



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

NOTICE OF ADOPTED AMENDMENT

October 24, 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 004-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: November 6, 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
Meg Fernekees, DLCD Regional Representative
Darren Wyss, City of Tigard

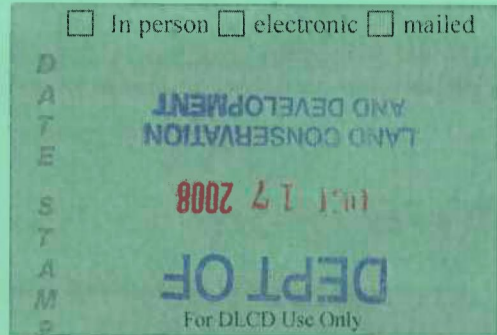
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FORM 2

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: **CPA2008-00006**

Date of Adoption: **10/14/2008**

Date Mailed: **10/16/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/1/2008

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendment to the Tigard Comprehensive Plan Topic 10: Urbanization (Statewide Planning Goal 14) to update the goals, policies, and recommended action measures to reflect current community conditions and values.

Does the Adoption differ from proposal? Yes, Please explain below:

Changes are noted in the attached Ordinance.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **Tigard City Limits**

Acres Involved: **7552**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

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 # 004-08 (16877)

DLCD file No. _____

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

Metro
ODOT

Local Contact: **Darren Wyss**

Phone: (503) 718-2442 Extension:

Address: **13125 SW Hall Blvd**

Fax Number: **503-718-2748**

City: **Tigard**

Zip: **97223-**

E-mail Address: **darren@tigard-or.gov**

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- 15

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2008-00006
TO UPDATE THE GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES
PERTAINING TO STATEWIDE PLANNING GOAL 14: URBANIZATION *AS AMENDED**

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 Topic 10 by updating Goals, Policies, and Recommended Action Measures corresponding to Statewide Planning Goal 14; and

WHEREAS, the Tigard Planning Commission held a public hearing on August 18, 2008; and

WHEREAS, the Tigard Planning Commission held a public hearing, which was noticed in accordance with City standards, on October 6, 2008, and recommended approval of the proposed CPA 2008-00006 by motion and with unanimous vote; and

WHEREAS, on October 14, 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 2008-00006; and

WHEREAS, on October 14, 2008, the Tigard City Council adopted CPA 2008-00006 by motion, as amended, pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt CPA 2008-00006 is based on the findings and conclusions found in the City of Tigard staff report dated September 19, 2008, and the associated record, which are incorporated herein by reference and are contained in land-use file CPA 2008-00006.

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.

**Amendment to
Page 14-7 of
Exhibit A.*

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 14th day of October, 2008.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 14th day of October, 2008.

C. Dirksen
Craig Dirksen, Mayor

Approved as to form:

Janette V. Baum
City Attorney

10.14.08

Certified to be a True Copy of
Original on File

By: Carol Kruger
Deputy Recorder - City of Tigard

Date: Oct. 15, 2008



Urbanization

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”





URBANIZATION

ADOPTED AMENDMENTS

<u>DATE</u>	<u>CPA#</u>	<u>CHANGES</u>
10/14/08	CPA2008-00006	Entire chapter updated by Ordinance 08-15



A significant challenge faced by many communities is how to manage growth, particularly the transition from rural to urban land uses, or redevelopment to more intense land uses. As Tigard moves into the future, the City must manage growth for the benefit of its citizens and businesses. The City must ensure that growth decisions result in high-quality development, protect natural resources, provide services in a coordinated and logical manner, and are fiscally sound. The thoughtful planning of growth will help to accommodate future population and employment, while addressing the community's desire for a high quality of life.

“As Tigard moves into the future, the City must manage growth for the benefit of its citizens and businesses.”

The goals and policies contained in this chapter establish the basis for Tigard's growth management decisions as they pertain to new lands that may be added to the City. The policies also provide guidance on the City's commitment to coordinating the provision of public facilities and services to urban development, to help curb urban sprawl, and addressing the urbanization of unincorporated lands. Coordination with the City's regional partners is particularly important to the successful implementation of these policies.

GOAL 14: URBANIZATION

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

One of the primary tools used in Oregon to control sprawl, preserve valuable resource lands, and promote the coordinated and logical provision of public facilities and services is the urban growth boundary. Tigard is located within the Portland Metropolitan Urban Growth Boundary (UGB), where Metro has the responsibility for establishing and managing the UGB in order to accommodate urban growth in the region for the next 20 years. The development of the initial UGB for the region began in 1976 and was adopted in 1980 by Metro Council and acknowledged by the Land Conservation and Development Commission as being in compliance with Statewide Planning Goals.

Metro has expanded the UGB a number of times over the years and currently



Metro's management of the UGB is regulated through Title 11 of the *Metropolitan Urban Growth Management Functional Plan (UGMFP)*. The UGMFP is a result of the state requiring Metro to develop goals and objectives to show consistency with the Statewide Planning Goals, particularly the efficient use of existing urban land to protect against unnecessary urban encroachment into prime agricultural and forest land. The Metro goals and objectives, adopted in the mid-1990s as the *Regional Urban Growth Goals and Objectives (RUGGO)*, are part of the *Regional Framework Plan (1997)*. The Regional Framework Plan includes *Metro's 2040 Growth Concept (1995)*, which is intended to result in a more compact urban form. The UGMFP implements RUGGO and contains several requirements for local implementation, including accommodating Metro's 2040 Growth Concept.

Tigard's geographic relationship to the UGB has not changed over time as its city limits have never at any time touched, or approached, the UGB. This is a result of Tigard being surrounded on the north, east, and south borders by the adjacent cities of Beaverton, Portland, Lake Oswego, Durham, Tualatin, and King City, while the west border of Tigard is separated from the UGB by the unincorporated Bull Mountain area that currently contains urban level development. Expansion of the Tigard city limits requires annexation of the already developed unincorporated urban lands. Experience has shown that property owners are, for the most part, reluctant to annex when they have access to urban services and benefits; those provided by the county and service districts, and those located within Tigard such as parks, library, emergency police response, employment, and shopping opportunities.

More efficient use of existing and underdeveloped City lands and unincorporated urban level development are the primary issues facing the City's growth management decisions. There are few large, vacant parcels of developable land remaining in the City, but there are significant opportunities for redevelopment. The City's downtown and major transportation corridors present feasible opportunities. Pertaining to unincorporated development, the City has operated under an Urban Planning Area Agreement with Washington County since 1983 that recognizes Tigard as the ultimate governance provider within the Urban Planning Area (UPA). However, almost all of the unincorporated area has been urbanized by Washington County.

The current UPA encompasses the city limits as well as unincorporated areas of Bull Mountain and Metzger, but does not include the 2002 West Bull Mountain (areas 63 and 64) additions to the UGB. As required by Oregon Revised Statute 195, the City has also entered into the Tigard Urban Service Agreement with



agencies/districts that provide services within Tigard Urban Services Area (TUSA). The agreement outlines the role, provision, area, and planning/coordination responsibilities for service providers operating with the TUSA. The TUSA is important to the City, particularly the planning and coordinating with special districts, because it helps the City to ensure the best services are provided to its citizens. The Agreement was last updated in July 2006 and again identifies Tigard as the ultimate governance provider to the TUSA, which coincides with the UPA.

The City put forward a plan to annex the unincorporated Bull Mountain area of the TUSA to voters in 2004. City of Tigard residents overwhelmingly passed the measure, but residents in the area to be annexed soundly defeated it, thus leaving the status quo. Then in 2006 an incorporation effort took place to form the City of Bull Mountain and was again turned down by voters.

The issue of unincorporated urban level development gets more complex as Washington County master plans areas 63 and 64 without answering the question as to who will provide governance and urban services. The position of the City of Tigard is that cities are better equipped to provide governance and urban level services than counties. Until areas 63 and 64 can be included within a city, the City of Tigard opposes the provision of services that would allow for urban level development within the areas.

Additionally, Washington County is collaborating with Metro jurisdictions to identify urban and rural reserves that will dictate any needed future UGB expansions. The provision and financing of public services and facilities to these areas remains unclear and a major growth management question for the City of Tigard in planning for the future.

The City of Tigard is committed to providing its residents with governance and urban services in an efficient and cost effective manner. Any expansion of the

“Washington County is collaborating with Metro jurisdictions to identify urban and rural reserves that will dictate any needed future UGB expansions.”



City boundary must ensure that public facilities and services are adequate to support the area and those benefiting from the services pay their fair share.

KEY FINDINGS:

- Metro manages the expansion of the Portland Metropolitan Urban Growth Boundary.
- The *Regional Urban Growth Goals and Objectives* are intended to result in more compact urban growth.
- The City of Tigard has entered into agreements with Washington County that identifies the City as the ultimate governance provider in the designated Tigard Urban Service Area.
- Almost all of the City's currently identified Urban Services Area has been urbanized in unincorporated Washington County.
- Unless current state law and county policies change, it is not realistic that Tigard will annex and provide services to urban growth boundary expansion areas 63 and 64.
- The provision and financing of services to areas 63 and 64 is a major growth management question for the City.
- The City of Tigard is committed to managing urban growth wisely and providing efficient and cost effective services to its residents.
- The citizens of Tigard are concerned about growth and its impact upon the community's natural resources, existing development, and public services.

GOAL:

- 14.1. Provide and/or coordinate the full range of urban level services to lands and citizens within the Tigard City limits.

POLICIES:



1. The City shall only approve the extension of City services:
 - A. where applications for annexation for those properties have been approved; or
 - B. in circumstances where applicable state and county health agencies have declared a potential or imminent health hazard pursuant to ORS 431.705 to 431.760 (Health Hazard Annexation or Service District Formation); or
 - C. as outlined in the intergovernmental agreement regarding water provision within the Tigard Water Service Area.
2. The City shall maintain, and amend when necessary, agreements with Washington County that recognizes the City as the ultimate provider of governance and identified services to the Tigard Urban Services Area.
3. The City shall, as needed, coordinate and/or participate in planning activities or development decisions within the Tigard Urban Services Area.
4. The City shall protect the existing and future delivery of City services and only support the formation of a new service district, or expansion of existing districts, that will not create a conflict within the Tigard Urban Services Area.
5. The City shall enter into and maintain intergovernmental agreements with service districts operating within the Tigard Urban Service Area to:
 - A. define short and long term service provision roles;
 - B. specify the terms and conditions of withdrawal of territory from service districts and the transition of capital facility ownership and administration to the City;
 - C. provide for the coordination of plans and programs to eliminate duplicity and minimize conflict; and
 - D. ensure that services are provided consistent with the City's adopted Public Facility Plan.

RECOMMENDED ACTION MEASURES:

- i. Regularly review the Tigard Urban Services Agreement with Washington County and amend it as necessary.



- ii. Coordinate the review of land use proposals in the Tigard Urban Services Area with Washington County and mandate annexation of development that requires City services.
- iii. Ensure the City is represented in planning efforts for unincorporated urban lands within the Urban Growth Boundary.
- iv. Regularly review existing intergovernmental agreements with service providers operating within the Tigard Urban Services Area and propose amendments as needed.
- v. Encourage the City, County and service districts to adopt compatible facility design standards.
- vi. Coordinate the development and implementation of the City's Public Facilities and Capital Improvement Plans with Washington County, service districts and other service providers within the Tigard Urban Services Area.

GOAL:

- 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

POLICIES:

1. The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.
2. The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.
3. The City shall approve proposed annexations based on findings that the request:
 - A. can be accommodated by the City's public facilities and services; and
 - B. is consistent with applicable state statute.



* require

= Amended by the Tigard City Council on 10/14/08 to delete the word

"encourage" and replace it with the word

"require" Catherine Wheatley Tigard City Recorder

4. The City shall evaluate and may ~~encourage~~ that parcels adjacent to proposed annexations be included to:

- A. avoid creating unincorporated islands within the City;
- B. enable public services to be efficiently and effectively extended to the entire area, or
- C. implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.

5. The City shall maintain its right to annex property as allowed by state statute.

6. The City shall periodically update and/or amend its Public Facility Plan to ensure the predictable and logical provision of urban services for areas anticipated to be within the Tigard city limits.

"The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation."

