



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

02/09/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment
DLCD File Number 005-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, February 22, 2010

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Sean Farrelly, City of Tigard
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Crall, DLCD Transportation Planner
Amanda Punton, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner
Chris Shirley, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

FEB 02 2010

LAND CONSERVATION AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Tigard**

Local file number: **CPA2009-00003**

Date of Adoption: **January 26, 2010**

Date Mailed: **February 1, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/24/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

- Changes the Comprehensive Plan Designations of the subject parcels from Central Business District, General Commercial, Commercial Professional, Medium-High Density Residential, Low Density Residential, and Mixed Use Residential 1 to Mixed Use Central Business District.
- Changes the Zoning Map Classifications of the subject parcels from CBD (Central Business District), CBD (PD) (Central Business District-Planned Development Overlay), C-G (General Commercial), C-P (Commercial Professional), R-25 (Residential, 25 units per acre), R-4.5 (Residential, 4.5 units per acre), MUR-1 (Mixed Use Residential 1), R-12 (PD) (Residential, 12 units per acre- Planned Development Overlay) to MU-CBD (Mixed Use Central Business District) and MU-CBD (PD) (Mixed Use Central Business District-Planned Development Overlay.)
- The new MU-CBD zone permits a wide mix of uses. The zone is proposed to be further divided into sub-areas which regulate height and setbacks.
- Maximum density in the MU-CBD is proposed to be 50 units an acre, plus a station area overlay permitting 80 units per acre.
- Establishes building and site design standards for new development in the MU-CBD zone

Does the Adoption differ from proposal? **Yes**

Height limitations at Hall and 99W sub-area reduced from proposed 90 feet to 45 feet (to be consistent with TPR); private open space and landscaping standards revised.

Plan Map Changed from: **Central Business District, General Commercial, Commercial Professional, Medium-High Residential, Low Density Residential, Mixed Use Residential -1, Open Space To: Mixed Use Central Business District and Open Space**

to: **Mixed Use Central Business District and Open Space**

Zone Map Changed from: **CBD (Central Business District), CBD (PD) Central Business District-Planned Development Overlay, C-G (General Commercial) , C-P (Commercial Professional), R-25 (Residential, 25 units per acre), R-4.5 (Residential, 4.5 units per acre), MUR-1 (Mixed Use Residential -1), R-12 (PD) (Residential, 12 units per acre- Planned Development Overlay)**

to: **MU-CBD (Mixed Use-Central Business District), MU-CBD (PD) (Mixed Use-Central Business District-Planned Development Overlay)**

DLCD File No. 005-09 (17785) [15968]

Location: Tigard Downtown Urban Renewal District, roughly a triangle formed by Hwy 99W, Hall Blvd, and Fanno Creek

Acres Involved: 210 (161 acres of tax lots, 49 acres of ROW)

Specify Density: Previous: 40 units per acre New: Up to 50 units per acre, and a station area overlay allowing up to 80 units per acre

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 DLCDD 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

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

Metro, ODOT Region 1

Local Contact: Sean Farrelly

Phone: 503-718-2420 Extension:

Address: 13125 SW Hall Blvd.

Fax Number: 503-718-2748

City: Tigard

Zip: 97223

E-mail Address: sean@tigard-or.gov

DLCD file No. 005-09 (17785) [15968]

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 10- 02

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA2009-00003, DEVELOPMENT CODE AMENDMENT DCA2009-00005, AND ZONING MAP AMENDMENT ZON2009-00001 TO AMEND THE COMPREHENSIVE PLAN, ZONING MAP AND DEVELOPMENT CODE LANGUAGE FOR PROPERTIES WITHIN THE TIGARD DOWNTOWN URBAN RENEWAL AREA AND PROPERTIES WITH THE CENTRAL BUSINESS DISTRICT COMPREHENSIVE PLAN DESIGNATION *AS AMENDED (Attachment 1)*

WHEREAS, the applicant, the City of Tigard, has requested approval of amendments to the Tigard Community Development Code, the Tigard Comprehensive Plan, and the Tigard Zoning Map, based on a recommendation of the Tigard Downtown Improvement Plan to implement new zoning in Downtown Tigard; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public hearing on December 7, 2009 which was noticed in accordance with City standards, and recommended approval of the proposed CPA2009-00003, DCA2009-00005, and ZON2009-00001, by motion and with unanimous vote; and

WHEREAS, on January 26, 2010 the Tigard City Council held a public hearing, which was noticed in accordance with City standards, to consider the Commission's recommendation on CPA2009-00003, DCA2009-00005, and ZON2009-00001; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters: Goal 1-Citizen Involvement; Goal 2- Land Use Planning; Goal 5-Natural Resources and Historic Areas; Goal 6-Air, Water and Land Resources; Goal 7-Hazards; Goal 8- Parks, Recreation, Trails, and Open Space; Goal 9- Economic Development; Goal 10-Housing; Goal 11-Public Facilities and Services; Goal 12- Transportation; Goal 13- Energy Conservation; Goal 14- Urbanization; and Goal 15- Special Planning Areas-Downtown; Metro Functional Plan Titles 1, 2, 4, 6, and 7; and Statewide Planning Goals 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, and 14.

WHEREAS, on January 26, 2010 the Tigard City Council adopted CPA2009-00003, DCA2009-00005, and ZON2009-00001 by motion, pursuant to the public hearing and its deliberations; and

WHEREAS, the Tigard City Council's decision to adopt CPA2009-00003, DCA2009-00005, and ZON2009-00001 is based on the findings and conclusions found in the City of Tigard staff report dated January 11, 2010, and the associated record, which are incorporated herein by reference and are contained in land-use file CPA2009-00003.

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

SECTION 1: Comprehensive Plan Amendment CPA2009-00003, Development Code Amendment DCA2009-00005, and Zoning Map Amendment ZON 2009-00001 are hereby approved by City Council.

SECTION 2: The Tigard Development Code is amended to include new text and to rescind existing text as shown in "EXHIBIT A."

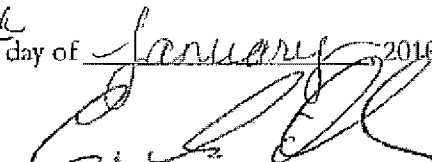
SECTION 3: The Comprehensive Map and Zoning Map shall be amended to represent the approved changes as shown in "EXHIBIT B."

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.

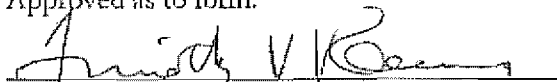
PASSED: By UNANIMOUS vote of all Council members present after being read by number and title only, this 26th day of January, 2010.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 26th day of January, 2010.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

January 26, 2010
Date

Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-02, selecting ¹Option B language in the Hall/99W Subarea, selecting an ²amended Option B on the Option Space Option, ³including the errata changes (distributed by staff to the City Council), and deleting provisions relating to landscaping.

ORDINANCE NO. 10-02 – AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2009-00003, DEVELOPMENT CODE AMENDMENT DCA 2009-00005, AND ZONING MAP AMENDMENT ZON 2009-00001, TO AMEND THE COMPREHENSIVE PLAN, ZONING MAP, AND DEVELOPMENT CODE LANGUAGE FOR PROPERTIES WITHIN THE TIGARD DOWNTOWN URBAN RENEWAL AREA AND PROPERTIES WITHIN THE CENTRAL BUSINESS DISTRICT COMPREHENSIVE PLAN DESIGNATION AS AMENDED: TO BE MODIFIED WITH OPTION B ON THE HALL/99W SUB-AREA, AND ³OPTION B SO THAT PRIVATE OPEN SPACE PROVIDED TO A UNIT SHALL HAVE A MINIMUM OF 32 SQUARE FEET AND A MINIMUM DEPTH OF 4 FEET; TOTAL PRIVATE OPEN SPACE PROVIDED SHALL BE BASED ON 28 SQUARE FEET PER UNIT IN THE DEVELOPMENT; FURTHER THE ORDINANCE IS AMENDED TO INCLUDE THE CHANGES IN THE ³ERRATA SHEET, AND THE ⁴LANDSCAPE LANGUAGE (Section 18.610.020.B.5) IN THE PROPOSED ORDINANCE SHALL BE DELETED.

