prairie) and rare and state and federal fish and wildlife species listed as "Species of Concern, Sensitive, Threatened, or Endangered (e.g., Northern red-legged frog, native turtles).
  
- Make sure we define "hydrologic regimes".
  
- Policy 10: I would have several policies covering inventories, etc. 1. The City shall conduct surveys of All natural resources in order to establish a baseline inventory.

2. The City shall periodically maintain and update the Natural Resources Inventory through surveys and monitoring efforts.
3. The City shall utilize the natural resources inventory to assist with setting goals and objectives for restoration activities.

Then under these 2 Policies I would add these Action Measures: a. Conduct surveys and monitoring of all natural resources to establish a baseline inventory. b. Utilize available documents such as the Oregon Conservation Strategy to help guide restoration efforts. c. Engage citizens and volunteers to assist with surveys and monitoring. d. Identify opportunities for funding and apply for grants to assist with restoration efforts.

We also need to make sure that "uplands" are addressed, such as in Policy 8.

I recommend adopting Metro's Title 13 as John recommended at the workshop, again so that uplands are protected, etc.

- We need to look at the CWS standards that the city has adopted in order to see if they are adequate in protecting our natural resources, since CWS standards and regs. are set up to only address "water quality". I think it would then be in order to establish several goals and policies that address buffers, etc. in order to further protection for habitats and fish and wildlife.

See you at 1PM.

Sue

----- Original Message -----

**From:** John Floyd  
**To:** 'sbeilke@europa.com'; 'John Frewing'  
**Cc:** Marissa Daniels; Ron Bunch  
**Sent:** Tuesday, May 06, 2008 3:03 PM  
**Subject:** Meeting: Friday at 1pm

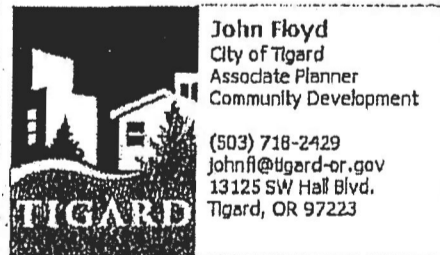
Hello Sue and John,

Friday at 1pm seems to work for all of use. I'll go ahead and reserve a room, just come to the front counter and ask for me.

If you could, please forward me (and each other if you haven't already) any comments you have ahead of time. If you don't mind, Marissa Daniels would like to attend the meeting as well.

Thanks,

John



**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
June 16, 2008**

**1. CALL TO ORDER**

President Inman called the meeting to order at 7:00 PM. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**2. ROLL CALL**

Commissioners Present: President Inman, Commissioners: Anderson, Doherty, Muldoon, and Walsh

Commissioners Absent: Caffall, Fishel, Hasman, Vermilyea

Staff Present: Ron Bunch, Assistant Community Development Director; John Floyd, Associate Planner; Darren Wyss, Associate Planner; Doreen Laughlin, Administrative Specialist II

**3. COMMUNICATIONS – None.**

**4. APPROVE MEETING MINUTES**

There was a motion by Commissioner Doherty, seconded by Commissioner Muldoon, to approve the June 2, 2008 meeting minutes as submitted. The motion carried as follows:

AYES: Anderson, Doherty, Inman, Muldoon  
NAYS: None  
ABSTENTIONS: Walsh  
EXCUSED: Caffall, Fishel, Hasman, Vermilyea

**PUBLIC HEARING**

**5.1 COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00003**

**Tigard Comprehensive Plan Update Pertaining to Statewide Planning Goal 5: Natural Resources and Historic Areas REQUEST:** To amend the current Comprehensive Plan to include goals, policies and recommended action measures to reflect current community conditions and values relating to Tigard's Natural Resources and Historical Areas. The complete text of the proposed Amendment can be viewed on the City's website at [http://www.tigard-or.gov/code\\_amendments](http://www.tigard-or.gov/code_amendments). **LOCATION:** Citywide. **ZONE:** All City Zoning Districts.

**APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters Citizen Involvement, Environmental Quality, Hazards, Public Facilities and Services, and Natural

**PUBLIC HEARING CLOSED**

Public Hearing closed temporarily due to minor technical difficulties [PowerPoint & copier glitches].

**PUBLIC HEARING REOPENED - 7:20pm**

John Floyd, Associate Planner, presented the staff report on behalf of the City. He went over a PowerPoint presentation (Exhibit A) and gave an overview. He indicated some of the homebuilders representatives were not able to attend this public hearing, but had indicated an interest in it and will most likely be attending the Council meeting regarding this topic. He explained that he would be going over his June 16 memo (Exhibit B) which would summarize the changes made in the memo dated June 9 in the commissioner's packets. He then gave an overview of the policies and the suggestions made by commissioners at the first Public Hearing on this chapter. Some of those topics were the use of the words "To the extent feasible," baseline inventory, engaging volunteers, public comment from John Frewing, engaging a broader audience, glossary definitions, new definitions, existing policies, and applicability to upland habitats. (Detail is in Exhibit A - PowerPoint presentation).

There was a brief question and answer period. One of the commissioners spoke to what he sees as a need for a natural resources coordinator – perhaps on a volunteer basis. Ron Bunch, Assistant Community Development Director, gave his thoughts on this. He said, in his experience from other cities, volunteer natural resource coordinators had several requirements in order for them to have good information. For one, they needed paid consulting expertise. There was also a need for GIS mapping, on the ground evaluation, and specific boundary delineation of the resource that required them to be there. It was helpful for staff to identify the specific resources using aerial photography and ground checking and there was a need for staff to be on site clearing brush and making public contact for them so they could actually get on the property when necessary. The question was asked, "What percentage of the paid consultant dollars was leveraged by the volunteer coordinator?" Bunch answered, "About 30%."

**DELIBERATIONS:**

One of the commissioners commented that he would like to make another push for the pragmatic language rather than the aspirational language with regard to the verbiage "To the extent feasible." He believes that needs to be in restoration language because once this is done, the distinction between aspirational and direction to implement will be lost. He thinks people will come back and say, "It's right there... it says you were going to restore the stream." He thinks that creates division where it doesn't need to be.

At this point, President Inman asked for a "sound off" of the commissioners present concerning the "to the extent feasible" language. The outcome of that sound off was to "leave the language in as explained in context tonight."

