



# 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

September 5, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment  
DLCD File Number 005-08



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: September 18, 2008**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner  
Gary Pagenstecher, City of Tigard

<paa> ya/

# 2 Notice of Adoption

DEPT OF

AUG 29 2008

LAND CONSERVATION  
AND DEVELOPMENT

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

For DLCD Use Only

Jurisdiction: <u>City of Tigard</u>	Local file number: <u>CPA2008-00004/ZON2008-00001</u>
Date of Adoption: <u>August 26, 2008</u>	Date Mailed: <u>August 28, 2008</u>
Date original Notice of Proposed Amendment was mailed to DLCD: <u>June 2, 2008 (48 days)</u>	
<input type="checkbox"/> Comprehensive Plan Text Amendment	<input checked="" type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Land Use Regulation Amendment	<input checked="" type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> New Land Use Regulation	<input type="checkbox"/> Other: _____

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

To change the zoning and comprehensive plan map from Medium-Density Residential (R-12) to General Commercial (C-G) on 1.18 acres adjacent to SW Hall Boulevard and Highway 217.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

A condition of approval was imposed limiting the trip generation rate to that allowed outright under the existing R-12 zoning.

Plan Map Changed from: Medium-Density Residential to: General Commercial  
 Zone Map Changed from: R-12 to: C-G  
 Location: 11580 & 11600 SW Hall Boulevard Acres Involved: 1.18  
(Wa. Co. Tax Map 1S135DD, Tax Lots 00100 & 01600)  
 Specify Density: Previous: R-12 New: C-G  
 Applicable Statewide Planning Goals: 1, 2, 10 & 12  
 Was and Exception Adopted?  YES  NO

DLCD File No.: 005-08 (16935)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:	
City of Tigard, Metro and ODOT.	
Local Contact: <u>Gary Pagenstecher</u>	Phone: <u>(503) 718-2434</u> Extension: _____
Address: <u>13125 SW Hall Boulevard</u>	City: <u>Tigard, Oregon</u>
Zip Code + 4: <u>97223-8189</u>	Email Address: <u>garyp@tigard-or.gov</u>

## 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.

### COPIES TO:

Metro Land Use & Planning  
600 NE Grand Avenue  
Portland, OR 97232-2736

ODOT - Region 1, District 2-A  
Sam Hunaidi, Assistant District Manager  
6000 SW Raab Road  
Portland, OR 97221

1. Send this Form and TWO (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only, or 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](mailto:mara.ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 08-12**

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT, CPA 2008-00004, AND ZONE CHANGE, ZON 2008-00001, TO CHANGE THE COMPREHENSIVE PLAN DESIGNATIONS AND ZONING MAP CLASSIFICATIONS FOR TWO LOTS TOTALING 1.18 ACRES FROM MEDIUM DENSITY RESIDENTIAL (R-12) TO GENERAL COMMERCIAL (C-G) SUBJECT TO A CONDITION OF APPROVAL LIMITING THE TRIP GENERATION RATE TO THAT ALLOWED OUTRIGHT UNDER THE EXISTING R-12 ZONING.

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WHEREAS, Section 18.380.030 of the City of Tigard Community Development Code requires quasi-judicial zoning map amendments to be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection 18.380.030.B; and

WHEREAS, Section 18.380.030.A of the City of Tigard Community Development Code requires the Commission to make a recommendation to the Council on a zone change application which also involves a concurrent application for a Comprehensive Plan Map Amendment; and

WHEREAS, Section 18.380.030.A of the City of Tigard Community Development Code requires the Council shall decide the applications on the record as provided by Section 18.390; and

WHEREAS, Section 18.380.030. B.1 of the City of Tigard Community Development Code, requires demonstration of compliance with all applicable Comprehensive Plan policies and map designations; and

WHEREAS, Section 18.380.030.B.2 of the Tigard Development Community Development Code requires demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

WHEREAS, Section 18.380.030.B.3 of the City of Tigard Community Development Code requires evidence of change in the neighborhood or community, or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application; and

WHEREAS, pursuant to Section 18.390.060G of the Tigard Development Code, a recommendation by the Commission, and a decision by the Council, shall be based on consideration of Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes; any federal or state statutes or regulations found applicable; any applicable METRO regulations; and

WHEREAS, the Tigard Planning Commission held a public hearing on July 21, 2008, and recommended approval of CPA2008-00004, ZON2008-00001 by motion with a unanimous vote in favor; and

WHEREAS, the Tigard City Council held a public hearing on August 26, 2008, to consider the request for a quasi-judicial Comprehensive Plan Amendment and Zone Change and determined that the amendments will not adversely affect the health, safety and welfare of the City and meets all applicable review criteria.

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

SECTION 1: Comprehensive Plan Amendment, CPA2008-00004, and Zone Change, ZON2008-00001, are hereby approved by the City Council.

SECTION 2: The attached findings are hereby adopted in explanation of the Council's decision.

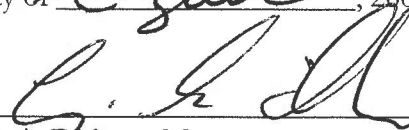
SECTION 3: The Comprehensive Plan map and Zoning Map shall be amended to represent the approved changes.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

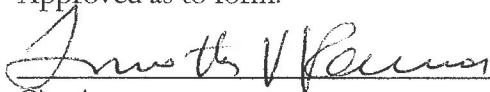
PASSED: By UNANIMOUS vote of all Council members present after being read by number and title only, this 26<sup>th</sup> day of August, 2008.

  
Catherine Wheatley, City Recorder

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

  
Craig Dirksen, Mayor

Approved as to form:

  
City Attorney

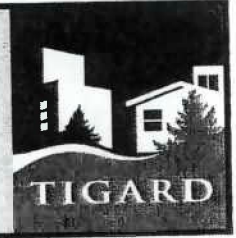
8/26/08  
Date

Agenda Item: 5.1

Hearing Date: July 21, 2008

Time: 7:00 PM

**STAFF REPORT TO THE  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = NA

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** JIVANJEE COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT  
**FILE NOS.:** Comprehensive Plan Amendment CPA 2008-00004  
Zone Change ZON2008-00001

**PROPOSAL:** The applicant has requested a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for two lots totaling 1.18 acres from Medium Density Residential (R-12) to General Commercial (C-G). The lots are bounded by SW Hall Blvd. on the west, Hwy. 217 on the east, property zoned C-G on the south and property zoned C-P on the north.