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

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

¹ Option B – Hall 99W/Sub-Area

Adopt the proposed code, including the compromise worked out with ODOT, and direct staff to develop code language to allow higher scale development in the 99W/Hall sub-area by instituting a trip cap, or other methods.

- The City will coordinate with its regional partners. Staff/consultant time will be needed for a traffic impact study. The goal would be to bring the language back to Council in 6-8 months.

² Open Space Option B (language as amended by City Council)

18.610.030.F.2. Mixed Use Buildings with Residential Units and Residential Only Multi-Family Developments

a. Private Outdoor Space: For all residential-only buildings and mixed-use buildings with more than four residential units, private open space such as a private porch, a deck a balcony, a patio, an atrium, or other outdoor private area, shall be provided.

1. Total required private open space shall be based on an average of 28 square feet per unit in a development.
2. In order to be counted into the open space average, the private open space provided to a unit shall have a minimum of 32 square feet with a minimum depth of 4 feet
3. The private open space provided shall be contiguous with the unit.
4. Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
5. Balconies may project up to a maximum of four feet into the public right-of-way.

³Errata Sheet Changes:

Downtown Code Errata:

p.13, Section C.2 An addition, expansion, enlargement, modification, and/or site improvements associated with such lawfully preexisting uses and structures shall be allowed provided the applicant application for such proposed project moves toward compliance with the applicable development code standards.

p. 16, Section 4.b – “For applications using Track 3, variances and adjustments may be only be granted.....”

p. 22, Figure B.3, should read “Equipment set back min. 5 feet.”

p. 27, Figure A.2-4 Residential (only) Building, c. should read “Max 4’ balcony/deck projection” and Figure A.2-4 Commercial/mixed Use Building, d. should read “Max 4’ balcony/deck projection.”

p. 35, Number 3 – “Intent. Build upon and improve Downtown Tigard’s architecture by creating an attractive and unified building façade that encourages ground floor activities, and creates a-visually interesting facades and roofs.”

~~LANDSCAPE LANGUAGE (Section 18.610.020.B.5) IN THE PROPOSED ORDINANCE SHALL BE DELETED~~

~~5. Landscaping and Screening. In addition to the requirements of Chapter 18.745 the following shall also apply to the screening and landscaping of parking and loading areas:~~

- ~~a. The minimum dimension of the landscape islands shall be four feet and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.~~
- ~~b. Landscape islands shall provide a minimum of 1000 cubic feet of soil volume per tree. This may be achieved through open soil (see definition) area, root paths (see definition) to open soil areas, or covered soil areas (see definition) specially designed to support root growth. Soil depth will be assumed to be three feet.~~
- ~~c. Tree species shall be large stature/broad-spreading at maturity and chosen from the Tigard Street Tree List unless otherwise approved by the City. If the use of large stature trees/broad-spreading trees is precluded by building lines, trees shall be the largest size possible given the available space.~~
- ~~d. Irrigation shall be provided for all parking lot trees and landscaping via an automatic irrigation system.~~
- ~~e. Soil volume calculations (see definition) shall be provided for each tree. Soil specifications (including amendments and composition of imported soils) and irrigation details shall be provided on plans prepared by a licensed landscape architect.~~
- ~~f. Prior to final approval, the project landscape architect shall certify that parking and loading areas have been planted per the approved landscape plan and the provisions of this Section.~~

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Proposed Land Use Designations City of Tigard Oregon

Zoning Classifications

C-C	Community Commercial
C-G	General Commercial
C-N	Neighborhood Commercial
C-P	Professional Commercial
MU-CBD	Mixed Use Central Business District
I-H	Heavy Industrial
I-L	Light Industrial
I-P	Industrial Park
MUC	Mixed Use Commercial
MUC-1	Mixed Use Commercial 1
MUE	Mixed Use Employment
MUE-1	Mixed Use Employment 1
MUE-2	Mixed Use Employment 2
MUR-1	Mixed Use Residential 1
MUR-2	Mixed Use Residential 2
R-1	30,000 Sq Ft Min Lot Size
R-2	20,000 Sq Ft Min Lot Size
R-3.5	10,000 Sq Ft Min Lot Size
R-4.5	7,500 Sq Ft Min Lot Size
R-7	5,000 Sq Ft Min Lot Size
R-12	3,050 Sq Ft Min Lot Size
R-25	1,480 Sq Ft Min Lot Size
R-40	40 Units Per Acre
(PD)	Planned Development Overlay
(HO)	Historic District Overlay

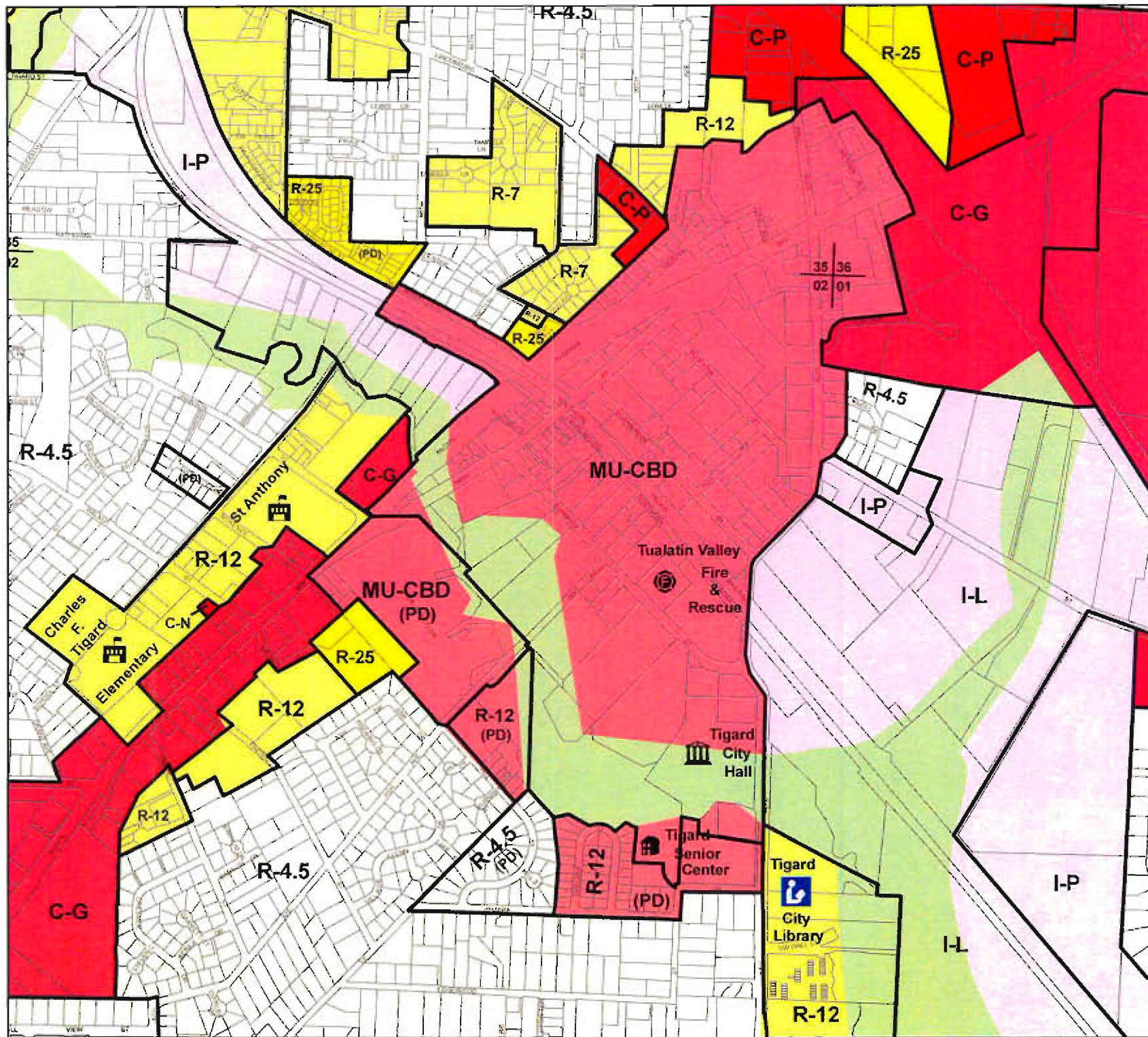
Comprehensive Plan Designations

- Mixed Use Central Business District
- Community Commercial
- General Commercial
- Neighborhood Commercial
- Professional Commercial
- Heavy Industrial
- Light Industrial
- Low Density Residential
- Medium Density Residential
- Medium-High Density Residential
- High Density Residential
- Mixed Use Commercial
- Mixed Use Employment
- Mixed Use Employment 1
- Mixed Use Employment 2
- Mixed Use Residential 1
- Mixed Use Residential 2
- Open Space
- Public Institution
- Tigard City Limits
- Tualatin Boundary

** The information presented on this map is as of August 21, 2009. Revisions will be made as major decisions or amendments occur to alter the content of the map.