The commissioners went over the policies as follows: [Exhibit A]

**Policy 5.1.3** - As to strengthening policy 5.1.3 by breaking it up into two separate policies - 5.1.2 & 5.1.3 - the commissioners agreed with staff, and were in favor of making them two separate policies. They also agreed to recommend adding an action measure proposed by staff – Action Measure xxi. - which would read: “The City shall develop and utilize incentives to foster private investment in green building techniques and technologies.”

**Policy 5.1.7** – they agreed that the alternative proposed is clearer and they would like to go with that.

**Policy 5.1.10** - add “as necessary” to replace “other applicable program so it would read: “The City shall complete and, concurrent with periodic review of the Comprehensive Plan, Metro Programs, or as necessary, update and improve its baseline inventory of natural resources to reflect changing conditions, standards, and community desires.”

The following motion was made by Commissioner Doherty: “I move the Planning Commission forward a recommendation of approval to the City Council of application CPA2008-00003, Natural Resources, and adoption of the findings that have been brought forth at this hearing as presented in the memo dated June 16 2008 and as amended by Planning Commission discussion. Commissioner Muldoon seconded the motion and it carried as follows:

AYES: Anderson, Doherty, Inman, Muldoon, Walsh

NAYS: None

ABSTENTIONS: None

EXCUSED: Caffall, Fishel, Hasman, Vermilyea

The date for the Council Public Hearing on this topic will be August 5, 2008.

#### **DELIBERATIONS CLOSED**

#### **5.2 WORKSHOP – GOAL 14: URBANIZATION – Prepare for Joint Meeting with Council**

Darren Wyss, Associate Planner, reminded the commissioners they had requested background information related to the cause and consequences of unincorporated development, and potential remedies. The Commission had wanted this information to better understand reasons for proposed Urbanization goals and policies, and to have sufficient background for a meaningful discussion with Council at the July 1 Urbanization Joint Workshop. Commissioners had provided staff with a number of issues/questions. Documentation to address those questions was attached to Wyss’ memo dated June 9, 2008, and had been sent a week earlier in the Planning Commissioner’s packets.

Before going over the information in the packets, Wyss said they would talk about the following:

- Set up of the joint meeting;
- Take any questions about the materials sent in their packets; and
- Finalize a few topics of discussion.

Wyss advised the commissioners there would be no regular Planning Commission meeting on July 7. He said they would come back with the Policy Interest Team on July 21, after the July 1 joint meeting with Council.

There was discussion regarding the upcoming joint meeting regarding urbanization. One of the commissioners asked, "What is the City actually asking the county to do?" Bunch answered:

"We're asking for five things, really:

1. Acknowledge a problem (long-term financial problem);
2. Stop the "bleeding" (no unincorporated development). Make sure new urban areas come into cities;
3. Get a neutral person or agency to determine who pays for what. What kind of financial needs are there – what is the level of subsidization;
4. Recognize the urban problem cannot be solved "overnight" – it has taken 50 years to create it and it will probably take 100 years to remedy it; and
5. Make this an ongoing effort.

It's basically those five things we'll be asking for at the Urbanization Forum."

There was discussion as to how the Joint meeting would be conducted. The commissioners said their goal was to absorb what the Council is feeling about things. What is the vision of resolution of this issue? One of the commissioners noted the "tone" of the language should be toned down. Some, but not all, of the commissioners agreed with this.

6. **OTHER BUSINESS** – None.

7. **ADJOURNMENT**

President Inman adjourned the meeting at 9:00 pm.

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Doreen Laughlin, Administrative Specialist II

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ATTEST: President Jodie Inman



EXHIBIT A

**Natural Resources and  
Historic Areas**

Comprehensive Plan Amendment  
2008-00003  
June 16, 2008

John Floyd, Associate Planner

**Changes from June 2**

Proposed changes are outlined in Memos dated June 9 (packet) & June 16 (distributed today)

Language Changes directed by PC

1. Goal 5.1 made uniform with the phrase "to the extent feasible"
2. Policy 5.1.10 directs the City to complete the baseline inventory

**"To the Extent Feasible"**

Definition: Reasonably capable of being done, executed, or effected with the means at hand and the circumstances as they are; practicable

Appears in Goal 5.1 & Policies 1, 6, 7, 8, 13

Only applies to restoration and not protection except: Outside of City limits (Policy 6); or wildlife corridors in the context of park, open space, and surface water master plans (Policy 13)

**Glossary Definitions**

Word "inventoried" removed from Natural Resources

New definitions for Riparian Corridor, Riparian Habitat, and Upland Habitat

**New Definitions**

Riparian Corridor – water areas, fish and wildlife habitat, wetlands, and adjacent riparian areas that consist of the zone of transition from an aquatic ecosystem to a terrestrial ecosystem.

Riparian Habitat – Habitat areas located within, and dependant upon the unique habitat elements provided within, a Riparian Corridor

Upland Habitat – All habitats beyond a riparian corridor.

**Applicability to Upland Habitats**

Questions regarding protection of upland habitat

Protected by Goal 5.1 and implementing policies 1, 3, 4, 5, 6, 7, 10, 11, 12 and 13

Alternative Policy 5.1.7 - The City shall protect riparian and upland habitats to the maximum extent possible, and restore them to the extent feasible, on both public and private lands.

### Strengthening Policy 5.1.3

Staff recommends splitting the policy to strengthen where possible:

• Policy 5.1.2 - The City shall demonstrate leadership in natural resource protection through the use of sustainable building practices and low impact development strategies, to the extent feasible, on all City projects.

• Policy 5.1.3 - The City shall provide options to conventional construction and site planning techniques, and incorporate sustainable and low-impact building and site planning technologies into City codes and standards as they become available.

### Engaging a Broader Audience

- Reminders were sent out to all interested parties
- The HBA has expressed an interest in participating, particularly in regards to how this will impact tree regulations, but was unable to attend tonight

### Baseline Inventory

PC directed staff to strengthen the language of Policy 5.1.10. A draft revision is as follows:

"The City shall complete, and concurrent with the periodic review of the Comprehensive Plan, Metro Nature in Neighborhoods Program, or other applicable program, update and improve its baseline inventory of natural resources to reflect changing conditions, standards, and community desires."