RECOMMENDED ACTION MEASURES:

- i. Periodically review and update the City's annexation methods and encourage property owners within the unincorporated Tigard Urban Services Area to annex based upon the benefits associated of being within the City limits.
- ii. Clearly communicate and maintain a positive dialog with unincorporated residents within the Tigard Urban Services Area regarding the benefits associated with being a City resident.
- iii. Utilize and promote incentives, as appropriate, to encourage owners of unincorporated properties to annex to the City.



URBANIZATION

- iv. Develop criteria and procedures to encourage and, when necessary, require owners of adjacent parcels to also annex to the City when neighboring parcel(s) annex.

GOAL:

- 14.3. Promote Tigard citizens' interests in urban growth boundary expansion and other regional and state growth management decision.

POLICIES:

1. The City shall support regional and state growth management decisions, while promoting policy that supports cities as the best building blocks of an efficient, stable, and compact urban region.
2. The City shall support regional Urban Growth Boundary management decisions that promote the development of an efficient and compact urban form, prevent future unincorporated urban development, and prevent urban sprawl.
3. The City shall maintain the low-density residential character of its existing single family residential neighborhoods and accommodate more intense urban land uses in its regional and town centers and within major transportation corridors to be consistent with Statewide Planning Goals and the Metro Framework Plan.
4. The City shall only support the formation or expansion of service districts or special county funding levies if these actions will not cause the expansion of unincorporated urban areas.

RECOMMENDED ACTION MEASURES:

- i. Encourage Metro to adopt requirements that new lands added to the Urban Growth Boundary be planned for urbanization by existing cities and annexed prior to development.
- ii. Work with the state, Metro and other jurisdictions to resolve legislative and jurisdictional policy barriers to city annexation of new lands that are added to the Urban Growth Boundary.



- iii. Encourage the state and Metro to establish criteria for the formation of new municipal governments to ensure they be fiscally sustainable and consistent with state and regional growth management objectives.
- iv. Work with Washington County, its cities, Metro, and others to address:
 - A. public service equity issues associated with unincorporated urban development; and
 - B. prevent blight conditions associated with underserved urban development.
- v. Take an active role in discussions relating to state and regional efforts to develop equitable ways to fund public infrastructure needed to better provide for existing needs and support projected employment and population growth.



MEMORANDUM

TO: Tigard Planning Commission

FROM: Darren Wyss, Senior Planner *DW*

RE: Comp Plan Amendment - Goal 14: Urbanization

DATE: September 8, 2008

On August 18, 2008, the Tigard Planning Commission held a public hearing on the Comprehensive Plan Amendment (CPA2008-00006) relating to Goal 14: Urbanization. At the hearing, Planning Commission voted unanimously to recommend the language contained in the amendment to City Council. Unfortunately, the public hearing notice staff sent to The Times newspaper failed to be printed. The Tigard Community Development Code (18.390.060.D.2.b) requires notification to be published 10 business days prior to the hearing in a newspaper of general circulation in the city. This requirement satisfies the citizens' due process rights in legislative matters per Statewide Planning Goal 1, state statute, and the Tigard Community Development Code.

Therefore, the Planning Commission will hold another public hearing on October 6, 2008 to provide the opportunity for allow for additional public testimony. The hearing will be noticed in the newspaper.

This additional Planning Commission hearing will not interfere with the City Council schedule relating to CPA2008-00006. The Council is scheduled for a September 9, 2008 workshop on CPA2008-00006 and a public hearing on October 14, 2008. If the Commission makes any changes to its recommendation based on new public testimony, it will be included as part of the public record Council will review at its public hearing in October.

Staff will have a brief discussion with the Commission at its September 15th meeting, but if you have any immediate questions regarding this matter, please contact me at 503-718-2442 or Darren@tigard-or.gov.



MEMORANDUM

TO: Mayor Craig Dirksen and Members of City Council

FROM: Darren Wyss, Senior Planner *DW*

RE: Comp Plan Amendment - Goal 14: Urbanization

DATE: September 4, 2008

On August 18, 2008, the Tigard Planning Commission held a public hearing on the Comprehensive Plan Amendment (CPA2008-00006) relating to Goal 14: Urbanization. At the hearing, Planning Commission voted unanimously to recommend the language contained in the amendment to City Council. Unfortunately, the public hearing notice staff sent to The Times newspaper failed to be printed. The Tigard Community Development Code (18.390.060.D.2.b) requires notification to be published 10 business days prior to the hearing in a newspaper of general circulation in the city. This requirement satisfies the citizens' due process rights in legislative matters per Statewide Planning Goal 1, state statute, and the Tigard Community Development Code.

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**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
August 18, 2008**

1. CALL TO ORDER

Acting President Jeremy Vermilyea called the meeting to order at 7:03 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Present: Acting President Vermilyea; Commissioners: Anderson, Caffall, Doherty, Fishel, Hasman, and Muldoon

Commissioners Absent: President Inman, Commissioner Walsh

Staff Present: Darren Wyss, Senior Planner; Marissa Daniels, Assistant Planner; Doreen Laughlin, Administrative Specialist II

3. COMMUNICATIONS

It was noted there would be only one meeting in September due to the Labor Day holiday. That meeting would be September 15 and Councilor Buehner would attend and entertain any questions they might have of her as the liaison to the commission.

4. APPROVE MEETING MINUTES

Minutes were not yet complete from the last meeting, so two sets of minutes were up for approval. There was a motion by Commissioner Muldoon, seconded by Commissioner Fishel, to approve the July 21, 2008 minutes. The motion carried as follows:

AYES: Anderson, Fishel, Hasman, Muldoon, and Vermilyea

NAYS: None

ABSTENTIONS: Caffall, Doherty

EXCUSED: Inman, Walsh

There was a motion by Commissioner Caffall, seconded by Commissioner Doherty, to approve the August 4, 2008 minutes. The motion carried as follows:

AYES: Commissioners Anderson, Caffall, Doherty, Fishel, Hasman, & Vermilyea.

NAYS: None

ABSTENTIONS: Muldoon

EXCUSED: Inman, Walsh

5. **PUBLIC HEARING – Goal 14 Urbanization – CPA2008-00006**

REQUEST: To amend the current Comprehensive Plan Topic 10: Urbanization by updating the goals, policies and recommended action measures to reflect current community conditions and values. The complete text of the proposed Amendment can be viewed on the City's website at 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; Land Use Planning; Parks, Recreation, Trails, and Open Space; Public Facilities and Services; Transportation; and Urbanization; Metro Functional Plan Title 11; and Statewide Planning Goals 1, 2, 8, 11, 12, and 14.

Senior Planner Darren Wyss explained that the Comp Plan Amendment before the Commission at this time would update the goals, policies, and recommended action measures pertaining to Statewide Planning Goal 14: Urbanization.

He noted that the purpose of Goal 14 is "To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." By adopting this amendment, the City will ensure continued compliance with state and regional requirements and programs, and also ensure future growth management decisions are made in the best interest of Tigard's citizens. The amendment will also replace outdated language that was adopted in 1983 and allow the City to be flexible and responsive to current conditions. The proposed amendment went thru a review process that included two Policy Interest Team (PIT) meetings hosted by the Planning Commission (PC).

Wyss reminded the Commissioners that staff used the Planning Commission as host to Policy Interest Team meetings because of the important role the Commission has in helping to develop and implement the land use/growth management programs in the City. He said that staff felt that by being involved from the beginning, the Commission had a better opportunity to fully understand the concepts and information that they were being asked to make decisions upon.

The PC and PIT members used the preliminary language formulated by staff and its associated commentary that explained the intention, to review and edit into the draft language found in **Exhibit A**.

The language developed by the PC/PIT was also reviewed by City departments, local jurisdictions, state/regional agencies, and special service districts. He noted that comments are found under Sections VI and VII of the Staff Report. No changes were made based on their review. Additionally, the city attorney reviewed the language and staff report findings

and, based on this review, staff has made one minor change. The change is to Policy 3, under Goal 14.2 and was summarized in a July 28th memo to the PC.

The suggested change follows:

The City shall approve proposed annexations based on findings that the request ~~can be accommodated by the City's public facilities and services and:~~

- A. ~~Eliminates an island of unincorporated territory within the City; or~~ **can be accommodated by the City's public facilities and services; and**
- B. ~~Is contiguous to current City limits and is located within the Tigard Urban Services Area.~~ **is consistent with applicable state statute.**

He said staff recommends adopting the language included in the amendment because it complies with the applicable state land use goals, the City's municipal code and comprehensive plan policies, as well as federal, state, and regional plans and regulations.

Vermilyea asked if the Commissioners had any questions of staff. There were some comments about the word "Citizen." Two of the commissioners asked staff to address the definition of "Citizen" in the "Definitions" section.

PUBLIC HEARING OPENED

Vermilyea opened up the meeting to public testimony. According to the signup sheet, there were no citizens present to testify either in favor or in opposition. He asked if there was anyone in the audience who would like to speak. No one asked to speak.

PUBLIC HEARING CLOSED

Vermilyea closed the public hearing and moved on to discussion. There was no discussion and Vermilyea said he would entertain a motion.

Commissioner Caffall made a motion "We accept the Comprehensive Plan Amendment CPA2008-00006, including the recommendation by the City Attorney for a change in verbiage." Commissioner Hasman seconded the motion. The motion carried as follows:

AYES: Anderson, Caffall, Doherty, Fishel, Hasman, Muldoon, and Vermilyea

NAYS: None

ABSTENTIONS: None

EXCUSED: Inman, Walsh

6. WORKSHOP – Introductions/Definitions

Vermilyea opened up the workshop portion of the meeting. He noted the introduction section had not been revised – just the glossary section. He asked Wyss for an overview as follows:

Wyss noted the **introduction (Attachment 1)** would try to accomplish a number of things in the language.

- A brief overview of the planning process and its importance to the community.
- Outlines the intended purpose of the Comprehensive Plan and how it gets implemented. For example, it explicitly state the policies are not intended to be used as decision making criteria in most land use cases, but must be translated into codes and standards.
- Defines goals, policies, and recommended action measures.
- Purposely written to be straightforward, to the point, and not lengthy.
- Staff feels all important information is included within the introduction itself and is looking for feedback from the perspective of the Planning Commission who will be charged with using this updated Comprehensive Plan when any kind of Comp Plan or Zoning Map Amendment comes before them.

Definitions –

- Definitions have been accumulating since the first amendment came before the Commission back in August of 2007. It's been over a year ago since the PC heard their first Comp Plan Amendment.
- As each chapter met with the Policy Interest Teams, key terms were identified to be defined and then a definition was brought forward.
- The definitions are based on accepted, federal, state, or regional definitions when available. Otherwise, staff or a PIT member presented a widely accepted definition and a consensus would be reached as to which definition best fits Tigard.
- Planning Commission has reviewed these definitions throughout the process and at some point has asked for more detail, more terms to be defined, and suggested some changes.
- City Council has reviewed these definitions. They've asked for more definitions and made some suggestions for improvement.

Vermilyea, at this point, took the commissioners through the Introduction, Plan Background, Purpose of the Plan, and its Implementation, Format of the Plan, and Definitions of Obligations of Goals, Policies, and Recommended Action Measures. One commissioner wanted clarification as to whether this "Introduction" is for the entire Comprehensive Plan. Wyss answered that, yes, it is for the entire Plan. There were no other significant questions or comments other than it was well written. When Vermilyea asked if anyone had anything else to add or comment on he said that by their silence we could assume the commissioners are all fine with the way it is written – no changes necessary. Everyone agreed.

GLOSSARY

Wyss informed the commissioners that a new glossary had been distributed (**Attachment 2**) and he flagged the ones that had either been changed or were added.

At this point in the meeting Vermilyea suggested that if any of the definitions were taken from a 3rd party source (such as FEMA, Metro, etc) they would skip those and focus on those that were staff produced – as well as the ones flagged for additional attention. There was no objection to that approach.