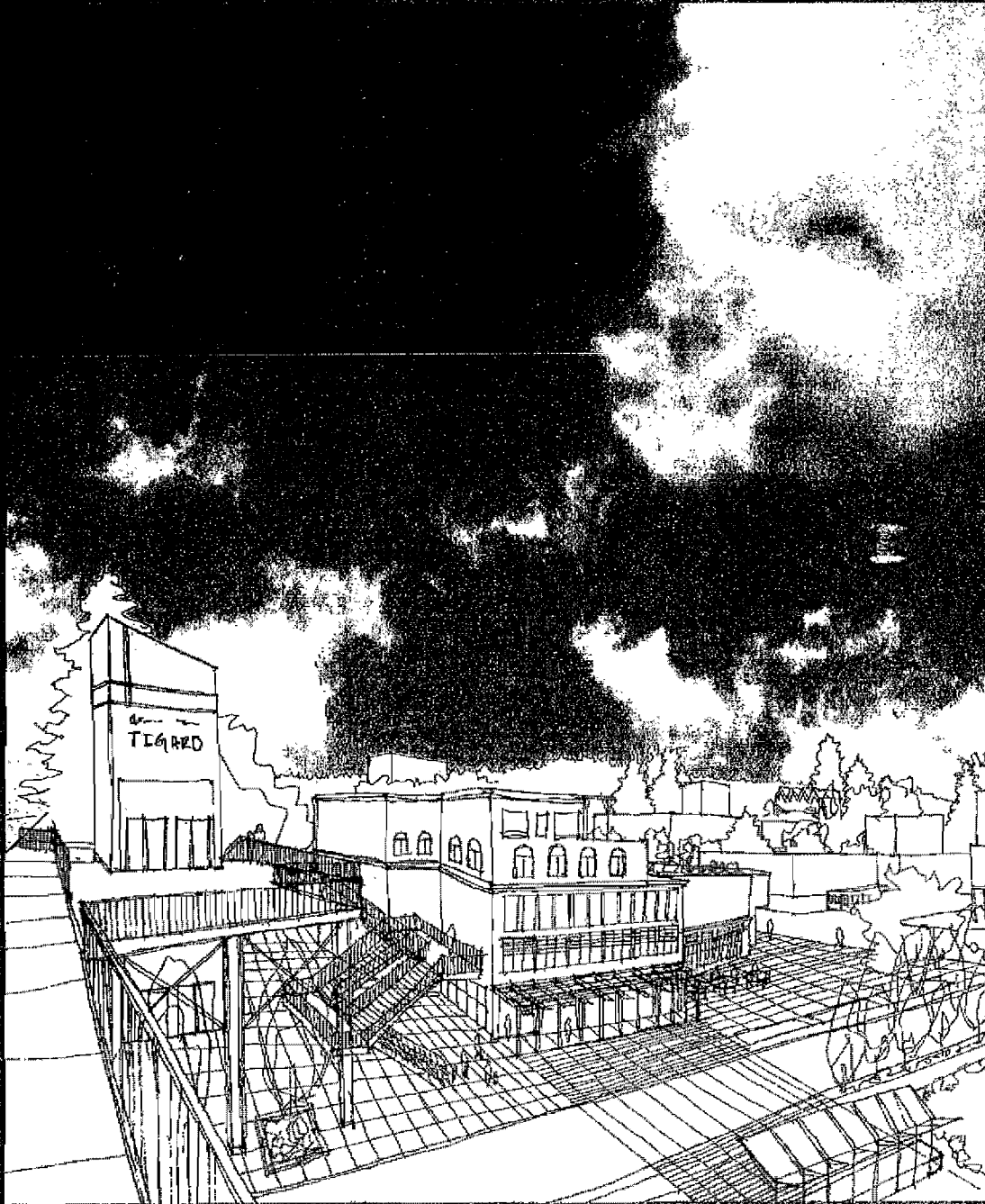
Source: City of Tigard
 Prepared by: Tigard City Planning Department
 Date: August 21, 2009





Proposed Downtown Tigard Code Amendments

DRAFT #6.2



► Introduction

The proposed Code Amendments are intended to implement the Tigard Downtown Improvement Plan. The Special Planning Areas-Downtown chapter of the Comprehensive Plan establishes the policy framework for necessary code amendments. Plan policies and concepts will be implemented by amendments to the Community Development Code.

Development code amendments fall into two basic categories:

1. Amendments to the existing code section:

Decision-Making Procedures (18.390)

The proposed amendments establish 3 new decision making procedures: Design Review Compliance Letter (Type I), Downtown Design Administrative Review (Type II) and Downtown Design Review (Type III-C).

Commercial Zoning Districts (18.520)

The proposed amendments modify Commercial Zoning Districts (Chapter 18.520). These changes establish a Mixed Use-Central Business District (MU-CBD.) It would replace the Central Business District (CBD) zone and expand the zone boundaries to include all properties in the Urban Renewal District — which are currently zoned Central Business District (CBD), General Commercial (C-G), Commercial and Professional Commercial (C-P), R-12(PD), 3 MUR-1, and R-4.5. The zone will also encompass seven properties adjacent to, but outside the URD - zoned CBD (PD) and R-12 (PD.)

The following chapters will be updated as they apply to the new zone:

- 18.120 **Definitions**
- 18.130 **Use Classifications**
- 18.310 **Summary of Land Use Permits**
- 18.745 **Landscaping & Screening**
- 18.765 **Off-Street Parking and Loading Requirements**
- 18.780 **Signs**
- 18.795 **Visual Clearance Areas**
- 18.810 **Street and Utility Improvement Standards**

2. New code section:

Tigard Downtown District Site and Building Design Standards and Objectives (18.610)

The Tigard Downtown District Site and Building Design Standards Chapter is a new section of the development code. The chapter includes a map designating the four design sub-areas of the larger MU-CBD zone and their corresponding development standards (building height, setbacks, density, etc.) The chapter also includes building and site design standards, requirements for special areas and sites, and provisions for adjustments for specific conditions. The site and design standards are triggered when application for new development is made.

Deleted section indicated by cross-outs.

Sections added to existing chapters indicated by **underlined and bold**.

Staff commentary appears in shaded box on right side.

► Part 1: Amendments to the Existing Code Sections

Chapter 18.390

DECISION-MAKING PROCEDURES

SECTIONS:

- 18.390.010 Purpose**
- 18.390.020 Description of Decision-Making Procedures**
- 18.390.030 Type I Procedure**
- 18.390.040 Type II Procedure**
- 18.390.050 Type III Procedure**
- 18.390.060 Type IV Procedure**
- 18.390.070 Special Procedures**
- 18.390.080 General Provisions**

18.390.010 Purpose

A. **Purpose.** The purpose of this chapter is to establish a series of standard decision-making procedures that will enable the City, the applicant, and all interested parties to reasonably review applications and participate in the local decision-making process in a timely and effective way. Each permit or action set forth in Chapters 18.320 – 18.385 has been assigned a specific procedure type.