**APPLICANT** Jivanjee Circosta Architecture **OWNER:** Henry Louie  
 9055 SW Beaverton-Hillsdale Hwy 13665 SW 130th Place  
 Portland, OR 97225 Tigard, OR 97223

**OWNER:** Gerald C. Cach Credit Shelter Trust  
 Lisa Cach Heideger  
 6003 4th Ave. NE  
 Seattle, WA 98115

**LOCATION:** The site is bounded by SW Hall Blvd on the west and Hwy 217 on the east at 11580 and 11600 SW Hall Blvd.; Washington Count Tax Map 1S135DD, Tax Lots 100 and 1600.

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

**PROPOSED ZONE/  
COMP PLAN  
DESIGNATION:**

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

**APPLICABLE  
REVIEW**

**CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Policies 1, 8, 9, 10 and 12; applicable Statewide Planning Goals and Administrative Rules, and applicable Metro statutes or regulations.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend APPROVAL to City Council of the proposed comprehensive plan amendment and zone change subject to proposed conditions of approval.

**SECTION III. BACKGROUND INFORMATION**

**Site History**

Staff reviewed the zoning history of the subject property utilizing old zoning maps and City records. The 1977 Existing Land Use Map shows Tax Lot 100 as vacant and Tax Lot 1600 developed with multi-family dwellings. The 1983 Comprehensive Plan and Zoning Map shows the subject lots designated "MED," medium density residential. All subsequent versions of the City's Comprehensive Plan Map and Zoning Classification show the subject lots designated R-12.

Tax Lot 100 was developed in 1960 with a small single-family dwelling. Tax Lot 1600 was developed in 1963 with the ten-unit Silver Creek apartment building. In 2004 the City approved a Lot Line Adjustment (MIS2004-00017) between the two lots.

**Vicinity Information**

The subject site is bordered by Hall Blvd on the west and Hwy 217 on the east. The 1.18 acre site is part of an approximately 7-acre, 15-lot triangle area north of Hwy 99 zoned C-G on the south (11 lots), R-12 (subject 2 lots), and C-P (2 lots) to the north. The subject lots are separated from adjacent R-12 lots by Hall Blvd on the west. Other R-12 zoned lots are located to the north across Hwy 217.

The subject lots are bordered by apartments to the north and single-family residences and a storage unit complex under construction on the south.

**Site Information and Proposal Description**

Tax Lot 100 takes access from SW Hall Blvd. and is primarily covered in lawn with some trees clustered around the single-family dwelling. Tax Lot 1600 also takes access from SW Hall Blvd. and contains the apartment building, parking lot, and landscaping. The density of the apartments at 10 units/.44 acres exceeds the 12 units /acre allowed in the existing R-12 zone. C-G zoning allows new multi-family dwellings with the planned development review process and standards.

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

**SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS**

**TIGARD DEVELOPMENT CODE CHAPTER 18.380:**

**18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map**  
Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection B below.

**A. The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the applications on the record as provided by Section 18.390.**

The proposed zone change application to change the zoning on the subject lots from R-12 to C-G also involves a comprehensive plan map amendment. Therefore, the Planning Commission shall make a recommendation to Council on the proposed zone change application and comprehensive plan map amendment.

**B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:**

**18.380.030. B.1**

**Demonstration of compliance with all applicable comprehensive plan policies and map designations;**

**COMPREHENSIVE PLAN POLICIES**

**CITIZEN INVOLVEMENT**

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

The applicant's representative sent out notices to surrounding property owners and neighborhood representatives, posted a sign on the property, and held a neighborhood meeting on February 28, 2008 in accordance with the City of Tigard's neighborhood meeting notification process. According to the minutes of the neighborhood meeting, 10 people attended. Discussion related to transportation issues on Highway 99 and Hall Blvd., future development of the lots, and the zone change process.

In addition, the City has mailed notice of the Planning Commission hearing to property owners within 500 feet of the subject site, interested citizens, and agencies, published notice of the hearing and posted the site pursuant to TDC 18.390.050 for Type III Procedures.

With these public involvement provisions and the applicant's documented participation, the proposed zone change is consistent with applicable Citizen Involvement policies.



## GENERAL POLICIES

**Policy 1.1.1a:** The city shall ensure that this comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission, the Regional Plan adopted by the Metropolitan Service District;

The City has an acknowledged Comprehensive Plan consistent with the statewide planning goals. The applicable Comprehensive Plan goals and policies are addressed in this section of the staff report.

The Transportation Planning Rule (TPR) OAR 660-012-0060 is a state statute applicable to this application and is addressed under the Transportation goal, below.

Two state and Metro requirements help determine housing capacities on buildable land within the Portland Metropolitan Area – the state Metropolitan Housing Rule and Title 1 of Metro's Urban Growth Management Functional Plan (Functional Plan). These requirements are applicable to this application and are addressed under the Housing goal, below.

## TRANSPORTATION SYETEM

The 2001 Tigard Transportation System Plan (TSP) updates the comprehensive plan and policies. However, it does not fully replace all elements of the comprehensive plan adopted prior to the 2001 TSP. Goal #4, Policy #1 of the Tigard TSP correlates to the following comprehensive plan policy:

**Policy 8.1.4: Set and maintain transportation performance measures that set a minimum intersection level of service standard for the city of Tigard and requires all public facilities to be designed to meet this standard.**

The Oregon Department of Transportation (ODOT) submitted the following comment letter to the file for the proposed comprehensive plan amendment and zone change:

For zone changes and comprehensive plan amendments local governments must make findings that the proposed amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility within the plan horizon of the local Transportation System Plan or 15 years whichever is greater.

OAR 660-012-0060

*1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ration, etc.) of the facility.*

*A plan or land use regulation amendment significantly affects a transportation facility if it would:*

- (c) As measured at the end of the planning period identified in the adopted transportation system plan:*
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

According to the 1999 Oregon Highway Plan (OHP), Hall Blvd is classified a District Urban highway and OR 99W is classified as a Statewide Highway. **OHP Table 7: Maximum Volume to Capacity Ratios Within Portland Metropolitan Region** identifies OR 99W from I-5 to Tualatin Road as an "Area of Special Concern" with a maximum volume to capacity ration of 0.95. According to the traffic impact analysis prepared by Robert Morast of CTS and dated April 17, 2008 for the 2025 analysis for existing and proposed zoning the intersection of OR 99W and Hall Blvd is projected to perform below the .95 v/c ratio mobility standard. Therefore, for purposes of evaluating land use regulations subject to OAR 660-12-060 the performance standard is to avoid further degradation (OHP Action 1F.6).