### Engaging Volunteers

Public Participation will be an essential component

Citizen Involvement Chapter requires meaningful input

Cannot determine extent or manner without an approved work plan developed in coordination with qualified professionals

### Frewing Comments

Channel Migration/Overlay zones are too specific at this level

Best addressed at implementation and in concert with affected stakeholders including Tualatin Basin Partnership, property owners, and others.

### Existing Policy 3.1.1 (Wetlands)

THE CITY SHALL NOT ALLOW DEVELOPMENT IN AREAS HAVING THE FOLLOWING DEVELOPMENT LIMITATIONS EXCEPT WHERE THE DEVELOPER DEMONSTRATES THAT GENERALLY ACCEPTED ENGINEERING TECHNIQUES RELATED TO A SPECIFIC SITE PLAN WILL MAKE THE AREA SUITABLE FOR THE PROPOSED DEVELOPMENT. (NOTE: THIS POLICY DOES NOT APPLY TO LANDS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP.);

- a. AREAS MEETING THE DEFINITION OF WETLANDS UNDER CHAPTER 18.26 OF THE COMMUNITY DEVELOPMENT CODE;

Existing Policy 3.2.1 (Floodplains)

THE CITY SHALL PROHIBIT DEVELOPMENT WITHIN AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP. NO DEVELOPMENT SHALL OCCUR ON PROPERTY ADJACENT TO AREAS DESIGNATED AS SIGNIFICANT WETLANDS ON THE FLOODPLAIN AND WETLANDS MAP WITHIN TWENTY FIVE (25) FEET OF THE DESIGNATED WETLANDS AREA. DEVELOPMENT ON PROPERTY ADJACENT TO SIGNIFICANT WETLANDS SHALL BE ALLOWED UNDER THE PLANNED DEVELOPMENT SECTION OF THE CODE.

Existing Policy 3.3.1 (Nat. Resources)

THE CITY OF TIGARD SHALL SUPPORT THE EFFORTS OF WASHINGTON COUNTY, BEAVERTON AND THE METROPOLITAN SERVICE DISTRICT TO ENSURE THE AVAILABILITY OF THE ROCK MINERAL RESOURCES.

Existing Policy 3.4.1 (Nat. Areas)

THE CITY SHALL DESIGNATE, IN ACCORDANCE WITH GOAL 5, THE FOLLOWING AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN.

- a. SIGNIFICANT WETLANDS;
- b. AREAS HAVING EDUCATIONAL RESEARCH VALUE, SUCH AS GEOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS; AND
- c. AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANTS, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES.

OR

THE NEED TO PROTECT NATURAL AREAS.

Existing Policy 3.4.2 (Nat Areas)

THE CITY SHALL:

- b. PROTECT FISH AND WILDLIFE HABITAT ALONG STREAM CORRIDORS BY MANAGING THE RIPARIAN HABITAT AND CONTROLLING EROSION, AND BY REQUIRING THAT AREAS OF STANDING TREES AND NATURAL VEGETATION ALONG NATURAL DRAINAGE COURSES AND WATERWAYS BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE;
- h. REQUIRE THAT DEVELOPMENT PROPOSALS IN DESIGNATED TIMBERED OR TREE AREAS BE REVIEWED THROUGH THE PLANNED DEVELOPMENT PROCESS TO MINIMIZE THE NUMBER OF TREES REMOVED; AND
- c. REQUIRE CLUSTER TYPE DEVELOPMENT IN AREAS HAVING IMPORTANT WILDLIFE HABITAT VALUE AS DELINEATED ON THE "FISH AND WILDLIFE HABITAT MAP" ON FILE AT THE CITY.
- d. ADDRESS GOAL 5 RULE REQUIREMENTS PERTAINING TO THE PRESERVATION OF WETLANDS ONCE ADEQUATE INFORMATION ON THE LOCATION, QUALITY, AND QUANTITY OF WETLAND SITES IS OBTAINED. THIS GOAL 5 REVIEW WILL INCLUDE DETERMINING WHICH WETLAND SITES ARE ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT. CITIZENS WILL PARTICIPATE IN MAKING POLICY RECOMMENDATIONS FOR THE PROTECTION AND PRESERVATION OF THOSE WETLAND AREAS DESIGNATED AS SIGNIFICANT. THE CITY SHALL COMPLETE ITS GOAL 5 REVIEW OF WETLAND AREAS BEFORE THE CITY'S NEXT PERIODIC REVIEW, BUT NO LATER THAN DECEMBER 23, 1996.

Existing Policy 3.7.1 (Historical-Cultural Resources)

THE CITY SHALL IDENTIFY AND PROMOTE THE PRESERVATION AND PROTECTION OF HISTORICALLY AND CULTURALLY SIGNIFICANT STRUCTURE, SITE, OBJECTS AND DISTRICTS WITHIN TIGARD.

Questions?



## MEMORANDUM

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TO: Mayor Craig Dirksen and Members of City Council

FROM: John Floyd, Associate Planner

RE: Council Workshop – CPA2008-00003

DATE: June 18, 2008

At the July 1 City Council meeting, staff will present the proposed goals, policies, and recommended action measures (see the end of this memo for definitions and obligations) for the Natural Resources and Historic Areas section of the updated Comprehensive Plan (State Planning Goal 5). The proposed language was approved and recommended by the Planning Commission at the June 16 public hearing. Staff will discuss the proposed language, answer questions, and provide any requested information that will help assist Council in making its decision at the June public hearing.

Throughout the process of working with citizens, city departments, and the Planning Commission, staff has stressed that proposed Comprehensive Plan language must be capable of being implemented and in the interests of the whole community. Staff has also worked to explain the implications of certain policy recommendations and, most of the time, the process has achieved a consensus outcome. In staff's role as facilitators, we presented the best professional advice possible to all involved and did not unilaterally change language, but continually expressed whether or not to amend citizen recommendations is the role of the Planning Commission to recommend and the City Council to decide upon.

The Planning Commission requested changes at two work sessions in May and two public hearings on June 2 and 16, which are included in the Commission's recommendation to Council. In general, these changes were made to streamline the language (it was found to be overly specific in many instances), clarify its meaning and applicability, and ensure the City

retains enough flexibility to deal with the broad and ever-changing challenges that will be faced by the City in coming years. A list of the changes is below with staff commentary following.