18.390.020 Description of Decision-Making Procedures

- A. **General.** All development permit applications shall be decided by using one of the following procedure types. The procedure type assigned to each action governs the decision-making process for that permit, except to the extent otherwise required by applicable state or federal law. The Director shall be responsible for assigning specific procedure types to individual permit or action requests, as requested. Special alternative decision-making procedures have been developed by the City in accordance with existing state law, and are codified in Section 18.390.070.
- B. **Types defined.** There are four types of decision-making procedures, as follows:
1. **Type I Procedure.** Type I procedures apply to ministerial permits and actions containing clear and objective approval criteria. Type I actions are decided by the Director without public notice and without a public hearing;
 2. **Type II Procedure.** Type II procedures apply to quasi-judicial permits and actions that contain some discretionary criteria. Type II actions are decided by the Director with public notice and an opportunity for a hearing. If any party with standing appeals a Director's Type II decision, the appeal of such decision will be heard by the Hearings Officer;
 3. **Type III Procedure.** Type III procedures apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III actions are decided by either the Hearings Office (Type III-HO); or the Planning Commission (Type III-PC), or **Design Review Board (Type III-C)** with appeals to or review by the City Council;
 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.
- C. **Summary of permits by decision-making procedure type.** Table 18.390.1 summarizes the various land use permits by the type of decision-making procedure.

Table 18.390.1
SUMMARY OF PERMITS BY TYPE OF
DECISION-MAKING PROCEDURE

TYPE	PERMIT / LAND	CROSS-REFERENCE(S)
I (18.390.030)	Accessory Residential Units	18.710
	Development Adjustments	18.370.020 B2
	<u>Design Review Compliance Letter (Track 1) 18.610</u>	
	Home Occupation/Type I	18.742
	Landscaping Adjustments	
	• Existing Street Trees	18.370.020 C4a; 18.745
	• New Street Trees	18.370.020 C4b; 18.745
	Lot Line Adjustment	18.410.040
	Minimum Residential Density Adjustment	18.370.020 C2; 18.430; 18.715
	Nonconforming Use Confirmation	18.385.030A; 18.760
	Parking Adjustments	
	• Reduction of Minimum Parking Ratios in Existing Developments/Transit Imp.	18.370.020 C5c; 18.765
	• Reduction in Stacking Lane Length	18.370.020 C5g; 18.765
	Signs	
	• New	18.780
	• Existing	18.780
	Site Development/Minor Modification	18.360.090
	Temporary Uses	
	• Emergency Uses	18.785
	• Seasonal/Special Uses	18.785
	• Temporary Building	18.785
	• Temporary Sales Office/Home	18.765
	Tree Removal	
• Removal Adjustment	18.370.020 C7; 18.790	
• Removal Permit	18.790	
Wireless Communications Facilities — Setback from Other Towers	18.370.040 C8b; 18798	
II (18.390.040)	Access/Egress Adjustment	18.370.020 C3b
	Conditional Use/Minor Modification	18.330.030
	<u>Downtown Design Administrative Review (Track 2) 18.610</u>	
	Historic Overlay	
	• Exterior Alteration	18.740
	• New Construction	18.740
	• Demolition	18.740
	Home Occupation/Type II	18.742

STAFF COMMENTARY

TYPE	PERMIT/LAND	CROSS-REFERENCE(S)
	Land Partitions ¹	18.420.050
	Parking Adjustments	
	• Reduction in Minimum Parking Ratios	18.370.020 C5a; 18.765
	• Reduction of Minimum Parking Ratios in New Developments/Transit Imp	18.370.020 C5b; 18.765
	• Increase in Maximum Parking Ratios	18.370.020 C5d; 18.765
	• Reduction in Bicycle Parking	18.370.020 C5e; 18.765
	• Alternate Parking Garage Layout	18.370.020 C5f; 18.765
	Sensitive Lands Permits	
	• In 25%+ Slope	18.775
	• Within Drainageways	18.775
	• Within Wetlands ¹	18.775
	Sign Code Adjustment	18.370.020 C6; 18.780
	Site Development Review	
	• New Construction	18.360.090
	• Major Modification	18.360.090
	Subdivision Without Planned Development ¹	18.430.070
	Variances	18.370.010C
	Wireless Communication Facilities — Adjustment to Setback from Residences	18.370.020 C8a; 18.798
	Appeals to Hearings Officer	18.390.040G
III	Conditional Use	
(18.390.050)	• Initial	18.330.030
Hearings Officer	• Major Modification	18.330.030
	Sensitive Lands — ¹ Within 100-Year Floodplain	18.775
	• In 25%+ Slope ¹	18.775
	• Within Drainageways ¹	18.775
	• Within Wetlands ¹	18.775
III B	Historic Overlay — District Overlay —	18.385.010A; 18.740
(18.390.050)	Removal of District Overlay	18.385.010B; 18.740
(Planning Commission)	Planned Development — With Subdivision —	18.350.100; 18.430
	Without Subdivision	18.350.100
	Zone Map/Text Change/Quasi-Judicial	18.380.030B
III C (Design Review Board)	Downtown Design Review (Track 3)	18.610
(18.390.050)		
IV	Annexation	18.320
(18.390.060)	Zone Map/Text Change/Legislative	18.380.020

¹These may be processed as either Type II or III procedures, pursuant to Section 18.775.020 D and E.

[The rest of Chapter 18.390 is unchanged]

SECTIONS:

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

18.520.020 List of Zoning Districts

- A. **C-N: Neighborhood Commercial District.** The C-N zoning district is designed to provide convenience goods and services within a small cluster of stores adjacent to residential neighborhoods. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots and facilities with drive-up windows, are permitted conditionally.
- B. **C-C: Community Commercial District.** The C-C zoning district is designed to provide convenience shopping facilities which meet the regular needs of nearby residential neighborhoods. With a service area of about 1.5 miles, such commercial centers typically range in size from 30,000 - 100,000 gross square feet on sites ranging from 2 - 8 acres. Separated from other commercially-zoned areas by at least one-half mile, community commercial centers are intended to serve several residential neighborhoods, ideally at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Housing is permitted on or above the second floor of commercial structures at a density not to exceed 12 units/net acre, e.g., the maximum density permitted in the R-12 zone. A limited number of other uses, including but not limited to car washes, gas stations, religious institutions, and transit-related park-and-ride lots, are permitted conditionally. In addition to mandatory site development review, design and development standards in the C-C zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.
- C. **C-G: General Commercial District.** The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.
- D. **C-P: Professional/Administrative Commercial District.** The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.
- E. ~~**CBD: Central Business District.** The CBD zoning district is designed to provide a concentrated central business district, centered on the City's historic downtown, including~~

a mix of civic, retail and office uses. Single-family attached housing, at a maximum density of 12 units/net acre, equivalent of the R-12 zoning district, and multi-family housing at a minimum density of 32 units/acre, equivalent to the R-40 zoning district, are permitted outright. A wide range of uses, including but not limited to adult entertainment, utilities, facilities with drive-up windows, medical centers, major event entertainment and gasoline stations, are permitted conditionally.