Vermilyea went over the definitions (as described above) and the ones that were commented on are listed below (Staff response is in *italics*):

Citizen: A commissioner wanted to know... What is the impact of changing the term Citizen - to what extent would the document have to change if they were to change the term citizen. *I'll look through document and see how it impacts. Staff will do some homework on this.*

Community Recreation Facilities: re: "owned and operated to promote the health etc." Does that mean the City has ownership? *No. Should we strike the words "owned and" – Staff will do homework on this as well.*

Community Parks: Why does it state "greater than 15 acres"? ... *It's a consistent standard and is in our Parks Master Plan.*

Downtown Tigard: What are the boundaries? *Fanno Creek up Main St includes some commercial areas on the other side of 99W =- down Hall Blvd, includes 5 properties on the east side of Hall Blvd. City Hall is included. SW of Fanno Creek as well.*

Encourage: Where did we get the definition? *Numerous sources – we settled on one that was common to all of them. "Support" is not defined. Could we get a good definition of support? Yes, we can.*

Environmental Performance Standards: This seems to be an explanation rather than a definition. It was suggested that instead of defining this, simply cross reference it to "See TCDC Chapter 18.725." *Okay – that works.*

Family Wage: I don't know what "average covered pay" means... could you check that out? *Yes, will do.*

Full Service Recreation Facilities: I'm confused about the word "together." Should we change it to "these facilities provide?" *Staff will do some further checking on that with Duane Roberts (Associate Planner).*

Functions & Services: At this point, audience member, Sue Beilke, spoke (her remarks were typed out and are **Attachment 3**). Vermilyea suggested the definition of parks be looked at

more closely when the park plan is revised and Ms. Beilke's issues addressed in the context of that update.

Green Concepts and Practices: It was suggested that in the second sentence... strike the word "new" and change to "proven" ... Commissioner Muldoon suggested adding "demand response." It was decided Muldoon and Wyss would get together and wordsmith this and come back to the next meeting with it.

Greenspace/Greenway (Size should be adequate to protect the resource): Vermilyea questioned a parenthetical being in there and suggested it be stricken and put into the definition itself if necessary. Wyss agreed with Vermilyea.

Hazardous Tree: Will be ISA standard. "A tree or tree part that is likely to fail and cause damage or injury and in all likelihood exceeds an acceptable level of risk." Beilke questioned the broadness of the definition. *It's general in order to get us to the Development Code (Tree Code) writing stage – and that's the point when it will be fully defined.*

Historic & Cultural Resources: Strike the word "the" and substitute "a" nation. Strike "and/" to make it just "or Tigard." *So the sentence would read 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 a Nation, Oregon, or Tigard.*

Invasive Species: Add the words "invasive species" after "many" in the last line so it would read "Left unchecked, many *invasive species* have the potential, etc."

Landslides: Take out "recognized as" and simply state "that is a natural hazard"

Linear Parks (Of adequate size to protect natural resources and accommodate intended uses): Where did this definition come from? *Wyss assumes it came from the Parks Master Plan but will get back with the answer.*

Open Space: Add to the end of the last sentence (after trail-oriented recreation), "and areas set aside solely for protection and conservation of fish and wildlife habitat species."

Peak Oil: There is no policy language that refers to it... Strike definition.

Promote: Define support.

Proven Community Need: Doesn't seem clear. How is it "proven"? It was suggested to change it to read "A need supported by evidence that is necessary to amend land use maps, and ensures that the new land use being proposed is needed in the community in that particular location, versus other appropriately designated and developable sites. After much discussion it was suggested they flag this one for the City Attorney to look at.

Rare: See Beilke's remarks (Attachment 3), she would like this definition added – Wyss will look up the state of Oregon definition for “rare species” “threatened species” and “endangered species.” It should be included. Wyss will bring back the definitions.

Regionally Significant Habitat: Significant can mean “important” or in reference to “numbers.”
Wyss will define significant habitat and also regionally significant habitat.

Renewable Energy – Try to find a good external source for this definition. It was suggested Public Utilities Commission would be a good source.

Rent: Delete “over time”.

Special Use Area: A park? Wyss will find origin of definition.

Upland Habitat: Beilke suggested an example (Attachment 3) – Commissioners said to leave out parenthetical (locations).

Urban Forest: Take out verbiage “collectively” and “broadly defined.” Change to simply read “All the trees within the City.”

Urban Forest, Diverse: Combine Urban Forest into one definition. *We will flag this one for cleanup.*

Wildfire: Not just limited to “on forestland” - *Staff take a look at how BLM or the State Dept of Forestry defines wildfire.*

Vermilyea closed the glossary portion of the meeting and went on to:

Comprehensive Plan Map Legend (Color coded designations)

There were no comments on this.


The next meeting is a Public Hearing – Darren will give definitions to Commissioners and invited them to send comments.

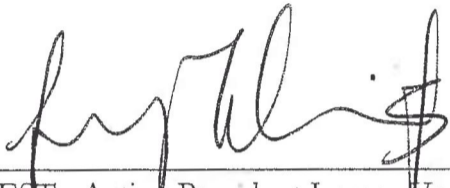
Sept 15

7. OTHER BUSINESS – Vermilyea gave date of upcoming public hearing - (September 15 – Planning Commission – “Introduction and Definitions”). Marissa Daniels (Assistant Planner) reminded the Commissioners of the High Capacity Transit Open House Metro would be holding, and the City of Tigard would be hosting, on Wednesday, August 20th at the library in the Community Room.

8. ADJOURNMENT

Acting President Vermilyea adjourned the meeting at 9:39 p.m.


Doreen Laughlin, Administrative Specialist II


ATTEST: Acting President Jeremy Vermilyea



MEMORANDUM

TO: Planning Commission

FROM: Darren Wyss, Senior Planner

RE: CPA2008-00006 Public Hearing

DATE: September 19, 2008

On Monday, October 6th, the Planning Commission will hold a second public hearing on the comprehensive plan amendment (CPA2008-00006) to update goals, policies, and recommended action measures pertaining to Statewide Planning Goal 14: Urbanization. The Planning Commission previously held a public hearing on August 18th and made a recommendation to Council. However, the notice for this hearing failed to be printed in the newspaper. In order to comply with the City's notification requirements, the notice was resent to the newspaper, printed in the September 18th edition, and the Commission will hold an additional hearing to take public testimony.

Since the Commission last reviewed the language contained in CPA2008-00006, the City Council has held a workshop on the amendment. The Council felt the intent of Goal 14.1, Policy 1 and Goal 14.3, Policy 4 needed to be better clarified. The Commission, at its workshops and hearing, also debated this language and in the end went with the staff recommendation. The language is based on the City currently providing water outside the city limits, but wanting to prohibit the provision of all other services outside of the city limits. Council requested the language be reworked for better clarity. Staff worked with the City Attorney to develop new language and the decision was made to eliminate Goal 14.3, Policy 4 and add additional language to Goal 14.1, Policy 1. The changes are as follows:

Goal 14.1

1. The City shall only approve the extension of City services:
 - A. where applications for annexation for those properties have been approved; or
 - B. in circumstances where applicable state and county health agencies have declared a potential or imminent health hazard pursuant to ORS 431.705 to 431.760 (Health Hazard Annexation or Service District Formation); or
 - C. **as outlined in the intergovernmental agreement regarding water provision within the Tigard Water Service Area.**

Goal 14.3

- ~~1. The City shall only provide municipal services within its city limits, in the absence of a signed intergovernmental agreement.~~

The Council also asked for the language in Goal 14.2, Policy 3 to be changed from require to encourage as they felt it was too strong. The Commission also raised this issue during a workshop and asked whether this was within the City's legal right. The City Attorney suggested changing the language from require to encourage and by adding an additional policy to ensure the possibility of requiring annexation in the future, the intent of the language could be maintained. This new policy is now Goal 14.2, Policy 5.

Goal 14.2

3. The City shall evaluate and may ~~require~~ encourage that parcels adjacent to proposed annexations be included to:
 - A. avoid creating unincorporated islands within the City;
 - B. enable public services to be efficiently and effectively extended to the entire area; or
 - C. implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.

5. The City shall maintain its right to annex property as allowed by state statute.

Staff feels the changes suggested by the City Attorney provide better clarity and do not change the intent of the language originally recommended by the Commission. Please review the language and if you have any questions or concerns, feel free to contact me at darren@tigard-or.gov or 503-718-2442. See you on Monday the 6th.

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
October 6, 2008**

1. CALL TO ORDER

President Jodie Inman called the meeting to order at 7:05 p.m. 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, Caffall (arrived late), Doherty, Fishel, Muldoon, Vermilyea, and Walsh

Commissioners Absent: Commissioner Hasman

Staff Present: Dick Bewersdorff, Planning Manager; Gary Pagenstecher, Associate Planner; Ron Bunch, Assistant Community Development Director; Darren Wyss, Senior 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 September 15, 2008 minutes as submitted. The motion carried as follows:

AYES: Anderson, Doherty, Inman, Muldoon, Vermilyea, and Walsh

NAYS: None

ABSTENTIONS: Fishel

EXCUSED: Hasman, Caffall

5. PUBLIC HEARINGS

**5.1 COMPREHENSIVE PLAN AMENDMENT
(CPA) 2008-00010/SENSITIVE LANDS REVIEW (SLR) 2008-00005
- TRI-COUNTY SHOPPING CENTER APPROVAL WETLAND
AND STREAM CORRIDOR MAP AMENDMENT-**

REQUEST: The Director requests a Comprehensive Plan Map Amendment to correct the City's Significant Wetlands and Stream Corridors Map in the vicinity of SW Dartmouth and Hwy 217. The Tigard City Council approved the Tri-County Shopping Center proposal (Comprehensive Plan

Amendment (CPA) 98-0002/Site Development Review (SDR) 98-0002/Planned Development Review (PDR) 98-0001/Sensitive Lands Review (SLR) 98-0002/Lot Line Adjustment (MIS) 98-0004), which approved a Comprehensive Plan Amendment to the Water Resources Overlay District, including fill and mitigation of a approximately 1.41 acres of existing wetlands on the property, and other development. The resource maps were not revised as indicated in the findings for the decision. Meanwhile, Army Corps of Engineers and Department of State Lands permits were obtained and grading, filling and mitigation occurred even though the remainder of the development was not built. The Significant Habitat Areas map, based on the wetland inventory, is also in error and needs revised accordingly. Although Council's approval of CPA98-00002 legally amended the City's Significant Wetlands Map, the Director's application is to formally correct the error in mapping. **LOCATION:** The property is located south of SW Dartmouth Street and west of SW 72nd Avenue in the Tigard Triangle; Washington County Tax Assessor's Maps 2S101BA, Tax Lot 101 and 1S136CD, Tax Lot 4200. **ZONE/COMPREHENSIVE PLAN DESIGNATION:** C-G (PD): 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. The planned development designation is an overlay zone applicable to all zones. In the case of the subject property, the Council applied the provisions of this chapter as a condition of approving any application for development. **APPLICABLE REVIEW CRITERIA:** City of Tigard Community Development Code Chapters 18.380, 18.390 and 18.775; City of Tigard Comprehensive Plan Policies 1, 2 and 3; Statewide Planning Goals 1, 2 and 5; and Metro Functional Plan, Title 3.

PUBLIC HEARING OPENED

Commission President, Jodie Inman, opened up the Public Hearing by reading the required statements for Quasi-Judicial Hearings. [Commissioner Caffall arrived late.] She asked if any Commissioner wished to abstain, or declare a conflict of interest. There were none. She asked if anyone wished to challenge any member of the Planning Commission for bias or conflict of interest. No challenges. She asked for Commission members to report any ex parte contacts or site visitations. Commissioner Muldoon reported a site visit. Lastly, she asked if anyone in the audience wished to challenge the jurisdiction of the Commission. There were no challenges.

At this point, Associate Planner, Gary Pagenstecher, gave the staff report on behalf of the City. He explained that the Community Development Director, Tom Coffee, requested a Comprehensive Plan Map amendment to correct the City's Wetlands and Stream Corridors Map and Significant Habitat Areas map (Attachment 1). He noted that 10 years ago the Tri-County Shopping Center had been approved, as well as the removal of the subject wetlands. He said the final order required that staff make amendments to the map accordingly. Those amendments were not made at the time, so staff was present today to make the amendments

in a public manner along the same type of review process. He said this decision would basically be “housekeeping” in nature and, in a transparent manner, for public comment. He noted no public comment was received on the application – two agencies commented – Clean Water Services and Metro. Neither took issue with this mapping revision.