## Goal

- 5.1 ~~Protect and restore natural resources, and the environmental and ecological services they provide, through naturally functioning systems that demonstrate a high level of biodiversity.~~ **Protect natural resources and the environmental and ecological functions they provide; and, to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.**

*Staff Comment: This goal was amended to provide more flexibility at implementation, and to acknowledge the fact that any discussion regarding the restoration of natural resources needs to acknowledge the very real obstacles of money, likelihood of success given the goals at hand, logistics, and available technology.*

## Policies

1. The City shall protect and, **to the extent feasible,** restore natural resources in a ~~manner that will~~ **a variety of methods to:**
- Contribute to the City's scenic quality of Tigar and its unique sense of place;
  - Provide educational opportunities, recreational amenities, and buffering between differential land uses;
  - Maximize natural resource functions and ~~values~~ **services** including fish and wildlife habitat and water quality; and
  - Result in healthy and naturally functioning systems containing a high level of biodiversity.

*Staff Comment: This goal was amended to provide more flexibility at implementation, and to acknowledge the fact that any discussion regarding the restoration of natural resources needs to acknowledge the very real obstacles of money, likelihood of success given the goals at hand, logistics, and available technology.*

- ~~2. The City shall continue to protect and restore natural resources through a variety of methods. Such methods shall include, but not be limited to, the use of development and land management regulations, acquisition of land and conservation easements, educational outreach, and external partnerships as appropriate.~~

*Staff Comment: This policy was amended as part of a larger reorganization of the document that removed a lot of unnecessary specificity out of the policy realm and into the list of recommended action measures.*

3. ~~The City shall encourage public and private development to use sustainable building technologies, low impact development techniques, and incorporate existing and potential natural resource functions and values into the landscape and infrastructure designs of development projects.~~

**Policy 5.1.2 - The City shall demonstrate leadership in natural resource protection through the use of sustainable building practices and low impact development strategies, to the extent feasible, on all City projects.**

**Policy 5.1.3 - The City shall provide options to conventional construction and site planning techniques, and incorporate sustainable and low-impact building and site planning technologies into City codes and standards as they become available.**

*Staff Comment: This policy was amended and split into two sections out of an acknowledgement that the City is not in a position to require private development to utilize sustainable and green technologies in all situations, particularly as a result of jurisdictions maintaining pre-emptive regulations on development (i.e. Clean Water Services, Tualatin Valley Fire and Rescue, and the State Building Codes Division.*

4. The City shall actively coordinate and consult **with landowners, local stakeholders, and governmental jurisdictions and agencies in regarding** the inventory, protection, and restoration of natural resources ~~with landowners, local stakeholders, and governmental jurisdictions and agencies.~~

*Staff Comment: This policy was amended for purposes of legibility.*

5. The City shall utilize periodic assessments of the effectiveness of the City's programs and regulatory structures to ~~inform~~ **guide** future decisions regarding natural resource protection, management, and restoration.

*Staff Comment: This policy was amended for purposes of legibility and clarity of meaning.*

6. The City shall utilize incentives or disincentives ~~as appropriate~~ **to the extent feasible**, to ~~prevent~~ **discourage** property owners from removing or degrading natural resources prior to **application for development or annexation**.

*Staff Comment: This policy was amended to improve clarity of meaning and application.*

7. The City shall ~~preserve~~ protect **riparian and upland habitats, to the maximum extent possible**, and ~~to the extent feasible~~, restore **them** ~~riparian and upland habits for fish and wildlife to the maximum extent possible~~ **to the extent feasible**, on **both** public and private lands. through:
- ~~a. Land use regulations and standards that protect and restore essential habitat elements that satisfy the food, water, shelter, mobility, and reproductive needs of fish and wildlife;~~
  - ~~b. Land use regulations and standards that mitigate the loss of habitat elements and functions as a result of development, with priority given to protection over mitigation;~~
  - ~~c. Preservation and creation of linkages between wildlife habitat areas, when possible, as a key component of parks, open space, and surface water management plans; and~~
  - ~~d. Implementation of outreach and regulatory programs to identify and remove invasive species that threaten habitat areas.~~

*Staff Comment: This policy was amended to improve clarity of meaning and application. In addition, overly specific and repetitive language was removed and transferred into the list of recommended action measures.*

8. The City shall ~~preserve, maintain,~~ **protect and, to the extent feasible**, restore the diverse ecological and non-ecological functions and ~~values~~ **services** of streams, wetlands, and associated riparian corridors. ~~Strategies shall include, but not be limited to:~~
- ~~a. Compliance with Federal, State and Regional regulations as they apply to streams, wetlands, and associated riparian corridors;~~
  - ~~b. Mitigating the loss of wetlands and their associated functions and values as a result of development, with priority given to protection over mitigation;~~
  - ~~c. Protection of riparian vegetation necessary for erosion control, water quality, and fish and wildlife habitat; and~~

~~d. Maintenance and restoration of hydrologic regimes that support fish and wildlife, provide flood control, enable natural recharge of groundwater, and other ecological and community benefits.~~

*Staff Comment: This policy was amended to improve clarity of meaning and application. In addition, overly specific and repetitive language was removed and transferred into the list of recommended action measures.*

9. The City shall ~~continue~~ **implement measures** to protect groundwater by:
- ~~a. Continuing to work with regional and state agencies to identify and address potential sources of contamination;~~
  - ~~b. Minimizing the amount of impervious surface area covering the City that prevents the natural recharge of groundwater aquifers; and~~
  - ~~c. Supplementing groundwater extraction with alternative sources.~~

*Staff Comment: This policy was amended for purposes of legibility and clarity of meaning and application. In addition, overly specific and repetitive language was removed and/or transferred into the list of recommended action measures.*

10. The City shall ~~maintain and utilize a~~ **complete and, concurrent with the periodic review of the Comprehensive Plan, Metro Programs, or as necessary, update and improve its** baseline inventory of natural resources through surveys and monitoring **to reflect changing conditions, standards, and community desires.**

*Staff Comment: This policy was amended for purposes of legibility and to strengthen the City's obligation to establish and update a baseline inventory.*

11. The City shall assist landowners in the protection of natural resources through diverse methods including, **but not limited to:** education, incentives, planned development standards and regulations, and conservation easements.