- E. MU-CBD: Mixed Use-Central Business District.** The MU-CBD zoning district is designed to provide a pedestrian friendly urban village in Downtown Tigard. A wide variety of commercial, civic, employment, mixed-use, multi-family and attached single family residences are permitted. New development and redevelopment is required to conform to the standards of Chapter 18.610.
- F. MUE: Mixed-Use Employment.** The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to 1) support alternative modes of transportation to the greatest extent possible; and 2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.
- G. MUE-1 and MUE-2: Mixed Use Employment Districts.** The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.
- H. MUC: Mixed Use Commercial District.** The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.
- I. MUC-1: Mixed Use Commercial — 1.** The MUC-1 zoning district, which is designed to apply to that portion of the Durham Quarry site within the City of Tigard, is a mixed-use commercial district bounded by 72nd Avenue, Findlay Street and the Tigard, Tualatin and Durham city limits. This site is the subject of an intergovernmental agreement between the cities of Tigard and Tualatin. Pursuant to that agreement the City of Tualatin shall furnish all planning, building and associated development review/permit services for the property. This zoning district is intended to mirror the City of Tualatin's Mixed Use Commercial Overlay District (IDC, Chapter 57). It permits a wide range of uses including commercial lodging, general retail, offices and housing; the latter includes multi-family housing at a minimum density of 25 units/acre and a maximum of 50 units/acre. Additional uses, including but not limited to major event entertainment and motor vehicle retail fuel sales, are permitted conditionally. In addition to the standards of this chapter, development within this zone is subject to the standards of Chapter 18.640.
- J. MUR: Mixed Use Residential Districts.** The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district. (02-33)

Section E:

The Central Business District (CBD) zoning district will be replaced by the Mixed-Use Central Business District (MU-CBD). The new land use categories for the MU-CBD will be inserted into Table 18.520.1, the "Use Table." For Table 18.520.2 Commercial Development Standards, the CBD column will be replaced by a column for MU-CBD with an asterisk directing the user to the Downtown Design Standards chapter, for specific development standards for the sub-areas of the zone.

18.520.060 Additional Development and Design Guidelines

A. Development/design guidelines in the C-C zone.

1. The following design guidelines are strongly encouraged for developments within the C-C district. Conditions of approval of the development plan may include, but are not limited to, any of the site and building design guidelines deemed appropriate to be mandatory.

a. Building design guidelines:

- (1) The design of buildings within a community commercial development should incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to distinguish the complex from other retail complexes in the city;
- (2) All buildings within a multi-building complex should achieve a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors and window pattern;
- (3) Individual buildings should incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors, on all sides of the building to achieve a unity of design. The sides of a building which face toward a public street should include public entrances to the building and windows to provide visual access to the activity within the building. The sides of a building which face toward an adjoining property, but not toward a public street, should include elements such as windows, doors, color, texture, landscaping or wall treatment to provide visual interest and prevent the development of a long continuous blank wall.

b. General site design guidelines: Loading areas should not be located on the side of a building which faces toward a residential use. Loading areas, if located between the building and the street, should be oriented away from the street and should be screened to minimize views of the loading area from the street and sidewalk.

2. Design standards: The following mandatory design standards apply within the community commercial district:

a. Internal Walkways.

- (1) Walkways, eight feet minimum width, shall be provided from the public sidewalk or right-of-way to the building(s). At a minimum, walkways shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points;
- (2) Walkways, five feet minimum width, shall be provided to connect with walkways or potential walkway locations on adjoining properties to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.
 - (a) Walkways shall be provided along the full length of the building on any side which provides building access to the public or where public parking is available, to provide safe and comfortable pedestrian access to the building;
 - (b) On the sides of the building which provide public access into the building, the walkway should be wide enough to allow for sidewalk seating areas as well as pedestrian travel. Weather protection of the walkway should be provided at a minimum at the entrance area and, if appropriate, along the entire walkway.
- (3) Walkway surfaces for walkways crossing parking areas shall be designed to be visually distinguishable from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.

b. Other site development standards:

- (1) All lighting fixtures shall incorporate cut-off shields to prevent the spillover of light to adjoining properties;

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Existing Code.

- (2) Mechanical equipment, if located on the building, shall be located within the roof form of the building or enclosed within a screening structure, the design of which is consistent with the design of the building;
- (3) Mechanical equipment, not located on the building, shall be screened from views from the public street, sidewalk and properties outside the district with a durable, solid wall or fence, or an evergreen hedge or a combination of the above;
- (4) All refuse and recycling containers within the district shall be contained within structures enclosed on all four sides and which are at least as high as the tallest container within the structure;
- (5) Bicycle racks shall be provided on site. Facilities for a minimum of ten bicycles shall be provided for developments having 100 or fewer parking stalls, notwithstanding Section 18.765.050. For each 100 additional stalls, facilities for five additional bicycles shall be provided. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways. It is strongly encouraged that bicycle parking areas be covered;
- (6) The site development plan shall incorporate a special feature at the corner of the site. A special corner feature can be a landscape feature, seasonal color planting area, sculpture or water feature. The feature shall provide a visual landmark and some amount of seating area;
- (7) Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping shall be used to define and separate parking, access and pedestrian areas within parking lots;
- (8) The landscape design for the site shall include plantings which emphasize the major points of pedestrian and vehicular access to and within the site;
- (9) Site features such as fences, walls, refuse and recycling facility enclosures, and light fixtures shall be designed to be consistent with the scale and architectural design of the primary structure(s). Such site features shall be designed and located to contribute to the pedestrian environment of the site development;
- (10) In multiple building complexes, buildings shall be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the community commercial district, building location shall be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties. Consideration should be given to locating buildings closer to the public street with entrances to the buildings from the public sidewalk, with no intervening parking or driving area. Corner locations are particularly appropriate for this treatment;
- (11) Opportunities shall be found for safe, convenient, and pleasant pedestrian connections to existing or proposed transit facilities. Where needed, shelters and layover areas for transit vehicles shall be incorporated into the site development.

c. Sign design standards: All signage shall be an integral part of the architectural design.

~~B. Interim requirements in the CBD zone.~~

~~1. In the absence of an adopted design plan, the following issues, under Subsection B.1.c. must be addressed for new developments as necessary to serve the use and provide for projected public facility needs of the area, pursuant to Chapter 18.310 as determined by the Director:~~

~~a. The City may attach conditions to any development within an action area prior to adoption of the design plan to achieve the following objectives:~~

~~(1) The development shall address transit usage by residents, employees and customers if the site is within 1/4 mile of a public transit line or transit stop. Specific items to be addressed are as follows:~~

~~(a) Orientation of buildings and facilities toward transit services to provide for~~

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- ~~(b) Minimizing transit/auto conflicts by providing direct pedestrian access into the buildings with limited crossings in automobile circulation/parking areas. If pedestrian access crosses automobile circulation/parking areas, paths shall be marked for pedestrians;~~
- ~~(c) Encouraging transit-supportive users by limiting automobile support services to collector and arterial streets; and~~
- ~~(d) Avoiding the creation of small scattered parking areas by allowing adjacent developments to use shared surface parking, parking structures, or under-structure parking;~~
- ~~(2) The development shall facilitate pedestrian/bicycle circulation if the site is located on a street with designated bike paths or adjacent to a designated greenway/open space/park. Specific items to be addressed are as follows:~~
 - ~~(a) Provision of efficient, convenient and continuous pedestrian and bicycle transit circulation systems, linking developments by requiring dedication and construction of pedestrian and bike paths identified in the comprehensive plan. If direct connections cannot be made, require that funds in the amount of the construction cost be deposited into an account for the purpose of constructing paths;~~
 - ~~(b) Separation of auto and truck circulation activities from pedestrian areas;~~
 - ~~(c) Encouraging pedestrian-oriented design by requiring pedestrian walkways and street level windows along all sides with public access into the building;~~
 - ~~(d) Provision of bicycle parking as required under Subsection 18.765.050; and~~
 - ~~(e) Ensure adequate outdoor lighting by lighting pedestrian walkways and auto circulation areas.~~
- ~~(3) Coordination of development within the action area. Specific items to be addressed are as follows:~~
 - ~~(a) Continuity and/or compatibility of landscaping, circulation, access, public facilities and other improvements. Allow required landscaping areas to be grouped together. Regulate shared access where appropriate. Prohibit lighting which shines on adjacent property;~~
 - ~~(b) Siting and orientation of land use which considers surrounding land use, or an adopted plan. Screen loading areas and refuse dumpsters from view. Screen commercial and industrial use from single-family and residential through landscaping; and~~
 - ~~(c) Provision of frontage roads or shared access where feasible.~~

B. MU-CBD (Downtown)

See Chapter 18.610 for additional development and design objectives.