OHP Action 1F.6 states: For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans and land use regulations subject to OAR 660-12-060, in situations where the volume to capacity ratio for a highway segment, intersection or interchange is above the standards in Table 6 or Table 7, or those otherwise approved by the Commission, and transportation improvements are not planned within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. IF an amendment to a transportation system plan, acknowledged comprehensive plan or land use regulation increases the volume to capacity ratio further, it will significantly affect the facility.

Doug Baumgartner, ODOT Traffic Analyst has reviewed the traffic impact study prepared by Robert Morast of CTS and dated April 17, 2008. The study prepared two versions of the 2025 analysis comparing the "worst case" traffic generation under the existing zoning to the "worst case" traffic generation under the proposed zoning. Tables 6a and 7a are based on projecting raw traffic that have not been seasonally adjusted as required by ODOT's adopted methodology. According to adopted methodology, all traffic volumes must be seasonally adjusted to represent 30th Highest Hour Volumes (30HV). The 30HV adjustment was correctly applied to the PM peak hour for the 99W/SW Hall Blvd intersection in Tables 6b and 7b. This data was used by ODOT for determining whether or not the proposed zone change would have a "significant effect" on State highway facilities.

The "worst case" traffic generation for the PM peak hour for the 99W/SW Hall Blvd intersection 2025 Full Buildout Zoning scenarios shows an increase in the v/c (volume to capacity) ratio from 1.01 with the existing R12 zoning to 1.02 with the proposed C-G Zoning (Table 6b and 7b, CTS). Therefore, the zone change will worsen the performance of a facility (OR 99W) that is projected to perform below the acceptable performance standard and will have a significant effect on the facility (OHP Action 1F.6).

In order to make a finding of "no significant effect" for addressing OAR 660-012-0060, ODOT recommends that the City condition the zone change such that a trip cap be placed on the site equivalent to the land use with the highest trip generation rate allowed outright under the existing R 12 zoning or 153 daily trips as identified in the CTS study. This cap will allow uses under the proposed zoning while preventing a significant effect to the highway. ODOT and the applicant have discussed the potential trip cap and the applicant is amenable to the idea and expressed their support for the proposed cap. It is important that any proposal to allow more trips be addressed in the Plan Amendment process and will trigger a new evaluation of TPR compatibility at that time to determine whether the limit can be revised or removed.

As recommended in the ODOT comment letter, limiting trip generation to that allowed under the existing R-12 zone (153 daily trips) would avoid a significant effect finding. Therefore, to approve the proposed comprehensive plan amendment and zone change, staff recommends the Planning Commission condition the approval to apply the trip cap at the time of site development review for any proposed development on the subject site.

## ECONOMY

**Goal 9.1 Develop and maintain a strong, diversified, and sustainable local economy.**

**Policy 3: The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.**

The applicant proposes a change in the zoning of the subject site to allow commercial development. The standards in TDC 18.830 provide for amendments to the comprehensive plan and zoning map. Provided the standards for a map amendment can be met, and the required infrastructure is available as indicated in the transportation findings above, the commercial use may be accommodated, thereby promoting the anticipated commercial development allowed by the comprehensive plan and zoning map amendment.

## HOUSING

**Goal 10.1 Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.**

**Policy 5: The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington Square) and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future.**

Two state and Metro requirements help determine housing capacities on buildable land within the Portland Metropolitan Area – the state Metropolitan Housing Rule and Title 1 of Metro's Urban Growth Management Functional Plan (Functional Plan). Both focus on increasing jurisdictions' housing capacity in order to use land within the UGB efficiently.

The Metropolitan Housing Rule (OAR 660-007/Division 7) established regional residential density and mix standards for communities within the Metro UGB. It set minimum residential density standards for new construction by jurisdiction. Tigard must provide for an overall density opportunity of 10 or more dwelling units per net buildable acre, as well as designate sufficient buildable land to provide the opportunity for at least 50% of new residential units to be attached housing (either single-family or multiple-family.)

Metro implements Goal 10 through Title 1. To meet Title 1, each jurisdiction was required to determine its housing capacity and adopt minimum density requirements. Tigard adopted an 80% of minimum density requirement for development in 1998, which means that a development must build 80% of the maximum units allowed by the zoning designation.

The City has a committed to providing the development opportunity for an additional 6,308 dwelling units between 1998 – 2017. This number shows Tigard's zoned capacity for additional dwelling units. It is an estimate based on the minimum number of dwelling units allowed in each residential zoning district, assuming minimum density requirements.

The City of Tigard maintains an up-to-date buildable lands inventory, a permit tracking system for development, as well as complying with Metro's Functional Plan. The City is responsible for monitoring residential development. All of these tools aid the City in monitoring its progress toward the above goals, and determining if the opportunity remains for current and future residents to have diverse housing choices.

The applicant's Impact Statement discusses the loss of 1.18 acres of residential land as a consequence of the proposed rezone and concludes that there would be no negative effect on the City's progress towards meeting the Metro Functional Plan, Title 1 goal. Using residential development information provided by the City, the applicant calculates that with 370 acres of residentially-zoned buildable lands (2008) within the City limits, and a progress to capacity (6,308) of 56.5%, the additional 2,743 units required can be accommodated with an average density of 7.4 units/acre. The applicant observes that since the average density of projects constructed since 2000 is 8.26, and has been increasing over time, it is reasonable to assume the City can meet its Title 1 obligation without the subject 1.18 R-12-zoned acres.

The City's Long Range Planning department maintains annual buildable lands inventory data. According to this data, 1% (.44 acres/44.18 acres) of buildable lands zoned R-12 (2008) is contained on the subject site. At 12 units/acre, the proposed rezone would reduce residential capacity by 5 units. The City's buildable lands inventory analysis found the City can expect additional capacity of 3456 to 3925 new dwelling units. A reduction of 5 units would leave the City with a minimum capacity of 3451 new dwelling units. As of Jan 1, 2007, the City had met 53.58% (3380 units) of its target capacity number of 6308. Therefore, the proposed zone change would not adversely affect the City's capacity to meet its housing density obligation under Title 1.

Additionally, the City anticipates increased housing capacity with the Downtown Improvement Plan recently accepted by Council. Currently, the CBD zone allows for, but does not require, single-family housing at 12 units/acre and multifamily housing at 32 units/acre. In 2005, only 10% of downtown acreage was used for housing (Downtown Improvement Plan, September 2005). It is likely that the plan will result in greater residential density estimated at 40 unit/acre on a greater percent of downtown acreage (up to 80%) estimated to yield approximately 1,200 units. Furthermore, pre-application conferences with developers have shown interest in rezoning industrial lands to medium and high density residential uses. Although these changes are not yet assured, they represent a general trend toward increased residential use and density in Tigard.