Commissioners questions of staff (staff answers are in italics):

To clarify – So all actions that were approved in the past were taken with regard to this but the maps were simply not brought up to date at that time? *That's right, they got approval for wetlands fill, and they also required new mitigation. The applicant followed through with those actions. They didn't build the development they were approved for. Does that answer your question?*

Yes – and then the last part of the question – the housekeeping item – the maps should have been updated at that time? That simply just did not occur? *That's right – it just did not occur. It was a finding in the decision, and it just didn't happen.* So I'm curious – why does it have to come back to a public hearing if it had been approved in the past? *I don't think it had to. I don't think this was necessary, but it was a decision by managers to run a transparent process for issues and sensitive lands that are important to citizens, and just to be sure that they have an opportunity to comment.* So it's simply – the maps are going to be updated – no other action to be taken, or will be taken, as a result of this decision? *That's right.*

It appears prior owners did not monitor thru the state. Is that monitoring now being continued or being begun again? *Yes it is.*

PUBLIC TESTIMONY

President Inman noted that no one had signed up either “for” or “against.” She asked if anyone in the audience would like to speak.

John Frewing, 7110 SW Lola Lane, Tigard, spoke for information sake. [Neither for, nor against.] He noted that the original decision was acted on in 18 months. He wondered whether they shouldn't have to come back since this has been 10 years, and regulations change. On the surface he said, it looks like they should be coming back. It was pointed out that the original decision was acted upon within 18 months. They didn't build, so they lost the opportunity to build there, but they would have to come in today for an application to build under today's regulations. It was also pointed out that they were there to talk about the map amendment alone. The original decision was acted on in 18 months. The CPA is related to the original decision; however, the SLR is relative to current standards.

PUBLIC HEARING CLOSED

DELIBERATION

No deliberations.

MOTION

Commissioner Vermilyea made the following motion: “Madam Chair, I move for approval of Comprehensive Plan Amendment CPA2008-00010/Sensitive Lands Review SLR2008-00005 for the Tri-County Shopping Center Approval Wetland and Stream Corridor Map Amendment as submitted by staff – and I recommend approval to City Council.” Commissioner Muldoon seconded the motion.

There was a vote and the motion carried as follows:

AYES: Anderson, Caffall, Doherty, Fishel, Inman, Muldoon, Vermilyea & Walsh

NAYS: None

ABSTENTIONS: None

EXCUSED: Hasman

5.2 COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00006

Tigard Comprehensive Plan Update of Statewide Planning Goal 14: Urbanization

REQUEST: To amend the current Comprehensive Plan Topic 10: Urbanization by updating the goals, policies and recommended action measures to reflect current community conditions and values. The complete text of the proposed Amendment can be viewed on the City’s website at 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; Land Use Planning; Parks, Recreation, Trails, and Open Space; Public Facilities and Services; Transportation; and Urbanization; Metro Functional Plan Title 11; and Statewide Planning Goals 1, 2, 8, 11, 12, and 14.

PUBLIC HEARING OPENED

Commission President, Jodie Inman, opened up the Public Hearing.

At this point Senior Planner, Darren Wyss, gave the staff report on behalf of the City. He stated the Comprehensive Plan Amendment before the Planning Commission at this time would update the goals, policies, and recommended action measures pertaining to Statewide Planning Goal 14: Urbanization. He noted the Planning Commission had already reviewed this amendment during its Aug 18th public hearing. He said, because the newspaper failed to print the Ad the City sent them, advertising that public hearing, another hearing needed to be held, and the Ad was resent to the newspaper to comply with the City’s citizen involvement program. The new Ad was published in the September 18th edition of *The Times*.

As a reminder - The proposed amendment went thru a review process that included two Policy Interest Team meetings hosted by the PC before the public hearing in August. Since that public hearing, the City Council also held a workshop on the amendment. At that time, staff did not realize the newspaper Ad had not been published, and the City Council asked for some clarity on a few of

the policies. They asked for clarity between Goal 14.1, Policy 1, and Goal 14.3, Policy 4, both of these were dealing with provision of services outside of City limits. After the conversation and speaking with the City Attorney, Staff worked with the City Attorney to develop new language and the decision was made to eliminate Goal 14.3, Policy 4 and add additional language to Goal 14.1, Policy 1. The changes are as follows:

Goal 14.1

1. The City shall only approve the extension of City services:
 - A. where applications for annexation for those properties have been approved; or
 - B. in circumstances where applicable state and county health agencies have declared a potential or imminent health hazard pursuant to ORS 431.705 to 431.760 (Health Hazard Annexation or Service District Formation); or
 - C. **as outlined in the intergovernmental agreement regarding water provision within the Tigard Water Service Area.**

Goal 14.3

- ~~1. The City shall only provide municipal services within its city limits, in the absence of a signed intergovernmental agreement.~~

The Council also asked for the language in Goal 14.2, Policy 3 to be changed from “require” to “encourage,” as they felt it was too strong. The Commission also raised this issue during a workshop, and asked whether this was within the City’s legal right. The City Attorney suggested changing the language from “require” to “encourage,” and by adding an additional policy to ensure the possibility of requiring annexation in the future, the intent of the language could be maintained. This new policy is now Goal 14.2, Policy 5.

Goal 14.2

3. The City shall evaluate and may ~~require~~ **encourage** that parcels adjacent to proposed annexations be included to:
 - A. avoid creating unincorporated islands within the City;
 - B. enable public services to be efficiently and effectively extended to the entire area; or
 - C. implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.
5. **The City shall maintain its right to annex property as allowed by state statute.**

Staff feels the changes suggested by the City attorney provide better clarity without changing the intent of the language contained in the amendment. Additionally, the City Attorney reviewed the staff report findings and found them adequate.

Staff has found the language included in the amendment complies with the applicable state land use goals, the City’s municipal code and comprehensive plan policies, as well as federal, state, and regional plans and regulations. Therefore, staff recommends adopting language found in Exhibit A.

At this point, President Inman noted that there was no one from the public to testify either for or against the Amendment. She opened up the meeting for questions from the Commissioners.

Commissioner Vermilyea asked – “Can you explain what the rationale is for adding No. 5, in light of the fact that we were silent on this issue? If I understand the law correctly, we would still maintain whatever rights with respect to annexation are given to the City. I think it’s redundant to include it. We either have the right or we don’t. If we have it, we can exercise it so I don’t know why we would have to say in the Comp Plan that we’re going to maintain a right that is given to us from an external source. Can you shed some light on how that discussion went – where that suggestion came from?”

Wyss answered: *That suggestion had its basis in the wanting to change “require” to “encourage” in the previous policy that you’re referring to. The sticking point is in goal 14.1, policy 3, “The City shall evaluate and may encourage that parcels adjacent to proposed annexations be included to: A. avoid creating unincorporated islands within the City – (which is within our right today) B. enable public services to be efficiently and effectively extended to an entire area, or C. implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council. I believe they were uncomfortable with points B & C so they want to change it to encourage as opposed to “require” and then the City Attorney made the suggestion that, if in the future we wanted to require something to implement a concept plan, that if we added Policy 5 “The City shall maintain its right to annex property as allowed by state statute.” Ron Bunch added “The City Attorney, in recommending this, said that the City does not want to abrogate any rights that it may choose to exercise in this regard.” So the state law may, or may not, change over time but the City may choose to exercise rights (or may not to) – but it needs to firmly establish those rights within the Plan. Commissioner Vermilyea said he respectfully disagrees with the City Attorney’s opinion on that issue and respectfully disagrees with Council’s determination to change the language. He suggested the Planning Commission change it back. He said “If they want to make that ultimate change in the decision that they make when they make the final decision – that’s fine – but it sure seems to me that this really waters down what we’ve talked about in our meetings. I don’t agree that the word “require” is as strong as they apparently think it is, because it says “may require” – it doesn’t say “shall require” so the word “may” leaves a lot of discretion there. I think that I could go either way on No. 5 but I think it’s just surplus verbiage. My suggestion would be that we reject both of those suggested changes.”*

They discussed this idea at length.

PUBLIC HEARING CLOSED

DELIBERATION

After deliberating, the consensus was the word “encourage” should be changed back to “require” in Goal 14.2.3 but that the additional No. 5 “The City shall maintain its right to annex property as allowed by state statute,” be left in. At this point, a motion was made.

MOTION

Commissioner Vermilyea made the following motion: "I move that the Planning Commission approve CPA2008-00006, as revised and recommended by staff, with the following change - delete the word "encourage" and reinsert the word "require" at Goal 14.2 policy 3, and to recommend approval, as amended, to Council." Commissioner Caffall seconded the motion.

There was a vote and the motion carried as follows:

AYES: Anderson, Caffall, Doherty, Fishel, Inman, Muldoon, & Vermilyea

NAYS: None

ABSTENTIONS: Walsh

EXCUSED: Hasman

6. OTHER BUSINESS

Commissioner Walsh said there was good news - he informed the Commission that the Planned Development "White Oak" has a "heritage tree" approved.

Assistant Community Development Director, Ron Bunch, talked about the upcoming October 21 joint meeting the Planning Commission will be having with City Council. Bunch referred to a sheet he passed out regarding Planning Commission Goals as of 2/19/08. They discussed what topics they'd like to discuss with Council.

7. ADJOURNMENT

President Inman adjourned the meeting at 8:25 p.m.

Doreen Laughlin, Administrative Specialist II

ATTEST: President Jodie Inman



City of Tigard Memorandum

To: Mayor Dirksen and Members of City Council
From: Darren Wyss, Senior Planner *DW*
Re: CPA2008-00006: Urbanization
Date: October 10, 2008

On Tuesday, October 14, 2008, the City Council will hold a public hearing on the comprehensive plan amendment (CPA2008-00006) to update goals, policies, and recommended action measures pertaining to Statewide Planning Goal 14: Urbanization. Council previously held a workshop to review the amendment on September 9, 2008. At this workshop, the Council asked for a couple of changes to the language, including Goal 14.2, Policy 4. The request from Council was to change the wording from require to encourage.

On October 6, 2008, the Planning Commission held a public hearing on CPA2008-00006 to make a recommendation to Council. At the hearing, the Commission discussed the change to Goal 14.2, Policy 4 and subsequently recommended the language be reinstated as require. The Commission agreed unanimously that the language "may require" does not obligate the City to any action, but simply provides another tool that may be used at some point in the future.

Goal 14.2

4. The City shall evaluate and may ~~encourage~~ **require** that parcels adjacent to proposed annexations be included to:
 - A. avoid creating unincorporated islands within the City;
 - B. enable public services to be efficiently and effectively extended to the entire area; or
 - C. implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.

Exhibit A, which is included in the Council packet, shows the language to read "encourage" and this memorandum will be entered as part of the record to show the change made by the Planning Commission to "require".

If you have any questions regarding the change made by the Planning Commission, or other language related to CPA2008-00006, please contact Ron Bunch 503-718-2427 or ron@tigard-or.gov.

**STAFF REPORT TO THE
PLANNING COMMISSION
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 14: URBANIZATION

FILE NO.: Comprehensive Plan Amendment (CPA) CPA2008-00006

PROPOSAL: The City is requesting approval of a Comprehensive Plan Amendment to amend the current Comprehensive Plan Topic 10: Urbanization 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; Land Use Planning; Parks, Recreation, Trails, and Open Space; Public Facilities and Services; Transportation; and Urbanization; Metro Functional Plan Title 11; and Statewide Planning Goals 1, 2, 8, 11, 12, and 14.

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. 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 moved at their own pace, Staff brought a series of Comprehensive Plan Amendments (CPA) through the legislative process over the past year. Each CPA corresponded to a Statewide Planning Goal that is applicable to Tigard. The CPA strikes the appropriate language from the existing plan and replaces the language with an updated chapter that addresses that particular Statewide Planning Goal.

The chapter before the Planning Commission tonight is Urbanization (Goal 14). The Planning Commission held a joint meeting with the City Council to discuss current issues related to Urbanization. The Commission then acted as host to two Policy Interest Team meetings where they worked with citizens to discuss and formulate the draft goals, policies, and recommended action measures. The Planning Commission and citizens were comfortable with the language and found consensus to bring the language to public hearing for recommendation at this point.