~~2. Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P Industrial uses after the nonconforming use limit of six months: Map 2S 1-2AA tax lot 4700, Map 2S 1-2AC tax lot 100 and 202, Map 2S 1-2AD tax lot 1203, Map 2S 1-2DB tax lot 100, and Map 2S 1-2DA tax lot 300.~~

C. Washington Square Regional Center.

See Chapter 18.630 for additional development and design guidelines.

Section B.1:

The language of Section B.1 will be deleted as the new Chapter 18.610 replaces it.

Section B.2:

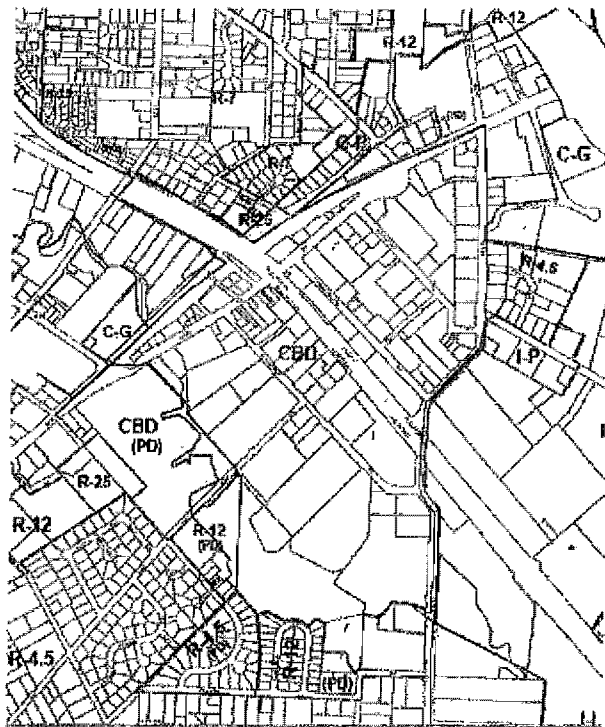
In the current Development Code, six properties are specified to be allowed to continue to be utilized for I-P Industrial uses after the nonconforming use limit of six months: this will continue, with the exception of 2S 1 2AA tax lot 4700, which has changed uses from I-P Industrial to commercial (currently a ballroom/dance hall.) These properties will retain their status and this section will be moved to Chapter 18.610.

The tax lots are the home of Verizon, Magno-Humphries, B & B Printing, Ferguson Enterprises, and KEI Embroidering.

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The zone encompasses all of the Urban Renewal District, plus those other properties that are currently zoned CBD-PD and the two properties of the City-owned Kanno Creek House.

The zone change will require the adoption of a new map with the new Comprehensive Plan designation Mixed Use Central Business District.

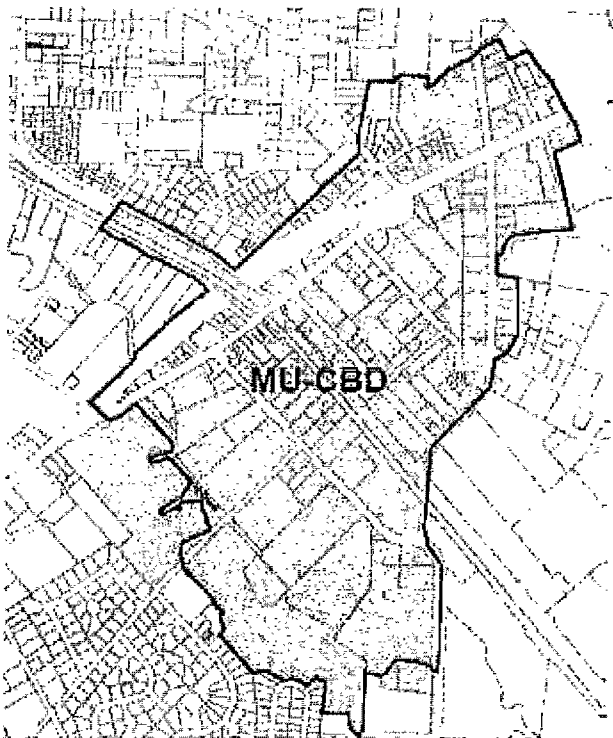


Zoning Classifications
Urban Renewal Area
City of Tigard
Oregon

Urban Renewal Boundary
Zoning Boundaries

0 300 600 900 1100
FEET

Existing Zoning



Proposed Zone

Proposed Land Use Table — MU-CBD ZONE

(to be integrated with Table 18.520.1)

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The table displays the three existing commercial zones within the Urban Renewal District and compares their permitted uses with the new MU-CBD zone.

Use Category	Present CBD Zone	Present C-G Zone	Present C-P Zone	Proposed MU-CBD Zone*
Residential				
Household Living	R ⁽¹⁷⁾	R ⁽¹⁸⁾	R ⁽¹⁹⁾	P
Group Living	P	C	N	P
Transitional Housing	C	C	N	C
Home Occupation	R	R	R	R
Housing Types				
Single Units Attached	P	N/A	N/A	P
Multi-family Units	P	N/A	N/A	P
Manufactured Units	P	N/A	N/A	P
Mobile Home Parks, Subdivisions	P	N/A	N/A	R^(X)
Civic (Institutional)				
Basic Utilities	C	N	C	C
Colleges	N	N	N	P
Community Recreation	P	N	N	P
Cultural Institutions	P	P	P	P
Day Care	P	P	P	P
Emergency Services	P	P	P	P
Medical Centers	C	C	C	C
Postal Service	P	P	P	P
Public Support Facilities	P	P	P	P
Religious Institutions	P	P	C	P
Schools	N	N	N	P
Social/Fraternal Clubs/Lodges	P	P	P	P
Commercial				
Custom Arts and Crafts	-	-	-	P
Commercial Lodging	P	P	R ⁽¹⁴⁾	P
Eating/ Drinking Establishments	P	P	R ⁽¹⁵⁾	P
Entertainment Oriented				
Major Event Entertainment	C	C	N	C
Outdoor entertainment	P	P	R ⁽¹⁵⁾	C
Indoor Entertainment	P	P	P	P
Adult Entertainment	C	C	N	N
General Retail				
Sales Oriented	P	P	R ⁽¹⁶⁾	P/R^(X)
Personal Services	P	P	P	P
Repair Oriented	P	P	N	P
Bulk Sales	N	P	N	R^(X)
Outdoor Sales	N	P	N	N
Animal-related	N	N	N	N
Motor Vehicle Related				
Motor Vehicle Sales/Rental	C	P/C ⁽¹²⁾	N	R^(X)
Motor Vehicle Servicing/Repair	R ⁽¹⁸⁾	P/C ⁽¹²⁾	N	C
Vehicle Fuel Sales	C	C	N	R^(X)
Office	P	P	P	P

A new use category, Custom Arts and Craft work, was added because the Tigard Development Code includes production of artwork and musical instruments in the definition of Light Industrial use. This new use category distinguishes small scale art and craft production from large scale industrial type production.