#### **Goal 10.2 Maintain a high level of residential livability.**

**Policy 8: The City shall require measures to mitigate the adverse impacts from differing or more intense land uses on residential living environments, such as:**

- A. orderly transitions from one residential density to another;**
- B. protection of existing vegetation, natural resources and provision of open space areas; and**
- C. installation of landscaping and effective buffering and screening.**

The provisions of this policy bear on the possibility that there is an inconsistency in the comprehensive plan or zoning map as it relates to the subject property. The policy requires measures to mitigate adverse impacts from more intense land uses on residential living environments. In this case the R-12 residential zone is a wedge between two commercial zones, C-P on the north and C-G on the south. Other areas zoned C-P to the east and west of the subject site are adjacent to C-G zoned lands. This arrangement is consistent with the description of the C-P zone in TDC 18.520.020.D which states that "development in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas."

As the applicant's narrative points out, the current zoning arrangement makes it "very difficult to protect residential development from loss of privacy, noise, lights and glare. It also places an extra burden [buffering and screening] on surrounding commercial property that would not be necessary if the subject parcels were zoned C-G."

In addition, as shown in the findings below, the subject lots meet the Locational Criteria for general commercial areas.

## LOCATIONAL CRITERIA:

### 12.2 COMMERCIAL

#### Policy 12.2.1: The City shall:

- a. Provide for commercial development based on the type of use, its size and required trade area.
- b. Apply all applicable plan policies.
- c. Apply the appropriate locational criteria applicable to the scale of the project.

#### 2. General Commercial

General Commercial areas are intended to provide for major retail goods and services. The uses classified as general commercial may involve drive-in services, large space users, a combination of retail, service, wholesale and repair services or provide services to the traveling public. The uses range from automobile repair and services, supply and equipment stores, vehicle sales, drive-in restaurants to laundry establishments. It is intended that these uses be adjacent to an arterial or major collector street.

##### A. Scale

- (1) Trade Area. Varies.
- (2) Site Size. Depends on development.
- (3) Gross Leasable Area. Varies.

##### B. Locational Criteria

###### (1) Spacing and Location

- (a) The commercial area is not surrounded by residential districts on more than two sides.

###### (2) Access

- (a) The proposed area or expansion of an existing area shall not create traffic congestion or a traffic safety problem. Such a determination shall be based on street capacity, existing and projected traffic volumes, the speed limit, number of turning movements and the traffic generating characteristics of the various types of uses.

- (b) The site shall have direct access from a major collector or arterial street.

- (c) Public transportation shall be available to the site or general area.

###### (3) Site Characteristics

- (a) The site shall be of a size which can accommodate present and projected uses.

- (b) The site shall have high visibility.

###### (4) Impact Assessment

- (a) The scale of the project shall be compatible with the surrounding uses.

- (b) The site configuration and characteristics shall be such that the privacy of adjacent non-commercial uses can be maintained.

- (c) It shall be possible to incorporate the unique site features into the site design and development plan.

- (d) The associated lights, noise and activities shall not interfere with adjoining non-residential uses.

The existing R-12 zone reflects the Medium Density Residential locational determinants contained in Policy 12.1.1, including areas which 1) are not committed to low density development, 2) have direct access from a collector or arterial street, 3) are not subject to development limitation, 4) where the existing facilities have capacity for additional development, 5) are within 1/2 mile of public transportation, and 6) which can be buffered from low density residential areas.

However, as indicated in the locational criteria for the General Commercial areas, above, the proposed zone change and comp plan amendment is also consistent with the general commercial criteria: the subject area is not surrounded by residential districts on more than two sides, would not create traffic congestion based on the proposed ODOT trip cap, has direct access to either Hall Blvd or Hwy 99 (via Warner Avenue), is of a size to accommodate the projected (storage facility) use, is highly visible from Hwy 217 and Hall Blvd., could be compatible with surrounding commercial uses, could maintain the privacy of

adjacent residential uses through application of the buffering and screening standards, could incorporate unique site features in the site design and development plan, and could mitigate associated light, noise and activities from adjoining non-residential uses.

FINDING: As demonstrated above, the proposed comprehensive plan amendment and zone change comply, or can be conditioned to comply with the applicable Comprehensive Plan policies. The applicant proposes a change to the comprehensive plan and zoning map designation from R-12 to C-G. Therefore, compliance with the map designation is not applicable in this case.

#### **18.380.030.B.2**

#### **Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and**

For the purposes of the proposed comprehensive plan amendment and zone change, the applicant has satisfactorily addressed the applicable Sections of Chapter 18.380, Zoning Map and Text Amendments, of the Tigard Development Code. The standards of Chapter 18.390.050 for Type III-PC procedures is applicable to this proposal, as identified in 18.380.030. The applicant has submitted an Impact Statement as required under 18.390.050.B.e. Potential impacts to the transportation system have been addressed under the Transportation goal, above.

The proposed comprehensive plan amendment and zone change do not include a specific development proposal. However, the applicant has indicated that he would propose a storage facility similar to the one currently under construction on the adjacent property to the south off of Warner Avenue. Any proposed development will be required to meet all of the current applicable Tigard Development Code standards.

FINDING: The proposal is consistent with the applicable standards of Tigard Development Code.

#### **18.380.030.B.3**

#### **Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.**

The applicant's narrative states that the existing R-12 designation is an inconsistency in the comprehensive plan as it sandwiches 1.18 acres of R-12 zoning between two large commercial zoned areas. As shown above in the findings for the Housing and Locational Criteria goals, staff supports the applicant's contention that the subject R-12 zone is inconsistent with the comprehensive plan policies and would be appropriately rezoned as C-G with a Comprehensive Plan designation of general commercial.

FINDING: The proposal demonstrates that there may be an inconsistency in the comprehensive plan and zoning map as it relates to the subject property.

#### **C. Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.**

FINDING: The land use action requested is quasi-judicial as it is limited to specific parcels and does not apply generally across the City. Therefore, the Planning Commission recommendation to Council may be for denial, approval, or approval with conditions.

## SECTION V. ADDITIONAL CITY STAFF AND OUTSIDE AGENCY COMMENTS

The City of Tigard's Long Range Planning Department reviewed the proposal and provided information, which is included in findings for the Housing Goal section of the staff report.

The City of Tigard Arborist reviewed the proposal and has no objection to it.

Tualatin Valley Fire & Rescue reviewed the proposal and had no comment.

Clean Water Services reviewed the proposal and recommended that all of the relevant provisions of the IGA between the City and CWS be followed and that a site certification will be required prior to development of the subject parcels.