*Staff Comment: This policy was amended to improve clarity of meaning and application.*

- 12. The City shall develop and implement standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection over mitigation.**



*Staff Comment: This policy was created to establish a legislative requirement for mitigation, and the City's strong preference for protection over mitigation.*

**13. The City shall identify, preserve and create linkages between wildlife habitat areas, to the extent feasible, as a key component of parks, open space, and surface water management plans.**

*Staff Comment: This policy was created to establish a legislative requirement for the City to incorporate habitat planning into broader city actions where feasible.*

**Recommended Action Measures**

- ~~ii. Establish baseline measures and periodically evaluate natural resource protection and restoration activities in a manner that will measure success and enable further refinement towards measurable goals. **Utilize an adaptive management approach that seeks to improve natural resource standards and programs by establishing a measurable baseline condition and desired end goals, periodically measuring the success of existing city actions against those goals, and making corrections as necessary to improve success.**~~
  
- ~~vi. Identify and preserve areas demonstrating high scenic quality, and implement mechanisms for preserving, maintaining and/or enhancing this quality.~~
  
- vi. Periodically evaluate **identify and make steps to improve** the effectiveness of existing natural resource protections with the Development code; ~~identify~~ gaps, conflicts, and opportunities for enhancement.
  
- ~~viii. Identify opportunities for, and encourage the use of, habitat friendly development practices and low impact development techniques.~~
  
- ix. Incorporate bioregional conservation strategies, such as those identified in the Oregon Biodiversity Project **Conservation Strategy and Clean Water Service's Healthy Streams Plan** into regulations and restoration programs.
  
- xi. ~~Identify mechanisms for stabilizing or reducing surface and groundwater extraction for residential and commercial uses. **Implement a program to assist the state in identifying and canceling unused water rights within Tigard for the purpose of stabilizing or reducing surface and groundwater diversion and extraction.**~~

**Encourage** – support, advocate, or take affirmative action to achieve a particular community objective.

**Feasible** – reasonably capable of being done, executed, or effected with the means at hand and circumstances as they are; practicable.

**Functions and Services** – This definition is limited to natural resource functions and services. Functions refers variously to the physical, chemical, and biological processes or attributes that contribute to the self-maintenance of a natural system. Some examples of ecosystem functions are provision of wildlife habitat, carbon cycling, or the trapping of nutrients. Services represent the benefits human populations derive, directly or indirectly, from ecosystem functions. Some examples of ecosystem services are support of the food chain, harvesting of animals or plants, and the provision of clean water or scenic views. Functions and services do not necessarily demonstrate a one-for-one correspondence due to the interrelated nature of many functions and services.

**Goal** – A general statement indicating a desired end or the direction the City will follow to achieve that end.

**Habitat** – An area upon which fish and/or wildlife depends in order to meet their requirements for food, water, mobility, security, and reproduction.

**Healthy Streams Plan** – Approved by CWS in June 2005, the goal of the plan is to utilize scientific knowledge and innovation to improve watershed and stream health for community benefit.

**Historic and Cultural Resources** – Historic and prehistoric sites, structures, districts, landscapes, objects, and other evidences of human activities that represent facets of the history, or ongoing cultural identity, of the Nation, Oregon, and/or Tigard.

**Impervious Surface** – A solid surface, such as streets, parking lots, and roofs that prevents rain from being absorbed into the soil, thereby increasing the amount of water runoff that typically reaches a receiving stream.

**Low Impact Development (LID) Practices** – An approach to land development that uses

various land use planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts.

**Natural Resources** – Resources and natural resource systems identified in Statewide Planning Goal 5 including fish and wildlife habitats; wetlands; streams and associated riparian corridors; groundwater; and rare and endangered fish and wildlife, plants, and plant communities.

**Natural Systems** – interactive, interrelated, and interdependent elements forming a complex whole that exists in or is formed by nature. Hydrologic and ecological systems are two examples.

**Nature in Neighborhoods Program** – A Metro region conservation initiative that brings people and government together to ensure a healthy urban ecosystem. The initiative will align the region’s conservation programs behind a strategic effort to protect clean water and healthy natural areas for fish, wildlife and people. It will add more hands-on capacity for conservation education and habitat restoration.

**Policy** – A statement identifying Tigard’s position and a definitive course of action. Policies are more specific than goals. They often identify the City’s position in regard to implementing goals. However, they are not the only actions the City can take to accomplish goals.

**Promote** – support, advocate, or take affirmative action to achieve a particular community objective.

**Recommended Action Measure** – A statement which outlines a specific City project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to specific projects, standards, or courses of action the City desires other jurisdictions to take in regard to specific issues. These statements also define the relationship the City desires to have with other jurisdictions and agencies in implementing Comprehensive Plan goals and policies.

**Regionally Significant Habitat** – Areas containing significant fish and wildlife habitat as

identified and periodically updated through the Metro Nature in Neighborhoods Program.

**Riparian Corridor** – Water areas, fish and wildlife habitat, wetlands, and adjacent riparian areas that consist of the zone of transition from an aquatic ecosystem to a terrestrial ecosystem; see also stream corridor.

**Riparian Habitat** – Habitat areas located within, and dependant upon the unique habitat elements provided within, a Riparian Corridor.

**Upland Habitat** – All habitats beyond a riparian corridor.

**Sensitive Lands** – As defined in Chapter 18.775.010.G of the City of Tigard Community Development Code.

**Stream Corridor** – Area adjacent to a perennial or intermittent creek or river that protects the water quality functions of the stream as well as fish and wildlife habitat.

**Sustainable (Sustainability)** - Using, developing and protecting resources at a rate and in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic and community needs.

**Wetland** – An area that is inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

### **Definitions and Obligations of Goals, Policies, and Recommended Action Measures Tigard Comprehensive Plan**

Comprehensive Plan goals, policies, and recommended action measures have different definitions and impart different obligations to decision makers. They also relate differently to one another. The following describes goals, policies, and recommended action measures in greater detail.

Goals, policies, and recommended action measures identify the intent of the City to

accomplish certain results. The goals and policies relate to one another and are obligations the City wishes to assume. Recommended action measures support the obligations to achieve a desired end, but do not signify an obligation themselves.