Use Category	Present Zoning CBD	Present Zoning C-G	Present Zoning C-P	New MU-CBD Zone*
Self-service Storage	N	C	N	<u>R</u> ^[X]
Non-Accessory Parking	P	P	P	<u>P</u>
Industrial				
Industrial Services	N	N	N	<u>N</u>
<i>Manufacturing and Production</i>				
Light Industrial	N	N	N	<u>N</u>
General Industrial	N	N	N	<u>N</u>
Heavy Industrial	N	N	N	<u>N</u>
Railroad Yards	N	N	N	<u>N</u>
Research and Development	N	N	N	<u>C</u>
Warehouse/Freight Movement	N	N	N	<u>N</u>
Waste-Related	N	N	N	<u>N</u>
Wholesale Sales	C	N	N	<u>N</u>
Other				
Agriculture/Horticulture	N	N	N	<u>N</u>
Cemeteries	N	N	N	<u>N</u>
Detention Facilities	C	C	N	<u>C</u>
Heliports	C	C	C	<u>N</u>
Mining	N	N	N	<u>N</u>
Wireless Com. Facilities	P/R ^[3]	P/R ^[3]	P/R ^[3]	<u>P/R</u> ^[3]
Rail Lines/Utility Corridors	P	P	P	<u>P</u>
Other	C ^[19]	C	NA	<u>R</u> ^[19]

Footnotes:

- * All development subject to Chapter 18.610 Downtown Urban Renewal Standards and Map 18.610X
- [3] See Chapter 18.798 Wireless Communication facilities
- [11] A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multi-family housing is permitted as part of a PD
- [12] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.
- [13] Multi-family residential units, developed at R-40 standards, only in the C-P District within the Tigard Triangle and Bull Mountain Road
- [14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.
- [15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.
- [16] May not exceed 10% of the total square footage within an office complex.
- [17] Single-family attached and multi-family residential units, developed at R-40 standards, except (R-12 PD)
- [18] Motor vehicle cleaning only
- [19] Drive-up windows are permitted to continue if the property had one lawfully in existence prior to the adoption of the MU-CBD designation. Otherwise, not permitted.
- [X] Only for properties that were lawfully in existence (as permitted, conditional, or Planned Development) prior to the adoption of the MU-CBD designation.
- [xx] New retail and sales uses may not exceed 60,000 square feet of gross leasable area per building in all subareas except 99W/Fall Corridor sub-area. (See Map 18.610.A.)

**Table 18.520.2
COMMERCIAL DEVELOPMENT STANDARDS**

MU-CBD zone will have footnote "see Table 18.610.1 and Map 18.610.A for development standards"

► Part 2: New Chapter

This is a new section. For readability, text is not underlined.

STAFF COMMENTARY

Chapter 18.610

TIGARD DOWNTOWN DISTRICT DEVELOPMENT AND DESIGN STANDARDS

18.610. 010 Purpose and Procedures

A. **Purpose.** The objectives of the Tigard Downtown Development and Design Standards are to implement the Comprehensive Plan, Tigard Downtown Improvement Plan, and Urban Renewal Plan and ensure the quality, attractiveness, and special character of the Downtown. The regulations are intended to:

1. Facilitate the development of an urban village by promoting the development of a higher density, economically viable, and aesthetically pleasing pedestrian oriented downtown where people can live, work, play and shop for their daily needs without relying on the automobile. The quality and scale of the downtown urban environment shall foster social interaction and community celebration.
2. Encourage the integration of natural features and the open space system into Downtown by promoting development sensitive to natural resource protection and enhancement; addressing the relationship to Fanno Creek Park; and promoting opportunities for the creation of public art and use of sustainable design.
3. Enhance the street level as an inviting place for pedestrians by guiding the design of the building "walls" that frame the right-of-way (the "public realm") to contribute to a safe, high quality pedestrian-oriented streetscape. Building features will be visually interesting and human scaled, such as storefront windows, detailed façades, art and landscaping. The impact of parking on the pedestrian system will also be limited. The downtown streetscape shall be developed at a human scale and closely connected to the natural environment through linkages to Fanno Creek open space and design attention to trees and landscapes.
4. Promote Tigard's Downtown as a desirable place to live and do business. Promote development of high-quality high density housing and employment opportunities in the Downtown.
5. Provide a clear and concise guide for developers and builders by employing greater use of graphics to explain community goals and desired urban form to applicants, residents and administrators.

B. **Conflicting Standards.** The following standards and land use regulations apply to all development within the Downtown Mixed Use Central Business District. With the exception of public facility and street requirements, if a design standard found in this section conflicts with another standard in the Development Code, the standards in this section shall govern, even if less restrictive than other areas of the code.

C. Applicability.

1. New Buildings and Redevelopment:

All applicable Design Standards apply to new buildings and related site improvements.

2. Expansion, modification and site improvements to existing development:

An addition, expansion, enlargement, modification, and/or site improvements associated with such lawfully preexisting uses and structures shall be allowed provided the applicant for such proposed project moves toward compliance with the applicable development code standards. Only those Downtown Building and Site Design Standards applicable to the proposed expansion, modification or site improvements to the existing development shall be applicable.

Development and Design Standards are intended to provide greater flexibility in the types of uses that may be allowed through the traditional zoning code. The reasons are to:

- *Provide a greater range of land use opportunities anywhere in the downtown. Tigard's objective is to promote redevelopment of the downtown and wishes to ensure that a wide range of compatible uses can locate anywhere within the MU-CBD district*
- *Be more responsive to the real estate market.*
- *Create a functional, well-designed, and economically viable Downtown district.*
- *Establish a unified and cohesive design character*
- *Provide options to develop a wide range of business enterprises and housing opportunities.*

3. Design standards do not apply to the following projects:
 - Maintenance and repair of a building, structure, or site in a manner that is consistent with previous approvals and/or necessary for safety;
 - Projects undertaken to bring an existing development into compliance with the Americans with Disabilities Act;
 - Exterior painting;
 - Any exterior project that doesn't require a building permit;
 - Interior remodeling;
 - Temporary structures/uses (as defined in Chapter 18.785);
 - Any project involving a pre-existing single family residential building or duplex (that is not being or already been converted to a non-residential use).

D. Downtown Design Review Approval Process

1. To achieve the purpose of the Downtown Site and Building Design Standards, there are three methods or "tracks" to apply for approval :
 - a. Track 1. Design Compliance Letter provides for a Type I review process, using the clear and objective Design Standards. It is intended for smaller building and site renovation projects, which meet the threshold of 18.610.010.E.1.
 - b. Track 2. The Administrative Review track provides for a more complex process (Type II) that requires staff review utilizing clear /quantifiable standards. It applies to new development and renovation/remodeling projects listed in 18.610.010.E.2.
 - c. Track 3. The Design Review Board Track provides for a Type III review process through which a Design Review Board determines compliance with the Design Objectives. After or concurrently with receiving design approval, a project will be administratively reviewed as a Type II decision for all other applicable standards (Type III if a Conditional Use)
2. Designing a project to the Design and Development Standards would result in an administrative review process. However, the applicant, at their option, may choose to use Track 3 with the Design Review Board. An applicant can address design review requirements through a combination of satisfying certain Design Standards, and in instances where they elect not to utilize Design Standards, satisfy applicable Design Objectives. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Objectives only.

E. Procedures

1. Track 1: Design Review Compliance Letter using Design Standards

a. Applicability:

- (1) Addition, elimination, or change in location of windows that does not decrease the minimum required window coverage.
- (2) Addition, elimination, or change in location of entry doors and loading doors.
- (3) Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade
- (4) For commercial and mixed use developments, modification of up to 15 percent on-site landscaping with no reduction in required landscaping. Modification refers to changing the hardscape elements and the location of required landscape areas and or trees.
- (5) Modification of off-street parking with no reduction in required parking spaces or increase in paved area.
- (6) Addition of new fences, retaining walls, or both.
- (7) Changing of existing grade.
- (8) An increase in the height of the building(s) less than 20%;
- (9) A change in the type and location of access ways and parking areas where off-site traffic would not be affected;
- (10) An increase in the floor area proposed for a nonresidential use by less than 10% or under 5,000 sq;
- (11) A reduction in the area reserved for common open space and/or usable open

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Section D:

There are three potential approval processes or "tracks" for an application to get reviewed. Track 1 and 2 use the clear and objective Design Standards as the approval criteria. Track 3 uses the discretionary Design Objectives as the approval criteria.

Specified renovation projects may use Track 1, an Administrative review, which is similar to the existing Minor Modification process.

Larger renovation projects and new building construction may use Track 2, an Administrative review similar to the Major Modification process.

The Track 3 process provides the opportunity for well-designed projects, which cannot meet the clear and objective standards for building and site design. The discretionary design objectives are written as qualitative statements. Unlike the clear and objective design standards, there are typically many acceptable ways to meet each design objective. Projects would need to meet the Development Standards. The decision making authority is the Design Review Board. After Design Review Board approval or with a concurrent application, a type II review is necessary for compliance with additional chapters listed in 18.610.025.

An applicant can address design review requirements through a combination of satisfying certain Design Standards, and in instances where it elects not to utilize Design Standards, satisfy applicable Design Objectives. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Objectives only.