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 has updated the Comprehensive Plan in its entirety. This amendment will update Statewide Planning Goal 14 with goals, policies, and recommended action measures that will serve as the "legislative foundation" in regards to the City's land use 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
 - Citizen Involvement
 - Land Use Planning
 - Parks, Recreation, Trails, and Open Space
 - Public Facilities and Services
 - Transportation
 - Urbanization
- Applicable Metro Standards
 - Title 11
- Statewide Planning Goals
 - Goals 1, 2, 8, 11, 12, and 14.

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:

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 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 September 18, 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 2: Land Use Planning

Goal 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative basis of Tigard's land use planning program.

Policy 1: The City's land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens' own interests.

Findings: This policy is satisfied through the clear direction given by all goals and policies included in the proposed amendment. The City's position on the annexation of property, its support of regional and state growth management decisions, its plan to accommodate more intense urban land uses in Metro designated centers/corridors, and the proper planning and delivery of public services is clearly stated throughout the language. All of the aforementioned subjects are a vital part of the City's land use program. The goals and policies, specifically Goal 14.1, policies 2, 3, and 5 and Goal 14.2, policies 3 and 6, also show compliance with Statewide Planning Goal 2 that requires planning coordination and Oregon Revised Statute 195 that requires urban service coordination. Goal 14.3 and its associated policies address serving the interests of the citizens of Tigard.

Policy 3. The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

Findings: The City sent out request for comments on the proposed amendment to all potentially affected jurisdictions and agencies. All were given 14 days to respond. Any comments that were received are addressed in Section VII: Outside Agency Comments of this Staff Report. This policy is satisfied.

Policy 5. The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.

Findings: The language included in the proposed amendment, specifically Goal 14.3, Policy 3, is consistent with this policy. The proposed policy states the City's position to accommodate more intense urban land uses in its regional and town centers and within major transportation corridors to be consistent with the Metro Framework Plan. This policy is satisfied.

Policy 13. The City shall plan for future public facility expansion for those areas within its Urban Planning Area that can realistically be expected to be within the City limits during the planning period.

Findings: The language included in the proposed amendment, specifically Goal 14.2, Policy 6, is consistent with this policy. The proposed policy states the City's position to periodically update

and/or amend its Public Facility Plan to ensure the predictable and logical provision of urban services for areas anticipated to be within the Tigard city limits. This policy is satisfied.

Policy 20. The City shall periodically review and if necessary update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.

Findings: The proposed amendment satisfies this policy by updating the Comprehensive Plan relative to Statewide Land Use Planning Goal 14: Urbanization. The primary intent of the 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. Findings of conformance to applicable state and regional requirements can be found in Section V of this Staff Report.

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

Goal 8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:

- A. Developed areas with facilities for active recreation; 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 11. The City shall build and maintain partnerships with other governmental and private agencies and organizations to optimize funding and facility resources, and improve park and recreational opportunities.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 5, is consistent with this policy. The proposed policy states the City's position to maintain agreements with service districts to define provision roles and to coordinate plans and programs. These agreements build partnerships between service providers and provide clear direction on who provides services and allows for the anticipation of funding needs to improve park and recreation opportunities. This policy is satisfied.

Chapter 11: Public Facilities and Services

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

Policy 2. The City shall continue to collaborate with Clean Water Services in the planning, operation, and maintenance of a comprehensive stormwater management system.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 5, is consistent with this policy. The proposed policy states the City's position to maintain intergovernmental agreements with service districts to define provision roles and to coordinate plans and programs. These intergovernmental agreements promote collaboration in the planning, operation, and maintenance of the stormwater system. This policy is satisfied.

Policy 4. The City shall require a property to be located within the City limits prior to receiving City stormwater services.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 1, is consistent with this policy. The proposed policy states the City's position to require a property to annex before extending City services to the property. This policy is satisfied.

Goal 11.3 Develop and maintain a wastewater collection system that meets the existing and future needs of the community.

Policy 2. The City shall continue to collaborate with Clean Water Services in the planning, operation, and maintenance of a comprehensive wastewater management system for current and projected Tigard residents.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 6, is consistent with this policy. The proposed policy states the City's position to maintain intergovernmental agreements with service districts to define provision roles and to coordinate plans and programs. These intergovernmental agreements promote collaboration in the planning, operation, and maintenance of the wastewater system. This policy is satisfied.

Policy 6. The City shall require a property to be located within the City limits prior to receiving City wastewater services.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 1, is consistent with this policy. The proposed policy states the City's position to require a property to annex before extending City services to the property. This policy is satisfied.

Goal 11.4 Maintain adequate public facilities and services to meet the health, safety, education, and leisure needs of all Tigard residents.

Policy 3. The City shall coordinate the expansion and equitable, long-term funding of public facilities and services with the overall growth of the community.

Findings: The language included in the proposed amendment, specifically Goal 14.2, Policy 6, is consistent with this policy. The proposed policy states the City's position to ensure its Public Facility Plan is kept up-to-date. The Public Facility Plan is required by Statewide Planning Goal 11 (OAR 660-015) and describes the facilities and funding needed to support the land uses and densities designated in the Comprehensive Plan. This policy is satisfied.

Policy 5. The City shall work in conjunction with partner agencies and districts in the planning and locating of their new facilities.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 3, is consistent with this policy. The proposed policy states the City's position to coordinate and/or participate in planning activities or development decisions within the Tigard Urban Services Area. This includes working with partner agencies and districts to plan and locate facilities in the best interest of all, and to ensure the proper infrastructure exists to support the facilities. This policy is satisfied.

Topic 8: Transportation (Original Comprehensive Plan format)

Policy 8.2.1 THE CITY SHALL PLAN FOR A SAFE AND EFFICIENT STREET AND ROADWAY SYSTEM THAT MEETS CURRENT NEEDS AND ANTICIPATED FUTURE GROWTH AND DEVELOPMENT.

Findings: The language included in the proposed amendment, specifically Goal 14.2, Policy 6, is consistent with this policy. The proposed policy states the City's position to ensure its Public Facility Plan is kept up-to-date. The Public Facility Plan describes the facilities and funding, including transportation, needed to support the land uses and densities designated in the Comprehensive Plan. This policy is satisfied.

Policy 8.2.2 THE CITY SHALL PROVIDE FOR EFFICIENT MANAGEMENT OF THE TRANSPORTATION PLANNING PROCESS WITHIN THE CITY AND THE METROPOLITAN AREA THROUGH COOPERATION WITH OTHER FEDERAL, STATE, REGIONAL AND LOCAL JURISDICTIONS.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 3, is consistent with this policy. The proposed policy states the City's position to coordinate and/or participate in planning activities or development decisions within the Tigard Urban Services Area. This includes working with partner agencies in the planning process for the region's multi-modal transportation system. This policy is satisfied.

Topic 10: Urbanization

Policy 10.1.1 PRIOR TO THE ANNEXATION OF LAND TO THE CITY OF TIGARD:

- a. THE CITY SHALL REVIEW EACH OF THE FOLLOWING SERVICES AS TO ADEQUATE CAPACITY, OR SUCH SERVICES TO BE MADE AVAILABLE, TO SERVE THE PARCEL IF DEVELOPED TO THE MOST INTENSE USE ALLOWED*, AND WILL NOT SIGNIFICANTLY REDUCE THE LEVEL OF SERVICES AVAILABLE TO DEVELOPED AND UNDEVELOPED LAND WITHIN THE CITY OF TIGARD. THE SERVICES ARE:
 1. WATER;
 2. SEWER;
 3. DRAINAGE;
 4. STREETS;
 5. POLICE; AND
 6. FIRE PROTECTION.

* Most intense use allowed by the conditions of approval, the zone or the Comprehensive Plan.

- b. IF REQUIRED BY AN ADOPTED CAPITAL IMPROVEMENTS PROGRAM ORDINANCE, THE APPLICANT SHALL SIGN AND RECORD WITH WASHINGTON COUNTY A NONREMONSTRANCE AGREEMENT REGARDING THE FOLLOWING:
 1. THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (L.I.D.) FOR ANY OF THE FOLLOWING SERVICES THAT COULD BE PROVIDED THROUGH SUCH A DISTRICT. THE EXTENSION OR IMPROVEMENT OF THE FOLLOWING:
 - a) WATER;
 - b) SEWER;
 - c) DRAINAGE; AND
 - d) STREETS.
 2. THE FORMATION OF A SPECIAL DISTRICT FOR ANY OF THE ABOVE SERVICES OR THE INCLUSION OF THE PROPERTY INTO A SPECIAL SERVICE DISTRICT FOR ANY OF THE ABOVE SERVICES.

- c. THE CITY SHALL PROVIDE URBAN SERVICES TO AREAS WITHIN THE TIGARD URBAN PLANNING AREA OR WITH THE URBAN GROWTH BOUNDARY UPON ANNEXATION.

Policy 10.1.2 APPROVAL OF PROPOSED ANNEXATIONS OF LAND BY THE CITY SHALL BE BASED ON FINDINGS WITH RESPECT TO THE FOLLOWING:

- a. THE ANNEXATION ELIMINATES AN EXISTING "POCKET" OR "ISLAND" OF UNINCORPORATED TERRITORY; OR
- b. THE ANNEXATION WILL NOT CREATE AN IRREGULAR BOUNDARY THAT MAKES IT DIFFICULT FOR THE POLICE IN AN EMERGENCY SITUATION TO DETERMINE WHETHER THE PARCEL IS WITHIN OR OUTSIDE THE CITY;
- c. THE POLICE DEPARTMENT HAS COMMENTED UPON THE ANNEXATION;
- d. THE LAND IS LOCATED WITHIN THE TIGARD URBAN PLANNING AREA AND IS CONTIGUOUS TO THE CITY BOUNDARY;
- e. THE ANNEXATION CAN BE ACCOMMODATED BY THE SERVICES LISTED IN 10.1.1(a).

Policy 10.1.3 UPON ANNEXATION OF LAND INTO THE CITY WHICH CARRIES A WASHINGTON COUNTY ZONING DESIGNATION, THE CITY OF TIGARD SHALL ASSIGN THE CITY OF TIGARD ZONING DISTRICT DESIGNATION WHICH MOST CLOSELY CONFORMS TO THE COUNTY ZONING DESIGNATION.
(Rev. Ord. 84-21)

Policy 10.2.1 THE CITY SHALL NOT APPROVE THE EXTENSION OF CITY OR UNIFIED SEWERAGE AGENCY (USA) LINES EXCEPT:

- a. WHERE APPLICATIONS FOR ANNEXATION FOR THOSE PROPERTIES HAVE BEEN SUBMITTED TO THE CITY; OR
- b. WHERE A NONREMONSTRANCE AGREEMENT TO ANNEX THOSE PROPERTIES HAS BEEN SIGNED AND RECORDED WITH WASHINGTON COUNTY AND SUBMITTED TO THE CITY; OR
- c. WHERE THE APPLICABLE STATE OR COUNTY HEALTH AGENCY HAS DECLARED THAT THERE IS A POTENTIAL OR IMMINENT HEALTH HAZARD.

Policy 10.2.2 IN ADDITION TO THE REQUIREMENTS OF POLICY 10.2.1, THE EXTENSION OF SEWER LINES OUTSIDE OF THE CITY LIMITS SHALL NOT REDUCE THE CAPACITY BELOW THE REQUIRED LEVEL FOR AREAS WITHIN THE CITY.

Policy 10.2.3 AS A PRECONDITION TO THE APPROVAL OF THE EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS, THE CITY SHALL HAVE THE RIGHT OF REVIEW FOR ALL DEVELOPMENT PROPOSALS OUTSIDE THE TIGARD CITY LIMITS BUT WITHIN THE TIGARD URBAN PLANNING AREA (REFERENCE TIGARD'S URBAN PLANNING AREA AGREEMENTS WITH WASHINGTON COUNTY). THE CITY SHALL REQUIRE THAT DEVELOPMENT WILL NOT:

- a. PRECLUDE THE FURTHER DEVELOPMENT OF THE PROPERTIES TO URBAN DENSITIES AND STANDARDS; OR
- b. PRECLUDE THE SUBSEQUENT DEVELOPMENT OF SURROUNDING PROPERTIES.