### **Goal**

Definition - A general statement indicating a desired end or the direction the City will follow to achieve that end.

Obligation - The City cannot take action which violates a goal statement unless:

1. Action is being taken which clearly supports another goal.
2. There are findings indicating the goal being supported takes precedence (in the particular case) over another.

### **Policy**

Definition - A statement identifying Tigard's position and a definitive course of action. Policies are more specific than goals. They often identify the City's position in regard to implementing goals; however, they are not the only actions the City can take to accomplish goals.

Obligation - The City must follow relevant policy statements when amending the Comprehensive Plan, or developing other plans or ordinances which affect land use. To amend the Comprehensive Plan, the City must show consistency with the Statewide Land Use Goals. Such an amendment must take place following prescribed procedures prior to taking an action that would otherwise violate a Plan policy.

### **Recommended Action Measures**

Definition - A statement which outlines a specific City project or standard which, if executed, would implement goals and policies. Recommended action measures also refer to specific projects, standards, or courses of action the City desires other jurisdictions to take in regard to specific issues. These statements also define the relationship the City desires to have with other jurisdictions and agencies in implementing Comprehensive Plan goals and policies.

Obligation - Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies, will depend on a number of factors such as citizen priorities, finances, staff availability, etc.

The City should periodically review and prioritize recommended action measures based on current circumstances, community needs, and the City's goal and policy obligations. These statements are suggestions to future City decision-makers as ways to implement the goals and policies. The listing of recommended action measures in the plan does not obligate the City to accomplish them. Neither do recommended action measures impose obligations on applicants who request amendments or changes to the Comprehensive Plan. The list of recommended action measures is not exclusive. It may be added to, or amended, as conditions warrant.

**John Floyd**

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**From:** Warren W. Aney [aney@coho.net]  
**Sent:** Tuesday, August 26, 2008 10:44 AM  
**To:** Cathy Wheatley  
**Cc:** Carol Krager; John Floyd  
**Subject:** CPA 2008-00003 pertaining to Natural Resources and Historic Areas

Mayor Craig Dirksen and members of the Tigard City Council:

As a wildlife professional with many years experience in species and habitat management, policy making and planning, I wish to compliment the City of Tigard staff and planning commission for developing an excellent and comprehensive set of goals and policies for protecting and restoring the City's natural resource values.

However, these goals and policies have been seriously weakened by interjection of the phrase "to the extent feasible" in a number of key statements. I understand the need to provide flexibility, but this appears to have gone beyond flexibility to the point of almost negating these statements by making it possible for a property manager or decision maker to say, in effect, "we don't have to do this unless we think it is feasible."  
The inclusion of this phrase dilutes the City's commitment to protect our natural (and historic) heritage.

There does not appear to be any definition of what is meant by the phrase, or who would apply or interpret this phrase. Would it be the prerogative of the property owner or manager to decide what is feasible, or would this be determined by City staff or the City Council?

There are a number of similar phrases that have somewhat greater strength and commitment while still providing flexibility, e.g.

- as much as possible
- as much as practicable
- as much as feasible
- whenever feasible

The phrase "to the extent feasible" is weaker and more subject to a minimum action interpretation than any of these examples.

So I strongly urge you to remove this phrase from all these statements. If you do include such a phrase, make it clear what it means and who would ultimately decide if it applies.

Warren W. Aney  
Senior Wildlife Ecologist  
9403 SW 74th Ave  
Tigard, OR 97223  
(503) 246-8613 phone  
(503) 539-1009 mobile  
(503) 246-2605 fax  
[aney@coho.net](mailto:aney@coho.net)



WARREN W. ANEY  
CERTIFIED WILDLIFE BIOLOGIST, THE WILDLIFE SOCIETY  
CERTIFIED SENIOR ECOLOGIST, THE ECOLOGICAL SOCIETY OF AMERICA

26 August 2008

Mayor Craig Dirksen and Members of the Tigard City Council  
13125 SW Hall Blvd  
Tigard, OR 97223

RE: CPA 2008-00003 PERTAINING TO NATURAL RESOURCES AND HISTORIC  
AREAS

As a wildlife professional with many years experience in species and habitat management as well as policy making and planning, I wish to compliment the City of Tigard staff and planning commission for developing an excellent and comprehensive set of goals and policies for protecting and restoring the City's natural resource values.

However, these goals and policies have been seriously weakened by interjection of the phrase "to the extent feasible" in a number of key statements. I understand the need to provide flexibility, but this appears to have gone beyond flexibility to the point of almost negating these statements by making it possible for a property manager or decision maker to say, in effect, "we don't have to do this unless we think it is feasible." The inclusion of this phrase dilutes the City's commitment to protecting our natural (and historic) heritage.

There does not appear to be any definition of what is meant by the phrase, or who would apply or interpret this phrase. Would it be the prerogative of the property owner or manager to decide what is feasible, or would this be determined by City staff or the City Council?

There are a number of similar phrases that imply greater commitment while still providing flexibility, e.g.

- as much as possible
- as much as practicable
- as much as feasible
- whenever [or wherever] feasible

The phrase "to the extent feasible" is weaker and more subject to a minimum action interpretation than any of these examples.

So I strongly urge you to remove this phrase from all these statements. If you feel it necessary to include such a phrase then use one that entails greater commitment, define what it means, and make it clear who would ultimately decide if it applies.

Regards,

Warren W. Aney

9403 SW 74TH AVENUE • TIGARD, OREGON • 97223  
PHONE: 503-246-8613 • FAX: 503-246-2605 • E-MAIL: aney@coho.net





**John Floyd**

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**From:** Mischa Connine [Mischa.A.Connine@state.or.us]  
**Sent:** Tuesday, August 26, 2008 12:30 PM  
**To:** Sue Beilke; Darren Wyss; John Floyd  
**Cc:** John Frewing; Brian Wegener  
**Subject:** RE: Comments on tonights Hearing on Natural Resources  
**Attachments:** Tigard Goal 5 Letter.doc

Hello All,

I would like to re-submit my comments for tonight's hearing. Please see attached. Thanks much. Mischa

Mischa Connine  
Habitat Biologist  
Oregon Department of Fish and Wildlife  
North Willamette District  
18330 NW Sauvie Island Road  
Portland, OR 97231  
(503) 621-3488 ext 228  
[mischa.a.connine@state.or.us](mailto:mischa.a.connine@state.or.us)

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**From:** Sue Beilke [mailto:sbeilke@europa.com]  
**Sent:** Tuesday, August 26, 2008 12:04 PM  
**To:** Darren Wyss; John Floyd  
**Cc:** John Frewing; Mischa Connine; Brian Wegener  
**Subject:** Comments on tonights Hearing on Natural Resources

Darren,

I am sending my comments/recommendations for tonight's hearing. Please forward these to the Council.