## SECTION VI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

### **ANALYSIS:**

The applicant's proposal to change the zone on 1.18 acres from R-12 to C-G could result in additional trips to Hwy 99, a state facility that is already not meeting service levels. ODOT has commented that with a trip cap, this issue could satisfactorily be addressed to meet the provisions of the state TPR.

The proposal would reduce the City's capacity for residential density required under Metro' Title 1 and the City's Housing goals and policies. However, the 1% reduction in buildable lands would not be significant because the City's existing capacity, based on its buildable lands inventory, is substantially in excess of the minimum requirement.

The proposal may affect existing residential development in the vicinity. However, the locational criteria for commercial areas is met and is arguably more suitable for the subject lots than the existing residential zone. Other areas zoned C-P to the east and west of the subject site are adjacent to C-G zoned lands without residential zoned lands between, as is the case with the subject lots. The proposed zone change would be consistent with the description of the C-P zone in TDC 18.520.020.D which states that "developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas." In addition, the density of the existing apartments at 10 units/.44 acres exceeds the 12 units /acre allowed in the existing R-12 zone. C-G zoning allows new multi-family dwellings with the planned development review process and standards which does not include a minimum lot size or density requirement.

### **CONCLUSION:**

Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment is consistent with applicable provisions of the Tigard comprehensive plan, statewide planning goals and rules, Metro Regional Functional Plan, Tigard Development code, and provides evidence of inconsistency in the comprehensive plan and zoning map as it relates to the property which is the subject of the development application.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend to City Council approval of the proposed comprehensive plan amendment and zone change with the following condition of approval:

#### **Condition of Approval**

A trip cap shall be placed on the site equivalent to the land use with the highest trip generation rate allowed outright under the existing R-12 zoning or 153 daily trips, as identified in the applicant's CTS study.

The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council.

PREPARED BY: Gary Pagenstecher  
Associate Planner

July 14, 2008  
DATE

APPROVED BY: Dick Bewersdorff  
Planning Manager

July 14, 2008  
DATE

i:\curpln\gary\CPA\Jivanjee Zone Change (ZON2008-00004)\ZON2008-00004 staff report



**DRAFT**  
**CITY OF TIGARD**  
**PLANNING COMMISSION**  
**Meeting Minutes**  
**July 21, 2008**

**1. CALL TO ORDER**

President Inman 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**

Commissioners Present: President Inman, Commissioners: Anderson, Fishel, Hasman, Muldoon, Vermilyea, and Walsh

Commissioners Absent: Commissioners Caffall and Doherty

Staff Present: Ron Bunch, Assistant Community Development Director; Dick Bewersdorff, Planning Manager; Gary Pagenstecher, Associate Planner; Darren Wyss, Senior Planner; Marissa Daniels, Assistant Planner; Jerree Lewis, Executive Assistant

**3. COMMUNICATIONS**

None

**4. APPROVE MEETING MINUTES**

There was a motion by Commissioner Muldoon, seconded by Commissioner Walsh, to approve the June 16, 2008 meeting minutes as submitted. The motion carried as follows:

AYES: Anderson, Inman, Muldoon, Walsh

NAYS: None

ABSTENTIONS: Fishel, Hasman, Vermilyea

EXCUSED: Caffall, Doherty

**PUBLIC HEARING**

**5.1 COMPREHENSIVE PLAN AMENDMENT – JIVANJEE ZONE CHANGE (CPA) 2008-00004/ZONE CHANGE (ZON) 2008-00001**

**REQUEST:** The applicant is requesting approval for a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan

PLANNING COMMISSION MEETING MINUTES – July 21, 2008 – Page 1

Designations and Zoning Map Classifications for two lots totaling 1.18 acres from Medium-Density Residential (R-12) to General-Commercial (C-G). **LOCATION:** 11580 and 11600 SW Hall Boulevard; Washington County Tax Assessor's Map 1S135DD, Tax Lots 100 and 1600. The site is bounded by SW Hall Blvd. on the west, Hwy. 217 on the east, property zoned C-G on the south, and property zoned C-P on the north. **CURRENT ZONING:** R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally. **CURRENT COMPREHENSIVE PLAN DESIGNATION:** Medium-Density Residential. **PROPOSED ZONING:** C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally. **PROPOSED COMPREHENSIVE PLAN DESIGNATION:** General Commercial. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals #8 (Transportation) and #12 (Locational Criteria); and any applicable Statewide Planning Goals and Guidelines, and any Federal, State, or Metro statutes or regulations.

Commissioners Muldoon and Anderson reported site visits.

## **STAFF REPORT**

Associate Planner Gary Pagenstecher presented the staff report on behalf of the City. He advised that the applicant is currently developing property to the south as a self storage project. The applicant is thinking about applying this same kind of development to the subject site. That use is not allowed in the R-12 zone, but would be allowed in the CG (General Commercial) zone as a conditional use. Staff believes the CG zone is appropriate for the site and supports the zone change Comprehensive Plan amendment.

Pagenstecher noted that Warner Avenue, which connects to Hwy. 99W, would be the sole access to the property; the Hall Blvd. access would be closed. Currently, there is an apartment house abutting this property.

## **APPLICANT'S PRESENTATION**

Saj Jivanjee, Jivanjee Circosta Architecture, 9055 SW Beaverton-Hillsdale Hwy., Portland, OR 97225, spoke about dealing with the inconsistencies in the Comprehensive Plan, the

process for dealing with it, and the cost implications for the applicant. The applicant has to pay the mitigation costs for something that was planned by the City. He thinks there should be a 2 tier system and wonders how many inconsistencies there are in the Comprehensive Plan. Should it be the responsibility of the City to pay for mitigation costs or should the applicant have to pay?

With regard to connecting to Warner Road, Jivanjee said that there is an existing entrance there and the implication is that there won't be a shortcut through Warner Road to Hall Blvd. to miss the traffic control system on 99W. He said he might have to have some kind of emergency access to Hall Blvd. Even though there is no traffic impact, there are still issues about keeping the through road as a private road and if they can have access to Hall Blvd. It was advised that Hall Blvd. is under ODOT's control.

President Inman noted that staff has recommended a condition of approval for limiting trips. Jivanjee said this is a non-issue. The only problem he may have would be denial of access to Hall Blvd. if he needs an emergency access. He said this issue will be addressed as part of the planning process for the conditional use of the property.

## **PUBLIC TESTIMONY**

Henry Louie, 13665 SW 130<sup>th</sup> Place, Tigard, OR 97223, signed up to speak, but chose not to testify.

## **PUBLIC HEARING CLOSED**

Commissioner Muldoon said the area isn't well-suited for residential development and doesn't have any community connectivity aspects. He supports the zone change.