THIS REVIEW SHALL INCLUDE THE FOLLOWING FACTORS AS SET FORTH IN THE TIGARD COMPREHENSIVE PLAN AND APPROPRIATE IMPLEMENTATING ORDINANCES:

- a. LAND USE;
- b. DENSITY;
- c. PLACEMENT OF STRUCTURES ON THE SITE;
- d. STREET ALIGNMENT; AND
- e. DRAINAGE.

Policy 10.3.1 THE CITY SHALL CONSIDER ANNEXATION REQUESTS OUTSIDE THE TIGARD

URBAN PLANNING AREA AND WITHIN THE URBAN GROWTH BOUNDARY
CONSISTENT WITH POLICIES 10.1 AND 10.2 AND AMENDMENT OF THE
AGREEMENT BETWEEN THE CITY AND THE COUNTY.

Policy 10.3.2 THE CITY SHALL DISCOURAGE EXPANSION OF THE TIGARD URBAN PLANNING
AREA IN A MANNER WHICH WOULD RESULT IN AN IRREGULAR PLANNING AREA
AND INEFFICIENT PROVISION OF PUBLIC FACILITIES AND SERVICES.

Findings: Current Comprehensive Plan Policies 10.1.1, 10.1.2, 10.1.3, 10.2.1, 10.2.2, 10.2.3, 10.3.1, and 10.3.2 will be deleted and replaced in their entirety by proposed amendment Goal 14.1, 14.2, and 14.3 and the associated Policies (see Exhibit A). Updating the goals and policies is consistent with the post acknowledgement plan amendment procedures as outlined in Oregon Revised Statute 197.610-625 and Oregon Administrative Rule 660 Division 18. 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 14 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, and reviewed by affected agencies, including the Oregon Department of Land Conservation and Development.

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 11: Planning for New Urban Areas – require and guide planning for conversion from rural to urban use of areas brought into the UGB. It is the intent of Title 11 that development of areas brought into the UGB implements the Regional Framework Plan and 2040 Growth Concept.

Findings: The City is committed to implementing the Metro Urban Growth Functional Plan. The proposed amendment confirms this commitment through the goals and policies contained within, particularly Goal 14.3, Policies 1, 2, and 3. This language clearly states the City's support of state and regional growth management decision, including urban growth boundary decisions that continue to promote a compact urban form and prevent urban sprawl. Part of this support is the proper land use and public facility planning that is critical to the success of the transition from rural to urban land uses. The City also states its support of the Metro 2040 Growth Concept through its position to accommodate more intense urban land uses in designated centers and corridors. This is consistent with the purpose of the 2040 Growth Concept. Title 11 is satisfied.

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 (hosted by the Planning Commission), and submitting written comments via the website. 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 September 18, 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 8 – Recreational Needs

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Findings: The language included in the proposed amendment, specifically Goal 14.1, Policy 5, is consistent with Goal 8. The proposed policy states the City's position to maintain agreements with service districts to define provision roles and to coordinate plans and programs. These agreements build partnerships between service providers and provide clear direction on who provides services and allows for the anticipation of funding needs to improve park and recreation opportunities. These measures endeavor to satisfy the needs of all citizens and visitors. This goal is met.

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: Goal 11 (OAR 660-015) requires cities with a population greater than 2500 persons to develop and adopt a public facility plan. The City is in compliance as it adopted the Tigard Public Facility Plan in 1991 as part of periodic review of the comprehensive plan. Oregon Revised Statute 195 also requires units of local government and special districts that provide an urban service to an area within an urban growth boundary that has a population greater than 2500 persons to enter into urban services agreements. The City is in compliance as the Tigard Urban Services Agreement was signed in July 2006. The proposed amendment, specifically Goal 14.1, policies 2 and 5, directs the City to maintain agreements with Washington County and service districts to define provision roles, to coordinate plans and programs, and to maintain consistency with the adopted public facility plan. Goal 14.2, policy 6, further directs the City to periodically update and/or amend its Public Facility Plan to ensure the predictable and logical provision of urban services for areas anticipated to be within the Tigard city limits. Based on the City's current compliance and its commitment to continue compliance with Goal 11, the goal is met.

Statewide Planning Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Findings: The language included in the proposed amendment, specifically Goal 14.2, Policy 6, is consistent with this goal. The proposed policy states the City's position to ensure its Public Facility Plan is kept up-to-date. The Public Facility Plan describes the facilities and funding needed, including transportation, to support the land uses and densities designated in the Comprehensive Plan. Goal 12 is met.

Statewide Planning Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings: Goal 14 requires the establishment of urban growth boundaries (UGB) and outlines the parameters for amending the boundary. UGBs control sprawl, preserve valuable resource lands, and promote the coordinated and logical provision of public facilities and services in the urban growth boundary. Tigard is located within the Portland Metropolitan Urban Growth Boundary (UGB), where Metro has the responsibility for establishing and managing the UGB in order to accommodate urban growth in the region for the next 20 years. Amendments to the UGB must be adopted by all cities in the Metro region, including the City of Tigard. The Metro UGB is currently in compliance with Goal 14, as are the City's comprehensive plan policies.

The City is committed to continued compliance with Goal 14. The proposed amendment confirms this commitment through the all goals and policies contained within. This language clearly states the City's support of state and regional growth management decision, including urban growth boundary decisions that continue to promote a compact urban form and prevent urban sprawl. Part of this support is the proper land use and public facility planning that is critical to the success of the transition from rural to urban land uses. The City also states its support of the Metro 2040 Growth Concept through its position to accommodate more intense urban land uses in designated centers and corridors. This is consistent with the purpose of the 2040 Growth Concept and Metro Functional Plan Title 11.

The proposed amendment is consistent with this goal as it provides policy direction that intends to ensure the orderly and efficient delivery of public facilities and services through proper planning and implementation. The policies also require an appropriate level of public facilities and services to accommodate urban population and employment.

CONCLUSION: Based on the analysis above, staff finds that the proposed amendment is consistent with the applicable Statewide Planning Goals.

SECTION VI. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Current Planning Division, Administrative Department, and Police Department has had an opportunity to review this proposal and have no objections.

The City of Tigard's Public Works Department had an opportunity to review this proposal and had the following comments.

Goal 14.1, Policy 1 is not consistent with the Tigard Water District/City of Tigard IGA.

Findings: This policy states the City will not approve the extension of City services without annexation approval. As the City currently provides water outside of its boundaries through intergovernmental agreements with Durham, King City, and the Tigard Water District, additional language was added to explicitly state the current circumstances. The addition of the language also addresses the deletion of Policy 4, under Goal 14.3. The City Attorney reviewed the language change and advises the policy is now consistent with the City's current water provision and does not create conflict with the existing intergovernmental agreements. Staff recommends the Planning Commission accept the changes.

Goal 14.3, Policy 4 is not consistent with our current IGA with the Tigard Water District.

Findings: This policy was removed based on the Public Works comment. The policy language was incorporated into Goal 14.1, Policy 1 as outlined above. The City Attorney reviewed the deletion and advises the language is now consistent with the City's existing intergovernmental agreements. Staff recommends the Planning Commission accept the deletion.

CONCLUSION: Based on comments from City staff, and the changes made based on the advice of the City Attorney, staff finds the proposed amendment does not interfere with current service provision or 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 Beaverton
City of Durham
City of King City
Washington County, Department of Land Use and Transportation
Metro Land Use and Planning
Oregon Department of Land Conservation and Development
Oregon Department of Transportation, Region 1
Oregon Department of Transportation, Region 1, District 2A
Tualatin Hill Parks and Recreation District
Tualatin Valley Water District

Tualatin Valley Fire & Rescue
Tri-Met Transit District

The City of Lake Oswego and the City of Tualatin had an opportunity to review this proposal and have no objections.

Clean Water Services had an opportunity to review this proposal and had the following comments (Exhibit B):

We recommend following 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 (currently R&O 07-20, available online) for all issues relating to development, vegetated corridors, erosion control, and preservation of wetlands, natural drainage ways, and enhancements thereof.

Findings: The Clean Water Services Design and Construction Standards implement Metro's Title 3 requirements through a jurisdiction's development code. The City of Tigard has adopted the Standards into the Tigard Community Development Code. Policy language is included in the Tigard Comprehensive Plan under Goals 6 and 11 that direct the City to comply with all state and regional standards, which includes the Clean Water Services standards. Therefore, staff recommends not including any further language in this proposed amendment.

CONCLUSION: Based on responses from outside agencies listed above, 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

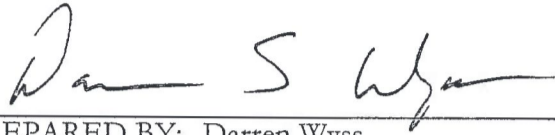
The proposed changes comply with the applicable Statewide Planning Goals, Metro regulations, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

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:

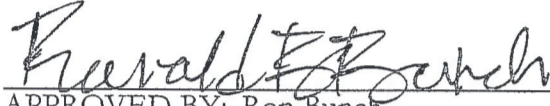
EXHIBIT A: PROPOSED AMENDMENT TO THE TIGARD COMPREHENSIVE PLAN.

EXHIBIT B: CLEAN WATER SERVICES COMMENTS.



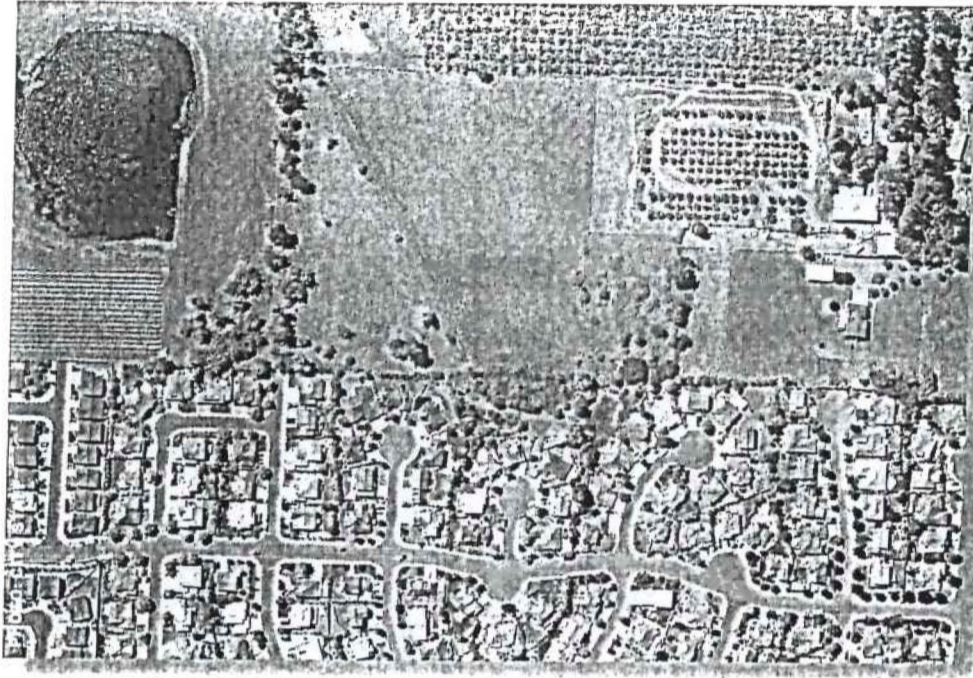
PREPARED BY: Darren Wyss
Senior Planner

September 19, 2008
DATE



APPROVED BY: Ron Bunch
Assistant Community Development Director

September 19, 2008
DATE



Urbanization

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”





URBANIZATION

ADOPTED AMENDMENTS

<u>DATE</u>	<u>CPA#</u>	<u>CHANGES</u>
00/00/00	CPA2008-0000X	San velessit lam euipit, se molum iureetue do euscip ero diatincinibh ea commy nullamc onsequam dolobor am, sequatem venisi.



A significant challenge faced by many communities is how to manage growth, particularly the transition from rural to urban land uses, or redevelopment to more intense land uses. As Tigard moves into the future, the City must manage growth for the benefit of its citizens and businesses. The City must ensure that growth decisions result in high-quality development, protect natural resources, provide services in a coordinated and logical manner, and are fiscally sound. The thoughtful planning of growth will help to accommodate future population and employment, while addressing the community's desire for a high quality of life.

“As Tigard moves into the future, the City must manage growth for the benefit of its citizens and businesses.”