Thank you,

Sue

May 28, 2008

John Floyd  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Mr. Floyd,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the City of Tigard's draft Goal 5 of the Comprehensive Plan and would like to offer the following comments and recommendations.

The City provides one goal, followed by a series of "Policies" which are followed by a series of "Recommended Action Items". The format of this layout is difficult to follow. It is recommended that for each Goal, the Policies and Recommended Action Items are grouped together. Following is an example of the recommended format.

Goal 5  
Policy 5.1  
Recommended Action Item A  
Recommended Action Item B  
Recommended Action Item C

The City identifies the following resources that are addressed in Goal 5: fish and wildlife habitat, wetlands, streams, groundwater, and historic and cultural resources. It is strongly recommended that fish and wildlife species are also identified as a resource. It is also recommended that the fish and wildlife habitat is separated into wetland and upland habitats.

The goal of the City is to "protect natural resources and the environmental and ecological functions they provide; and, where possible, restore natural resources to create naturally functioning systems and high levels of biodiversity." It is recommended that each of the City's identified resources should be addressed by a policy specific to that resource. For example, there should be a separate policy addressing wildlife upland habitat, fish and wildlife stream and wetland habitat, fish and wildlife species and groundwater. For example:

**Policy 5.1: Wildlife Upland Habitat**

Protect, conserve and restore upland habitats related to wildlife, aesthetics, slope protection and groundwater recharge. Encourage increased vegetation, additional wildlife habitat areas, and expansion and enhancement of undeveloped spaces. Upland habitats include all habitats that are not categorized as wetland or waterway. Examples include mixed conifer forest, oak woodland, oak savannah, grasslands, prairie, etc.

**Recommended Action Item A:**

Protect, conserve and restore upland habitats and Oregon Conservation Strategy habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

Conduct a baseline inventory of all upland habitat types within the City.

**Policy 5.2: Fish and Wildlife Stream and Wetland Habitat**

Protect, conserve and restore streams, riparian corridors and wetland habitat which have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

**Recommended Action Item A:**

Conserve riparian, wetland, and water body natural resources through the designation and protection of transition areas between the resource and other urban development and activities. Restrict non-water dependent or non-water related development within the riparian area. The recommended riparian buffer size is 200 feet for fish-bearing streams and 100 feet for non fish-bearing streams.

**Recommended Action Item B:**

Conduct a baseline inventory of all wetland and waterway habitats within the City.

**Policy 5.3: Fish and Wildlife Species**

Protect, conserve and restore fish and wildlife populations that contain ESA threatened and endangered, Oregon state sensitive, rare and Oregon Conservation Strategy species through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item A:**

Protect, conserve and restore stream, wetland and upland habitat that contain ESA threatened and endangered, Oregon state sensitive or Oregon Conservation Strategy species habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item B:**

Establish a high level of biodiversity within the stream, wetland and upland habitats through a variety of methods including, but not limited to: the use of development and land management regulations and incentives, acquisitions of land and conversation easements, educational outreach, and external partnerships.

**Recommended Action Item C:**

Conduct a baseline inventory of all fish and wildlife species.

These examples are not meant to be a comprehensive list of all Policies and Recommended Action Items, but to provide a recommended example of how to adequately protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife recommends that the City of Tigard includes their Natural Resource Committee to develop a comprehensive list of Policies and Recommended Action Items that will protect, conserve and restore the City's natural resources. The Oregon Department of Fish and Wildlife would like to thank the City of Tigard for the opportunity to provide comments. If you have any questions or would like to discuss the comments and recommendation of this letter, please feel free to contact me.

Sincerely,

Mischa Connine  
Habitat Biologist  
18330 NW Sauvie Island Road  
Portland, OR 97231  
(503) 621-3488 ext 228  
[mischa.a.connine@state.or.us](mailto:mischa.a.connine@state.or.us)

**John Floyd**

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**From:** Sue Beilke [sbeilke@europa.com]  
**Sent:** Tuesday, August 26, 2008 12:04 PM  
**To:** Darren Wyss; John Floyd  
**Cc:** John Frewing; Mischa Connine; Brian Wegener  
**Subject:** Comments on tonights Hearing on Natural Resources  
**Attachments:** CIT Nat.Res. Comp.Plan.Comments 8.26.08.doc; Fw\_ Meeting\_ Friday at 1pm.eml

Darren,

I am sending my comments/recommendations for tonight's hearing. Please forward these to the Council.

Thank you,

Sue

August 26, 2008

TO: Tigard City Council

RE: Comprehensive Plan Amendment (CPA) 2008-00003 – Natural Resources

Dear Mayor Dirksen and Council Members:

We are writing in regard to the adoption of the revisions to the city's Comprehensive Plan (CP) on Natural Resources, Statewide Planning Goal 5. As Councilor Nick Wilson said at the workshop on August 5<sup>th</sup>, the current revisions are so general they could apply to any city. We request that you will consider our comments and recommendations so that we can change the revisions so that they don't just fit any city, but rather, are uniquely "Tigard", and reflect the need to strongly protect and restore those many unusual, rare and special natural resources that are part of Tigard and which for many people increase the quality of life here in our city.

We ask you to consider the following:

- There were only two citizen member meetings held for this section of the CP. We had requested more meetings but this never occurred. We feel the "process" has not been adequate in fully addressing this important section of the CP and we therefore request that based on the lack of input you consider the following:
- Originally, at the first citizen meeting, the city planner came with 5 goals and related objectives for each section, such as wetlands, upland forests, wildlife, etc. This was acceptable to citizens and we felt, was an adequate way in which to address the related conservation and restoration aspects for each resource area. Then at the 2<sup>nd</sup> meeting, all the goals had been combined into one by the planner without citizen input prior to this action. This was not acceptable, but because of the manner in which the meeting was held and the inordinate amount of time spent on discussing several items, including one citizen dwelling on "trees" for a great part of the meeting, nothing changed.