President Inman agrees and also supports the addition of the traffic trip generation limitation.

Commissioner Anderson also supports the application.

Motion by Commissioner Vermilyea, seconded by Commissioner Muldoon, to recommend approval to City Council of the proposed Comprehensive Plan Amendment, CPA 2008-00004, and Zone Change, ZON 2008-00001, subject to proposed conditions of approval as laid out in the staff report. The motion passed unanimously.

AYES: Anderson, Fishel, Hasman, Inman, Muldoon, Vermilyea, Walsh

NAYS: None

ABSTENTIONS: None

EXCUSED: Caffall, Doherty

## 5.2 WORKSHOP – GOAL 14: URBANIZATION POLICY INTEREST TEAM

Senior Planner Darren Wyss advised that the objective of the meeting was to garner input on the issues of Goal 14, Urbanization and how to customize the language to fit Tigard's needs. The draft language is broken into 3 goals: providing quality services to City residents; the City's approach to annexation; and promoting Tigard's interests in urban growth management decisions. Wyss noted that Commissioner Dougherty provided earlier comments regarding the commentary and had a few issues with the policy language. Her comments are reflected in the draft language.

Lisa Hamilton-Treick, Bull Mountain resident, participated in the discussion. She asked how the interests of unincorporated Bull Mountain and Metzger are taken into consideration; has there been representation by those people? Wyss noted that this is Commission's first look at the language. The community is welcome to discuss the language, but this is the City of Tigard's Comprehensive Plan, so it must represent the interests of the City residents.

Hamilton-Treick said this is a big issue with the Urbanization Forum. She's an appointed member of the West Bull Mountain stakeholder's work group and she's a founder of the Friends of Bull Mountain. She would like to see those affected included in a balanced, unbiased discussion about this. President Inman advised that there has been an outreach effort for this and one of the reasons this discussion has been delayed was to gather more information.

Hamilton-Treick noticed that the staff report refers to the Tigard Urban Services Agreement as being updated in July, 2006. Her understanding was that this agreement was terminated. Staff advised that the intergovernmental agreement was terminated; the Tigard Urban Services Agreement (TUSA) is still in effect.

She asked if Areas 63 and 64 have been formally included in the TUSA. Staff advised that both areas are outside the of the urban service area boundaries. She believes that if this process was handled in an unbiased way, it could help the City's goal to bring unincorporated Bull Mountain into the City. There should be a thorough, unbiased, verifiable assessment as to where subsidies are occurring and to what degree.

Commissioner Vermilyea had a different opinion. He asked, subsidies or not, to what extent the City has an obligation to serve people who don't live inside the City limits. He doesn't believe the City should be providing services to properties outside the City limits. Hamilton-Treick agreed that the City does not have an obligation to go beyond its borders without being compensated. The question is, is the City being compensated to the extent that the services are being used by the people outside the City limits. For example, City residents pay more for the library, but it was only City residents who voted for the bond to build the library.

Commissioner Vermilyea said it sounds like there's not much disagreement. The City is currently making determinations, less on the issues surrounding Bull Mountain and more on how the County as a whole is going to be able to support 187,000 people living outside of the City limits. They all need services; will it fall on the City to provide them? His perception is that the City is going to focus on what's best for its citizens and will not be providing services beyond our own borders. Tigard needs to figure out how best to manage growth within our own City and focus our resources on services that benefit our citizens.

Hamilton-Treick encouraged language to be put into the Comp Plan that addresses the need to respect the interests of people who live in unincorporated areas and make a concerted effort to build a relationship with the people Tigard wants to govern. She's hearing the City advocating for strong legislation to force these people into the City's boundary. Ron Bunch advised that Council has affirmed that it's time for the City to move on and to consider the interests of its own citizens and develop policies for urbanization. He said that Council's current policy is to do only voluntary annexations. He agreed that a cost incidence study is something that should probably be done on a Countywide basis, as well as a fiscal sustainability study to determine how long the County can continue to provide services.

Hamilton-Treick wonders if it might be better to look at other options for getting urbanized unincorporated Bull Mountain and West Bull Mountain into a city and maybe it doesn't have to be Tigard. Commissioner Vermilyea said this is beyond the scope of what the Commission is trying to do with the Comp Plan amendment, which is to look at what's the best way to address the urbanization issue within the context of planning within the City limits of Tigard. He thinks there are some big picture policy questions that need to be addressed – fiscal issues, who is the best service provider, Areas 63 and 64 – but, for now, Tigard will continue with voluntary annexations, and for those already in the City limits, providing services according to this Comp Plan amendment.

Hamilton-Treick noted that parks and planning are the 2 biggest issues in unincorporated Bull Mountain; cost is not the biggest factor. She said that another big issue is the way that the Bull Mountain Community Plan has been replaced with Tigard's Comp Plan as these piecemeal annexations have happened. Tigard has never included Bull Mountain in its comprehensive planning process; however, they are peeling off the Bull Mountain Community Plan and applying a plan that applies to a much different topography. She hopes that Tigard will address this as it moves forward with piecemeal annexations.

Hamilton-Treick advised that she is a strong supporter of service districts. Why would the City oppose a service district if people are paying for the services they receive? Bull Mountain is park deficient. If expanding a service district into that area did away with the argument of folks having to come into Tigard to get more parks, then what is the motivation for not supporting expansion of service districts?

President Inman said the code language is more aimed at opposing formation of service districts outside of the City and holding the view that cities are the best provider of services. For instance, if a service district was proposed for parks on West Bull Mountain, the City would oppose it because it's perpetuating the County providing those services instead of a city. Hamilton-Treick questioned, if it's going to be years or decades before that area comes into Tigard, what is better – let that area pay for parks if the people are willing or continue to point the finger and say they're using our parks and not paying for them when you're preventing them from having a vehicle to pay for them.

Commissioner Vermilyea said it's less about the money and more about governance and planning for urban services in that area. If special districts come into play and overlay that area, it could create more conflict. Given that Tigard has a mandate to be the service provider in that area, it necessarily wants to oppose special districts that would conflict with that mandate. Hamilton-Treick questioned if that's a responsible land use thing to do.

Darren Wyss remarked that, in his view of the language, if Tualatin Hills Park and Recreation District (THPRD), Washington County, and the City got together and decided that the unincorporated area would be better served by THPRD, the policy language is flexible enough to allow us to re-sign the Urban Services Agreement to let THPRD have it. Ron Bunch reminded the Commission that Areas 63 and 64 are outside of the Urban Services Area, so if THPRD wants to continue its policy of bringing in lands into their district, the City would not oppose that for those areas. However, in accordance with the TUSA, we have agreed to provide services for areas inside the Urban Services Area.