The goals and policies contained in this chapter establish the basis for Tigard's growth management decisions as they pertain to new lands that may be added to the City. The policies also provide guidance on the City's commitment to coordinating the provision of public facilities and services to urban development, to help curb urban sprawl, and addressing the urbanization of unincorporated lands. Coordination with the City's regional partners is particularly important to the successful implementation of these policies.

GOAL 14: URBANIZATION

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

One of the primary tools used in Oregon to control sprawl, preserve valuable resource lands, and promote the coordinated and logical provision of public facilities and services is the urban growth boundary. Tigard is located within the Portland Metropolitan Urban Growth Boundary (UGB), where Metro has the responsibility for establishing and managing the UGB in order to accommodate urban growth in the region for the next 20 years. The development of the initial UGB for the region began in 1976 and was adopted in 1980 by Metro Council and acknowledged by the Land Conservation and Development Commission as being in compliance with Statewide Planning Goals.

Metro has expanded the UGB a number of times over the years and currently



Metro's management of the UGB is regulated through Title 11 of the *Metropolitan Urban Growth Management Functional Plan* (UGMFP). The UGMFP is a result of the state requiring Metro to develop goals and objectives to show consistency with the Statewide Planning Goals, particularly the efficient use of existing urban land to protect against unnecessary urban encroachment into prime agricultural and forest land. The Metro goals and objectives, adopted in the mid-1990s as the *Regional Urban Growth Goals and Objectives* (RUGGO), are part of the *Regional Framework Plan* (1997). The Regional Framework Plan includes *Metro's 2040 Growth Concept* (1995), which is intended to result in a more compact urban form. The UGMFP implements RUGGO and contains several requirements for local implementation, including accommodating Metro's 2040 Growth Concept.

Tigard's geographic relationship to the UGB has not changed over time as its city limits have never at any time touched, or approached, the UGB. This is a result of Tigard being surrounded on the north, east, and south borders by the adjacent cities of Beaverton, Portland, Lake Oswego, Durham, Tualatin, and King City, while the west border of Tigard is separated from the UGB by the unincorporated Bull Mountain area that currently contains urban level development. Expansion of the Tigard city limits requires annexation of the already developed unincorporated urban lands. Experience has shown that property owners are, for the most part, reluctant to annex when they have access to urban services and benefits; those provided by the county and service districts, and those located within Tigard such as parks, library, emergency police response, employment, and shopping opportunities.

More efficient use of existing and underdeveloped City lands and unincorporated urban level development are the primary issues facing the City's growth management decisions. There are few large, vacant parcels of developable land remaining in the City, but there are significant opportunities for redevelopment. The City's downtown and major transportation corridors present feasible opportunities. Pertaining to unincorporated development, the City has operated under an Urban Planning Area Agreement with Washington County since 1983 that recognizes Tigard as the ultimate governance provider within the Urban Planning Area (UPA). However, almost all of the unincorporated area has been urbanized by Washington County.

The current UPA encompasses the city limits as well as unincorporated areas of Bull Mountain and Metzger, but does not include the 2002 West Bull Mountain (areas 63 and 64) additions to the UGB. As required by Oregon Revised Statute 195, the City has also entered into the Tigard Urban Service Agreement with



agencies/districts that provide services within Tigard Urban Services Area (TUSA). The agreement outlines the role, provision, area, and planning/coordination responsibilities for service providers operating with the TUSA. The TUSA is important to the City, particularly the planning and coordinating with special districts, because it helps the City to ensure the best services are provided to its citizens. The Agreement was last updated in July 2006 and again identifies Tigard as the ultimate governance provider to the TUSA, which coincides with the UPA.

The City put forward a plan to annex the unincorporated Bull Mountain area of the TUSA to voters in 2004. City of Tigard residents overwhelmingly passed the measure, but residents in the area to be annexed soundly defeated it, thus leaving the status quo. Then in 2006 an incorporation effort took place to form the City of Bull Mountain and was again turned down by voters.

The issue of unincorporated urban level development gets more complex as Washington County master plans areas 63 and 64 without answering the question as to who will provide governance and urban services. The position of the City of Tigard is that cities are better equipped to provide governance and urban level services than counties. Until areas 63 and 64 can be included within a city, the City of Tigard opposes the provision of services that would allow for urban level development within the areas.

Additionally, Washington County is collaborating with Metro jurisdictions to identify urban and rural reserves that will dictate any needed future UGB expansions. The provision and financing of public services and facilities to these areas remains unclear and a major growth management question for the City of Tigard in planning for the future.

The City of Tigard is committed to providing its residents with governance and urban services in an efficient and cost effective manner. Any expansion of the

*“Washington
County is
collaborating
with Metro
jurisdictions
to identify
urban and
rural reserves
that will
dictate any
needed
future UGB
expansions.”*



URBANIZATION

City boundary must ensure that public facilities and services are adequate to support the area and those benefiting from the services pay their fair share.

KEY FINDINGS:

- Metro manages the expansion of the Portland Metropolitan Urban Growth Boundary.
- The *Regional Urban Growth Goals and Objectives* are intended to result in more compact urban growth.
- The City of Tigard has entered into agreements with Washington County that identifies the City as the ultimate governance provider in the designated Tigard Urban Service Area.
- Almost all of the City's currently identified Urban Services Area has been urbanized in unincorporated Washington County.
- Unless current state law and county policies change, it is not realistic that Tigard will annex and provide services to urban growth boundary expansion areas 63 and 64.
- The provision and financing of services to areas 63 and 64 is a major growth management question for the City.
- The City of Tigard is committed to managing urban growth wisely and providing efficient and cost effective services to its residents.
- The citizens of Tigard are concerned about growth and its impact upon the community's natural resources, existing development, and public services.

GOAL:

- 14.1. Provide and/or coordinate the full range of urban level services to lands and citizens within the Tigard City limits.

POLICIES:



1. The City shall only approve the extension of City services:
 - A. where applications for annexation for those properties have been approved; or
 - B. in circumstances where applicable state and county health agencies have declared a potential or imminent health hazard pursuant to ORS 431.705 to 431.760 (Health Hazard Annexation or Service District Formation); or
 - C. as outlined in the intergovernmental agreement regarding water provision within the Tigard Water Service Area.
2. The City shall maintain, and amend when necessary, agreements with Washington County that recognizes the City as the ultimate provider of governance and identified services to the Tigard Urban Services Area.
3. The City shall, as needed, coordinate and/or participate in planning activities or development decisions within the Tigard Urban Services Area.
4. The City shall protect the existing and future delivery of City services and only support the formation of a new service district, or expansion of existing districts, that will not create a conflict within the Tigard Urban Services Area.
5. The City shall enter into and maintain intergovernmental agreements with service districts operating within the Tigard Urban Service Area to:
 - A. define short and long term service provision roles;
 - B. specify the terms and conditions of withdrawal of territory from service districts and the transition of capital facility ownership and administration to the City;
 - C. provide for the coordination of plans and programs to eliminate duplicity and minimize conflict; and
 - D. ensure that services are provided consistent with the City's adopted Public Facility Plan.

RECOMMENDED ACTION MEASURES:

- i. Regularly review the Tigard Urban Services Agreement with Washington County and amend it as necessary.



URBANIZATION

- ii. Coordinate the review of land use proposals in the Tigard Urban Services Area with Washington County and mandate annexation of development that requires City services.
- iii. Ensure the City is represented in planning efforts for unincorporated urban lands within the Urban Growth Boundary.
- iv. Regularly review existing intergovernmental agreements with service providers operating within the Tigard Urban Services Area and propose amendments as needed.
- v. Encourage the City, County and service districts to adopt compatible facility design standards.
- vi. Coordinate the development and implementation of the City's Public Facilities and Capital Improvement Plans with Washington County, service districts and other service providers within the Tigard Urban Services Area.

GOAL:

- 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

POLICIES:

1. The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.
2. The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.
3. The City shall approve proposed annexations based on findings that the request:
 - A. can be accommodated by the City's public facilities and services; and
 - B. is consistent with applicable state statute.



- Jeremy V. change back to require
4. The City shall evaluate and may ~~encourage~~ that parcels adjacent to proposed annexations be included to:
 - A. avoid creating unincorporated islands within the City;
 - B. enable public services to be efficiently and effectively extended to the entire area; or
 - C. implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.
 5. The City shall maintain its right to annex property as allowed by state statute.
 6. The City shall periodically update and/or amend its Public Facility Plan to ensure the predictable and logical provision of urban services for areas anticipated to be within the Tigard city limits.

Save the power to negotiate the our own hands with the change

"The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation."

RECOMMENDED ACTION MEASURES:

- i. Periodically review and update the City's annexation methods and encourage property owners within the unincorporated Tigard Urban Services Area to annex based upon the benefits associated of being within the City limits.
- ii. Clearly communicate and maintain a positive dialog with unincorporated residents within the Tigard Urban Services Area regarding the benefits associated with being a City resident.
- iii. Utilize and promote incentives, as appropriate, to encourage owners of unincorporated properties to annex to the City.



URBANIZATION

- iv. Develop criteria and procedures to encourage and, when necessary, require owners of adjacent parcels to also annex to the City when neighboring parcel(s) annex.

GOAL:

- 14.3. Promote Tigard citizens' interests in urban growth boundary expansion and other regional and state growth management decision.

POLICIES:

1. The City shall support regional and state growth management decisions, while promoting policy that supports cities as the best building blocks of an efficient, stable, and compact urban region.
2. The City shall support regional Urban Growth Boundary management decisions that promote the development of an efficient and compact urban form, prevent future unincorporated urban development, and prevent urban sprawl.
3. The City shall maintain the low-density residential character of its existing single family residential neighborhoods and accommodate more intense urban land uses in its regional and town centers and within major transportation corridors to be consistent with Statewide Planning Goals and the Metro Framework Plan.
4. The City shall only support the formation or expansion of service districts or special county funding levies if these actions will not cause the expansion of unincorporated urban areas.

RECOMMENDED ACTION MEASURES:

- i. Encourage Metro to adopt requirements that new lands added to the Urban Growth Boundary be planned for urbanization by existing cities and annexed prior to development.
- ii. Work with the state, Metro and other jurisdictions to resolve legislative and jurisdictional policy barriers to city annexation of new lands that are added to the Urban Growth Boundary.



- iii. Encourage the state and Metro to establish criteria for the formation of new municipal governments to ensure they be fiscally sustainable and consistent with state and regional growth management objectives.
- iv. Work with Washington County, its cities, Metro, and others to address:
 - A. public service equity issues associated with unincorporated urban development; and
 - B. prevent blight conditions associated with underserved urban development.
- v. Take an active role in discussions relating to state and regional efforts to develop equitable ways to fund public infrastructure needed to better provide for existing needs and support projected employment and population growth.

10. URBANIZATION

This chapter addresses the concerns expressed by Statewide Planning Goal # 14:

Urbanization, which is "to provide for an orderly and efficient transition from rural to urban land use."

The Urbanization goal is important because it develops a framework within which all development activities have to be coordinated, and it integrates and balances all of the other available land resources in terms of the needs expressed by other goals; namely Housing, Economy, Public Facilities and Services, Natural Features and Open Space, and Transportation.

The urbanization goal also requires an allocation of land for accommodation of urban expansion during the planning period (1980-2000), and development of plans to arrange the orderly and efficient transition from urbanizable land to urban land.

The findings, policies and implementation strategies address a variety of topics related to urbanization. Policies describe the process which satisfies the need for efficient, orderly and logical urbanization within the geographical limits of Tigard's Urban Planning Area.

Additional information on this topic is available in the "Comprehensive Plan Report: Urbanization."