Despite our requests throughout this process, staff has decided that one goal is adequate to cover the vast array of natural resources in Tigard. This is insufficient in protecting our natural resources and the one goal is so broad as to be virtually untenable. Rather we request that:

- We go back to the original 5 goals to cover each resource area as mentioned above and take out any words such as "where feasible or where possible". The latter verbage seriously weakens any efforts to "protect and restore" and in most cases would allow an "out" for anyone. This "out" then takes away any real and meaningful efforts to restore and protect our natural resources and thus makes the intent of Goal 5 meaningless. As a result, we argue here that the current proposal would not meet the intent of Goal 5 and thus we request the Council to go back and make changes that strengthen the goals and policies of this section of the CP as we have recommended.
  - We need to include objectives and action items for wildlife that specifically addresses the rare, unique species in Tigard that need additional, special protection such as Oak prairies, red-legged frogs, and western painted and pond turtles. Many of these species are also on state and federal lists which indicate their high priority for protection, restoration, etc.
-

- We make it a priority here in Tigard to preserve, protect and restore these unique and rare species by providing adequate funding for land acquisition, restoration, etc.
- We ensure that wildlife and plant surveys are conducted within the next two years in order to capture current conditions and to address species and their conservation needs.

I am attaching an email I sent to John Floyd earlier regarding some recommendations I had and I request this be addressed in addition to our above recommendations. In this email we have specific goals, etc. that more adequately address natural resources, etc. and which we recommend be inserted back into the CPA revisions BEFORE it is adopted.

In conclusion, we request that Council **NOT** adopt the CPA as proposed, but rather, go back, work with citizens such as myself and others to **strengthen** the CPA to ensure that our natural resources are adequately conserved and protected now and in the future.

Thank you for your time and consideration regarding Tigard's natural resources.

Sincerely,

Susan Beilke  
Board Member, Fans of Fanno Creek;  
Vice President, Friends of Summer Creek;  
Director, The Turtle Conservancy

## John Floyd

---

**From:** Sue Beilke [sbeilke@europa.com]  
**Sent:** Tuesday, May 13, 2008 9:03 AM  
**To:** John Floyd  
**Subject:** Fw: Meeting: Friday at 1pm

Here it is.

----- Original Message -----

**From:** Sue Beilke  
**To:** John Floyd ; 'John Frewing'  
**Cc:** Marissa Daniels  
**Sent:** Friday, May 09, 2008 8:56 AM  
**Subject:** Re: Meeting: Friday at 1pm

John,

Here are some of the recommendations/comments/language changes I proposed at the PC workshop for Natural Resources.

- Use "Protect, conserve and restore" where we now have "protect and restore"
- omit "where appropriate" from the entire document
- keep in "values" but make sure it is defined in the Definitions section, and include some examples

- For the Goal; we now only have one goal, I think that is "lame" considering the extent of the diversity of natural resources we are addressing. Originally we had at least 5 as I recall. I recommend splitting 5.1 into 3 goals.

- 5.1: Protect, conserve and restore natural resources and the environmental and ecological services they provide.
- 5.2: Protect, conserve and restore natural resources in order to reach a high level of biodiversity.
- 5.3: Protect, conserve and restore plants, plant communities and fish and wildlife populations considered rare, or on any state and federal species lists as a high priority.

- I do not recommend deleting Policy 2.

Somewhere in the PC meeting, the chairwoman, said something to the effect that "low impact development does not include incorporating natural resources"? I need to have that clarified and then that needs to be addressed at the next meeting, as she is very wrong on that one if that is what she said.

- Policy 3- this needs more work and we really need to define "sustainable" in regard to natural resources. For example, if you put in several houses near a stream and only have a 50' buffer, this will not overtime "sustain" the wildlife that live there. That size buffer is too small to "sustain" the birds, mammals and other species that have inhabited it for thousands of years.

- I recommend adding several new policies,

- Policy - The City shall create a distinct zone for open space, greenways, etc. in order to protect permanently all natural resources.

- Policy - The City shall place a high priority on the protection, conservation, and restoration of rare plants and habitats (e.g., oak prairie) and rare and state and federal fish and wildlife species listed as "Species of Concern, Sensitive, Threatened, or Endangered (e.g., Northern red-legged frog, native turtles).

- Make sure we define "hydrologic regimes".

- Policy 10: I would have several policies covering inventories, etc. 1. The City shall conduct surveys of All natural resources in order to establish a baseline inventory.



2. The City shall periodically maintain and update the Natural Resources inventory through surveys and monitoring efforts.

3. The City shall utilize the natural resources inventory to assist with setting goals and objectives for restoration activities.

Then under these 2 Policies I would add these Action Measures: a. Conduct surveys and monitoring of all natural resources to establish a baseline inventory.

b. Utilize available documents such as the Oregon Conservation Strategy to help guide restoration efforts. c. Engage citizens and volunteers to assist with surveys and monitoring. d. Identify opportunities for funding and apply for grants to assist with restoration efforts.

We also need to make sure that "uplands" are addressed, such as in Policy 8.

I recommend adopting Metro's Title 13 as John recommended at the workshop, again so that uplands are protected, etc.

- We need to look at the CWS standards that the city has adopted in order to see if they are adequate in protecting our natural resources, since CWS standards and regs. are set up to only address "water quality". I think it would then be in order to establish several goals and policies that address buffers, etc. in order to further protection for habitats and fish and wildlife.

See you at 1PM.

Sue

----- Original Message -----

**From:** John Floyd  
**To:** 'sbeilke@europa.com', 'John Frewing'  
**Cc:** Marissa Daniels, Ron Bunch  
**Sent:** Tuesday, May 06, 2008 3:03 PM  
**Subject:** Meeting: Friday at 1pm

Hello Sue and John,

Friday at 1pm seems to work for all of use. I'll go ahead and reserve a room, just come to the front counter and ask for me.

If you could, please forward me (and each other if you haven't already) any comments you have ahead of time. If you don't mind, Marissa Daniels would like to attend the meeting as well.

Thanks,

John



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