Hamilton-Treick noted that there's such an emphasis on Bull Mountain and she wonders about the Metzger area. She suggests adding language about this to avoid the appearance of "cherry-picking." Commissioner Vermilyea believes the reason Bull Mountain is mentioned more often is because expanding westward is the only way the City can grow – that's where the land is. With regard to the language, Vermilyea thinks the language should remain neutral.

Hamilton-Treick does not like the fact that the Bull Mountain Community Plan has been ignored as areas have been annexed into the City. She doesn't see anything that prevents that from continuing to occur. She advised that the Bull Mountain Community Plan is their Comprehensive Plan that was adopted in 1983 and it's the only Comprehensive Plan for unincorporated Bull Mountain as a part of the County structure. She noted that the County's policy is not to update any of the County Community Plans at this time. There was a unanimous request by the stakeholders workgroup for Areas 63 and 64 that the planning for that area include a sister process that would update the Bull Mountain Community Plan to create more of a complete community concept for the whole area. The Board of Commissioners denied the request.

Staff advised that as areas are annexed into the City, the City's development code standards and Comp Plan goals and policies apply. This update to the City's Comprehensive Plan will be much more sensitive to these kinds of issues.

Hamilton-Treick said that one thing that could help this process is to recognize the need people have for their community to not lose their identity, e.g., the Pearl District, the Hawthorne District, and Sellwood. Those are all areas of Portland where concerted effort was made to allow them to be identified as part of a larger city. It's an affordable thing to offer people to encourage them to want to be a part of a bigger government.

The Commissioners reviewed the draft language and made the following changes:

**Goal 14.1** – Change ~~the residents~~ to citizens

Policy 1. – The City shall ~~not~~ only approve the extension of City services ~~except:~~  
(rest of policy does not change)

Policy 2. – Change ~~recognizes~~ to recognize

Policy 3. – No changes

Policy 4. – New wording: The City shall protect the existing and future delivery of City services and oppose formation of any new district or expansion of existing districts within the Tigard Urban Services Area.

Policy 5. – No changes

Action Measures – No changes

**Goal 14.2** – New wording: The City shall take all reasonable and necessary steps to implement the Tigard Urban Services Agreement, including annexation of unincorporated properties as appropriate.

Policy 1. – No changes

Policy 2. – No changes

Policy 3. – No changes

Policy 4. – Staff advised that this policy currently is being reviewed by the City Attorney. The Commissioners will review the draft language for this policy at a later date.

Policy 5. – New wording: The City shall periodically update and/or amend its develop, coordinate, and implement an adopted Public Facility Plan to ensure the predictable and logical provision of urban services for areas anticipated to be within the City Limits.

Action Measures:

ii. – Utilize and communicate incentives, as appropriate, to encourage owners of unincorporated properties to annex to the City.

iii. – Since this measure is related to Policy #4, the language will be reviewed at a later date.

The Commissioners decided to postpone review of the rest of the language until the next meeting.

## 6. OTHER BUSINESS

Staff advised that the urban forest section of the Comp Plan was approved by Council and that there has been an intent to appeal filed by the Home Builders Association. The Commission requested that they be notified earlier in the process when things like this happen. Also, they would like to know ahead of time about significant new development coming into the City (e.g., the new Target Store in the Triangle).

Commissioners Inman, Muldoon, and Walsh will not be at the August 4<sup>th</sup> meeting. Commissioner Vermilyea will chair the meeting that night.

Staff advised that the Transportation Chapter of the Comp Plan will be updated alongside the Transportation System Plan update that is just now being started. It will come to the Planning Commission sometime next year. In the meantime, Commissioner Vermilyea requested a primer on transportation issues in the Triangle. He believes transportation will be the main issue in the Target application.

Commissioner Muldoon asked about Council's idea that planning could look at the highest best use for the Tigard Triangle and then leave the burden for meeting the requirements of that best use on regional groups such as ODOT or Metro. Staff said this is a regional issue that needs to be worked out with other jurisdictions because of ODOT's application of its mobility standards to the freeway system. Ron Bunch advised that staff will be working on the Transportation System Plan and that the Tigard Triangle will be looked at specifically.

## 7. ADJOURNMENT

President Inman adjourned the meeting at 9:47 p.m.



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Jerree Lewis, Planning Commission Secretary

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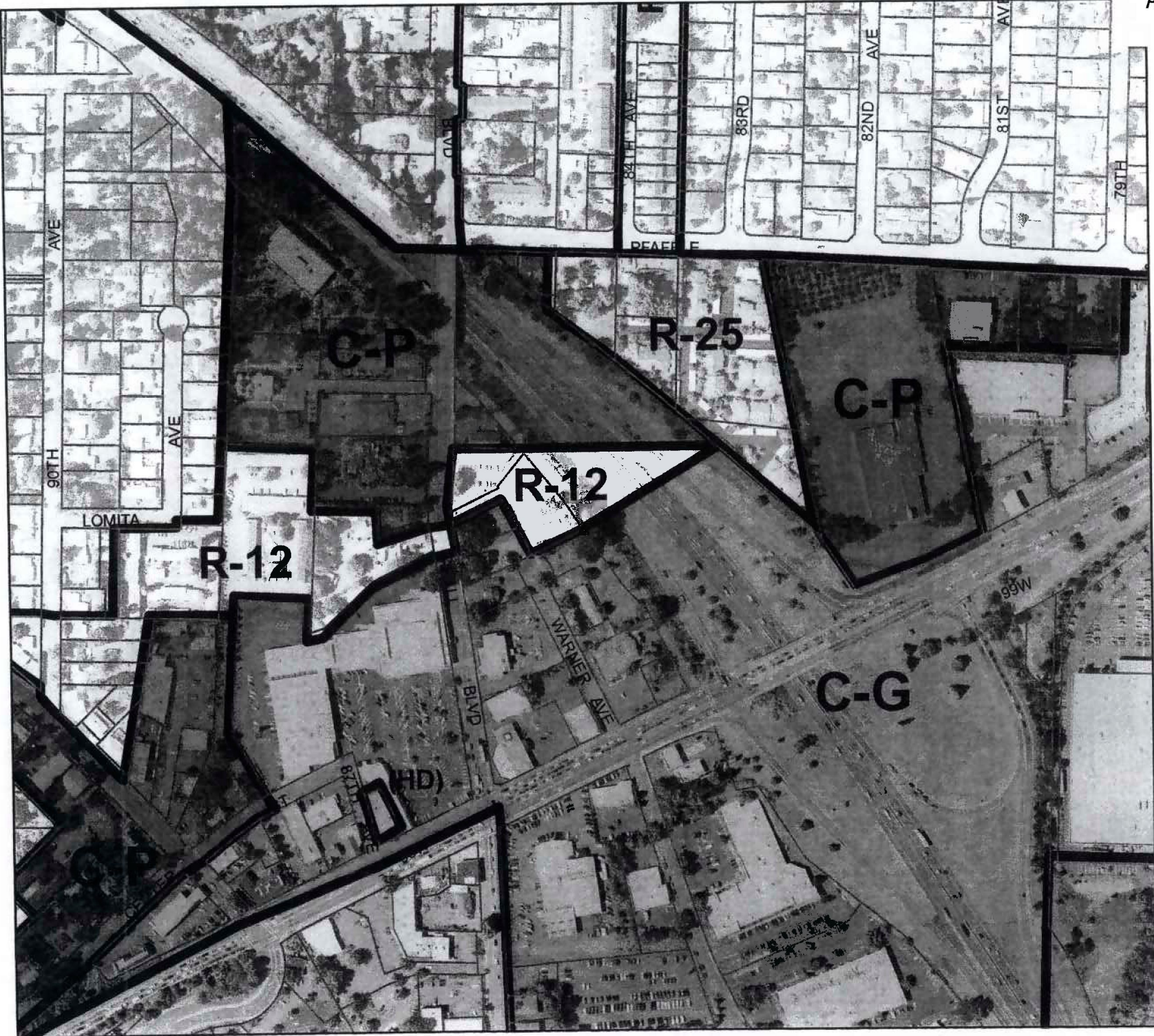
ATTEST: President Jodie Inman