Findings

- The City of Tigard grew from 5,302 people in 1970 to 14,286 people in 1980 (Census 1970 & 1980) and the City predicts that Tigard will continue to grow to more than double its current size by the year 2000. The current 1983 population is 18,379. A portion of this increase is due to annexations.
- The City limits have expanded by approximately 4.4 square miles since 1970, to its present size of approximately 8.6 square miles.
- All lands within the Tigard Urban Planning Area as well as the City Limits have been designated for urban land uses, and are wholly within the Portland Metropolitan Area Urban Growth Boundary.
- The Tigard Comprehensive Plan is an active plan, meaning the City plans and designates land uses within the Tigard Urban Planning Area (T.U.P.A.). Washington County retains legal jurisdiction over development proposals, zoning and public improvement projects outside the City limits but within the T.U.P.A. Tigard does have right of review and comment on proposals and projects within the T.U.P.A.
- The area within the Tigard Urban Planning Area, but outside the current City Limits, that is not already developed to urban intensities will be made available for urban uses via an Urban Planning Area Agreement between the City of Tigard and Washington County, annexation to the City and subsequent development proposals by the property owners.
- The City is committed to providing urban level services, or the coordination of providing these services with the appropriate service districts, to all areas within the city limits boundaries.
- The intent of the City is to provide for an orderly and efficient land use pattern and urban services which must be available at the time of development.
- The timing, location and expansion of [the] transportation systems are important factors affecting future urbanization.
- The desired development and growth pattern for the Tigard Urban Planning Area is to be defined by a growth management system, e.g., extension of services, streets and land use

which will guide the timing, type and location of growth.

- ~~To assist in the financing of street facilities and improvements, Tigard has imposed a Systems Development Charge (SDC) on new housing development.~~
- ~~Major trunk line sewer service in the Tigard Urban Planning Area is provided by the Unified Sewerage Agency (USA) of Washington County which has assumed this responsibility for the City's as well as that of eastern Washington County; major sewage system since 1970.~~
- ~~Water in the Tigard area is provided by the Metzger and Tigard Water Districts. These districts purchase their water from Portland, Lake Oswego and other sources.~~
- ~~An Urban Planning Area Agreement (UPAA) between Tigard and Washington County regarding land use planning and annexation was adopted in 1983. The intent of this agreement is to:
 - a. ~~Identify the urbanizable land within each jurisdiction surrounding Tigard;~~
 - b. ~~Provide for orderly and efficient transition from urbanizable land to urban land;~~
 - c. ~~Provide a process for reviewing the land use designations between the City and County;~~
 - d. ~~Provide for a process to extend existing services; and~~
 - e. ~~Provide a process for annexations of land to the City.~~~~
- ~~The agreement requires that the parties resolve various issues, otherwise the agreement will lapse on January 1, 1984 (or a later date if the parties extend the agreement) and the 1980 agreement between the parties is revived.~~
- ~~The City does not have an UPAA with the school districts (Tigard and Beaverton), but the districts do work with the City's Planning and Development Department to estimate the enrollment impact of new residential development in the City.~~
- ~~The City has made a significant effort in the past to manage the location and type of growth, and to coordinate this growth with the extension of services and expansion of facilities.~~
- ~~The City is currently in the process of including all of the "unincorporated islands" within the city limits.~~

10.1 ANNEXATION OF LAND

POLICIES

10.1.1 ~~PRIOR TO THE ANNEXATION OF LAND TO THE CITY OF TIGARD:~~

- a. ~~THE CITY SHALL REVIEW EACH OF THE FOLLOWING SERVICES AS TO ADEQUATE CAPACITY, OR SUCH SERVICES TO BE MADE AVAILABLE, TO SERVE THE PARCEL IF DEVELOPED TO THE MOST INTENSE USE ALLOWED*, AND WILL NOT SIGNIFICANTLY REDUCE THE LEVEL OF SERVICES AVAILABLE TO DEVELOPED AND UNDEVELOPED LAND WITHIN THE CITY OF TIGARD. THE SERVICES ARE:~~
 - 1. ~~WATER;~~
 - 2. ~~SEWER;~~
 - 3. ~~DRAINAGE;~~

- ~~_____ 4. STREETS;~~
- ~~_____ 5. POLICE; AND~~
- ~~_____ 6. FIRE PROTECTION.~~

~~* Most intense use allowed by the conditions of approval, the zone or the Comprehensive Plan.~~

~~_____ b. IF REQUIRED BY AN ADOPTED CAPITAL IMPROVEMENTS PROGRAM ORDINANCE, THE APPLICANT SHALL SIGN AND RECORD WITH WASHINGTON COUNTY A NONREMONSTRANCE AGREEMENT REGARDING THE FOLLOWING:~~

~~_____ 1. THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (L.I.D.) FOR ANY OF THE FOLLOWING SERVICES THAT COULD BE PROVIDED THROUGH SUCH A DISTRICT. THE EXTENSION OR IMPROVEMENT OF THE FOLLOWING:~~

- ~~_____ a) WATER;~~
- ~~_____ b) SEWER;~~
- ~~_____ c) DRAINAGE; AND~~
- ~~_____ d) STREETS.~~

~~_____ 2. THE FORMATION OF A SPECIAL DISTRICT FOR ANY OF THE ABOVE SERVICES OR THE INCLUSION OF THE PROPERTY INTO A SPECIAL SERVICE DISTRICT FOR ANY OF THE ABOVE SERVICES.~~

~~_____ c. THE CITY SHALL PROVIDE URBAN SERVICES TO AREAS WITHIN THE TIGARD URBAN PLANNING AREA OR WITH THE URBAN GROWTH BOUNDARY UPON ANNEXATION.~~

~~10.1.2 APPROVAL OF PROPOSED ANNEXATIONS OF LAND BY THE CITY SHALL BE BASED ON FINDINGS WITH RESPECT TO THE FOLLOWING:~~

- ~~_____ a. THE ANNEXATION ELIMINATES AN EXISTING "POCKET" OR "ISLAND" OF UNINCORPORATED TERRITORY; OR~~
- ~~_____ b. THE ANNEXATION WILL NOT CREATE AN IRREGULAR BOUNDARY THAT MAKES IT DIFFICULT FOR THE POLICE IN AN EMERGENCY SITUATION TO DETERMINE WHETHER THE PARCEL IS WITHIN OR OUTSIDE THE CITY;~~
- ~~_____ c. THE POLICE DEPARTMENT HAS COMMENTED UPON THE ANNEXATION;~~
- ~~_____ d. THE LAND IS LOCATED WITHIN THE TIGARD URBAN PLANNING AREA AND IS CONTIGUOUS TO THE CITY BOUNDARY;~~
- ~~_____ e. THE ANNEXATION CAN BE ACCOMMODATED BY THE SERVICES LISTED IN 10.1.1(a).~~

~~10.1.3 UPON ANNEXATION OF LAND INTO THE CITY WHICH CARRIES A WASHINGTON COUNTY ZONING DESIGNATION, THE CITY OF TIGARD SHALL ASSIGN THE CITY OF TIGARD ZONING DISTRICT DESIGNATION WHICH MOST CLOSELY CONFORMS TO THE COUNTY ZONING DESIGNATION.~~

~~(Rev. Ord. 84-21)~~

~~10.2 EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS~~

~~POLICIES~~

~~10.2.1 THE CITY SHALL NOT APPROVE THE EXTENSION OF CITY OR UNIFIED SEWERAGE AGENCY (USA) LINES EXCEPT:~~

- ~~a. WHERE APPLICATIONS FOR ANNEXATION FOR THOSE PROPERTIES HAVE BEEN SUBMITTED TO THE CITY; OR~~
- ~~b. WHERE A NONREMONSTRANCE AGREEMENT TO ANNEX THOSE PROPERTIES HAS BEEN SIGNED AND RECORDED WITH WASHINGTON COUNTY AND SUBMITTED TO THE CITY; OR~~
- ~~c. WHERE THE APPLICABLE STATE OR COUNTY HEALTH AGENCY HAS DECLARED THAT THERE IS A POTENTIAL OR IMMINENT HEALTH HAZARD.~~

~~10.2.2 IN ADDITION TO THE REQUIREMENTS OF POLICY 10.2.1, THE EXTENSION OF SEWER LINES OUTSIDE OF THE CITY LIMITS SHALL NOT REDUCE THE CAPACITY BELOW THE REQUIRED LEVEL FOR AREAS WITHIN THE CITY.~~

~~10.2.3 AS A PRECONDITION TO THE APPROVAL OF THE EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS, THE CITY SHALL HAVE THE RIGHT OF REVIEW FOR ALL DEVELOPMENT PROPOSALS OUTSIDE THE TIGARD CITY LIMITS BUT WITHIN THE TIGARD URBAN PLANNING AREA (REFERENCE TIGARD'S URBAN PLANNING AREA AGREEMENTS WITH WASHINGTON COUNTY). THE CITY SHALL REQUIRE THAT DEVELOPMENT WILL NOT:~~

- ~~a. PRECLUDE THE FURTHER DEVELOPMENT OF THE PROPERTIES TO URBAN DENSITIES AND STANDARDS; OR~~
- ~~b. PRECLUDE THE SUBSEQUENT DEVELOPMENT OF SURROUNDING PROPERTIES.~~

~~THIS REVIEW SHALL INCLUDE THE FOLLOWING FACTORS AS SET FORTH IN THE TIGARD COMPREHENSIVE PLAN AND APPROPRIATE IMPLEMENTATING ORDINANCES:~~

- ~~a. LAND USE;~~
- ~~b. DENSITY;~~
- ~~c. PLACEMENT OF STRUCTURES ON THE SITE;~~
- ~~d. STREET ALIGNMENT; AND~~
- ~~e. DRAINAGE.~~

~~IMPLEMENTATION STRATEGIES~~

- ~~1. The City shall encourage all of the urbanizable land within Tigard's Urban Planning Area to be within the City Limits.~~
- ~~2. The City shall direct its annexation policies to conform with and support the City's Comprehensive Plan.~~

3. ~~The City shall phase annexations to allow for the incorporation of urbanizable land in a manner that is consistent with the Comprehensive Plan, and the Urban Planning Area Agreement, and to provide for orderly transition of urban services.~~
4. ~~The City shall work toward establishing a workable, jointly approved growth management agreement with the Washington County. The agreement shall assure that:~~
 - a. ~~Urban development inside Tigard Urban Planning Area (T.U.P.A.) will be encouraged to annex to the City of Tigard.~~
 - b. ~~Significant differences between City/County Comprehensive Plan policies are reconciled for the unincorporated areas within the Urban Planning Area (T.U.P.A.).~~
5. ~~Land use designations, if not already designated, shall be assigned to proposed annexation areas only after a thorough study addressing statewide Planning Goals, and City and neighborhood needs have been completed and adopted by the City.~~
6. ~~The City shall accept, encourage, and assist in the preparation of annexation proposals of all levels within its Urban Planning Area (UPA).~~
7. ~~The City shall actively seek to include all "unincorporated island" areas into the city.~~
8. ~~The City shall provide a capital improvement plan (CIP) that will promote the development of services and facilities in those areas which are most productive in the ability to provide needed housing, jobs and commercial service opportunities in conformance with the policies of the Comprehensive Plan. The CIP shall emphasize the provision of needed services in established districts and those areas passed over by urban development.~~
9. ~~The City shall cooperate with Washington County and all special districts share in the exchange of information on planning actions which have interjurisdictional impacts. Ample opportunity for review and comment shall be given prior to final action by a city, county or special district policy making body on a matter of mutual concern.~~
10. ~~The City and County will negotiate the existing Urban Planning Area agreement which responds to the needs of both the City and County.~~

10.3 ANNEXATION OF LAND OUTSIDE THE URBAN GROWTH BOUNDARY

POLICIES

- 10.3.1 ~~THE CITY SHALL CONSIDER ANNEXATION REQUESTS OUTSIDE THE TIGARD URBAN PLANNING AREA AND WITHIN THE URBAN GROWTH BOUNDARY CONSISTENT WITH POLICIES 10.1 AND 10.2 AND AMENDMENT OF THE AGREEMENT BETWEEN THE CITY AND THE COUNTY.~~
- 10.3.2 ~~THE CITY SHALL DISCOURAGE EXPANSION OF THE TIGARD URBAN PLANNING AREA IN A MANNER WHICH WOULD RESULT IN AN IRREGULAR PLANNING AREA AND INEFFICIENT PROVISION OF PUBLIC FACILITIES AND SERVICES.~~



EXHIBIT B

MEMORANDUM

DATE: July 31, 2008
FROM: David Schweitzer, Clean Water Services
TO: Darren Wyss, Associate Planner
City of Tigard Planning Division
SUBJECT: Review Comments – Planning Goal 14 Urbanization, 2008-00006 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.

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