# Existing Conditions

## City of Tigard


### Oregon

CPA2008-00007



\*\* The information represented on this map is current as of August 14, 2008. Revisions will be made as new decisions or amendments occur to alter the content of the map.

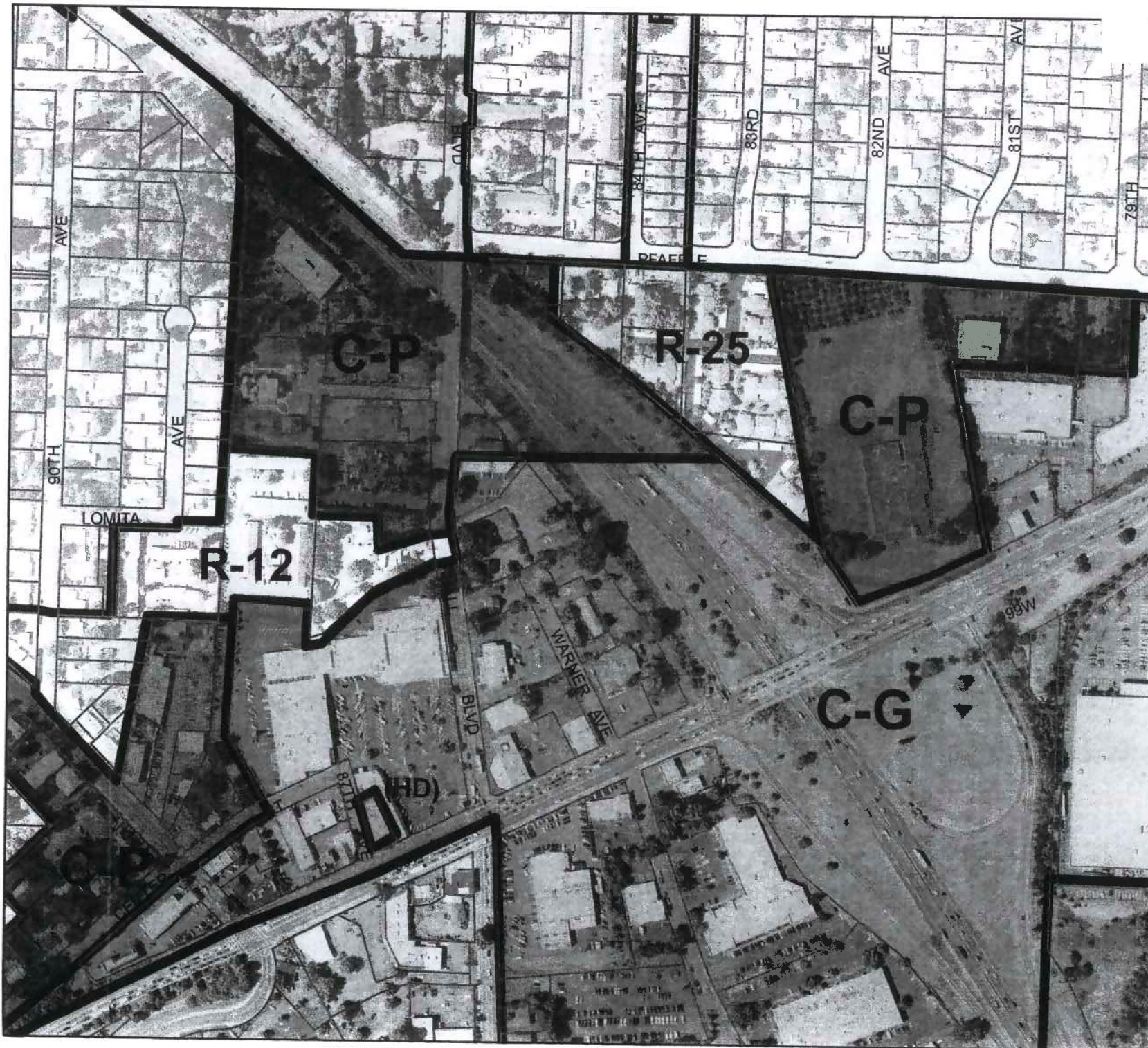
0 100 200 Feet



City of Tigard  
Map Information  
Map Scale: 1 inch = 200 feet  
Map Date: 08/14/08  
Map Title: CPA2008-00007  
Map Author: City of Tigard  
Map Contact: Planning Department  
Map Phone: 503-338-7000  
Map Fax: 503-338-7001  
Map Email: [planning@cityoftigard.org](mailto:planning@cityoftigard.org)  
Map Website: <http://www.cityoftigard.org>

Proposed  
Amendment  
Conditions  
City of Tigard  
Oregon

CPA2008-00007



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**CITY OF TIGARD**  
Current Planning Division  
13125 SW Hall Blvd.  
Tigard, OR 97223

**TO:**

**ATTN: PLAN AMENDMENT SPECIALIST**  
Oregon Dept. of Land Conservation & Development  
635 Capital Street NE, Suite 150  
Salem, OR 97301-2540

RECEIPT  
NOTED