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space which does not reduce the open space area below the minimum required by this code or reduces the open space area by less than 10%;

b. **Process and Procedure Type:**

The Type I procedure, as described in Section 18.390.030 of this Code, shall apply to an application for Design Compliance Letter. The decision making authority is the Director. The applicant must show compliance to the Design Standards prior to issuance of the Design Review Compliance Letter.

c. **Process and Approval Criteria:**

The Director shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: the applicable Building and Site Design Standard(s) for the project (Section 18.610.30) and/or the applicable Additional Standards (Section 18.610.035.)

2. **Track 2: Administrative Review with Design Standards**

a. **Applicability:** A Track 2 review will be required for one of more of the following:

- (1) All new Development except those listed in Section 18.610.010.E.1
- (2) A change that requires additional on-site parking in accordance with Chapter 18.765;
- (3) A change in the type of commercial or industrial structures as defined by the State Building Code;
- (3) An increase in the height of the building(s) by more than 20%;
- (5) A change in the type and location of access ways and parking areas where off-site traffic would be affected;
- (6) An increase in the floor area proposed for a nonresidential use by more than 10% excluding expansions under 5,000 square feet;
- (7) A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required by this code or reduces the open space area by more than 10%;

b. **Procedure Type:**

The Type II procedure, as described in Section 13.390.040, shall apply to an application using the Building and Site Design and Development Standards. The decision making authority is the Director.

Applicants are required to identify how their proposed site/building plan meets the design standards, through architectural drawings, illustrations, graphics, photographs, a narrative with findings and other materials that demonstrate how the proposed development implements the intent of the design standards.

c. **Process and Approval Criteria:**

The Director shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: 18.610.030 Building and Site Design Standards and Additional Standards 18.610.035.

3. **Track 3 Discretionary Design Review Using Design Objectives**

a. **Applicability:**

- (1) Any project, at the applicant's option. The applicant may also choose this track if a project is unable to meet a clear and objective standard.

b. **Procedure Type:**

Applicants are required to identify how their proposed site/building plan meets the intent statements of the design objectives, through architectural drawings, illustrations, graphics, photographs, a narrative with findings and other materials that demonstrate how the proposed development implements the intent of the design standards.

The Type III procedure, as described in Section 13.390.050, shall apply to an application using Discretionary Design Objectives. The decision making authority is the Design Review Board. Projects receiving approval must also undergo review for land use, engineering, and building approval.

e. **Process and Approval Criteria:**

The Design Review Board shall approve, approve with conditions, or deny an

Section E.1 and E.2

Adopted from Site Development Review Chapter 18.360 major modification evaluation criteria. Removed the following types of projects:

1. *An increase in dwelling unit density, or lot coverage for residential development;*
2. *A change in the ratio or number of different types of dwelling units*
7. *An increase in vehicular traffic to and from the site and the increase can be expected to exceed 100 vehicles per day;*
10. *A reduction of project amenities below the minimum established by this code or by more than 10% where specified in the site plan:*
 - a. *Recreational facilities;*
 - b. *Screening; and/or*
 - c. *Landscaping provisions.*

application based on finding that the following criteria are satisfied: 18.610.050 Building and Site Design Objectives.

4. Adjustments and Variances

- a. Variances and adjustments as outlined in Chapter 18.370 may be granted for the provisions and regulations of the underlying zone, the Development Standards 18.610.020, and for the Additional Standards (18.610.035) Variances cannot be granted for building and site design standards in Section 18.610.030. Instead, applications unable to meet a standard should use the Track 3 Discretionary Design Review using Design Objectives.
- b. For applications using Track 3, variances and adjustments may be only be granted for the provisions and regulations of the underlying zone, the Development Standards (18.610.020), and for the Additional Standards (18.610.035), not for the Design Objectives themselves.

E Downtown Design Review Submittal Requirements:

1. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Section 18.390.040, or for a Type III procedure, as governed by Section 18.390.050.
2. Additional information. In addition to the submission requirements required in Section 18.390, Decision-Making Procedures, an application must include the following additional information in graphic, tabular and/or narrative form. The Director shall provide a list of the specific information to be included in each of the following:
 - a. An existing site conditions analysis;
 - b. A site plan;
 - c. A grading plan;
 - d. A landscape plan;
 - e. Architectural elevations of all structures; and
 - f. A copy of all existing and proposed restrictions or covenants.
3. All drawings submitted with applications for development using Tracks 2 and 3 shall be stamped by a registered architect. Applications for landscaping projects only may be stamped by a registered landscape architect. Applications that require engineering or transportation reports must be stamped by the appropriate specialist.

G. Approval period. Approval by the Director or Design Review Board shall be effective for a period of 1-1/2 years from the date of approval. The approval shall lapse if:

1. Substantial construction of the approved plan has not begun within a one-and-one-half years period; or
2. Construction on the site is a departure from the approved plan.

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

1. No changes are made on the plan as approved by the Director or Design Review Board;
2. The applicant can show intent of initiating construction on the site within the one year extension period; and
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

I. Phased development

1. If the development of a site takes more than one year, the applicant shall submit a phased development time schedule for approval by the Director. In no case shall the total time period for all phases be greater than seven years without reapplying for design review.
2. The criteria for approving a phased development proposal is that all of the following are satisfied:
 - a. The public facilities are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or other property owners

STAFF COMMENTARY

A limited number of exceptions to the standards that may be granted are listed in 18.610.045.

Sections F through K adapted from Section 18.360 Site Development Review. Currently, projects in the Tigard Triangle and Washington Square undergo Site Development Review and review with the design overlay standards. Projects in the Downtown will meet the standards of this Section (and the additional chapters listed in 18.610.025, but need not undergo Site Development Review.

to construct public facilities that were required as part of the approved development proposal; and

- d. The Director's decision may be appealed as provided by Section 18.390.040.G. No notice need be given of the Director's decision.

J. Bonding and Assurances

1. Performance bonds for public improvements. On all projects where public improvements are required the Director shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of approval of the plan in order to ensure the completed project is in conformance with the approved plan; and
2. Release of performance bonds. The bond shall be released when the Director finds the completed project conforms to the approved plan and all conditions of approval are satisfied.
3. Completion of landscape installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Director is filed with the City Recorder assuring such installation within six months after occupancy:
 - a. Security may consist of a faithful performance bond payable to the City, cash, certified check or such other assurance of completion approved by the City Attorney; and
 - b. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

K. Business Tax Filing

The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a City of Tigard business tax prior to initiating business.

18.610.015 Pre-Existing Uses and Developments within the Downtown District

A. Applicability. Notwithstanding the provisions of Section 18.760.040 (Criteria for Nonconforming Situations), land uses and associated development in the MU-CBD District that were lawfully in existence at the time of adoption of these standards may continue as lawful uses and developments.

1. Land uses and associated development that were in existence at the time of the adoption of the MU-CBD district and Chapter 18.610 may continue on the property. Additions, expansions, or enlargements to such uses or developments, shall be limited to the property area of said use or development lawfully in existence at the time of adoption of this ordinance, _____, 2009.
2. If a pre-existing structure or use is destroyed by fire, earthquake or other act of God, or otherwise abandoned then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within one (1) year of the date of the loss. The new structure would have to conform to the code.

B. Standards for Projects Involving Existing Single Family and Duplex Dwellings

1. Existing single family buildings and duplexes used for residential purposes are exempt from the standards.
2. For projects involving preexisting housing units used for non-residential uses the applicable standards are: 18.610.020. Building and Site Development Standards, including the applicable sub-area from Map 610.A, 18.610.030. Building Design Standards for non-Residential Buildings and 18.610.035 Additional Standards.

C. Existing nonconforming industrial structures

Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P Industrial uses after the nonconforming use limit of six months: Map 2S 1 2AA tax lot 4700, Map 2S 1 2AC tax lot 100 and 202, Map 2S 1 2AD tax lot 1203, Map 2S 1 2DB tax lot 100, and Map 2S 1 2DA tax lot 300.

*Section 18.610.015:
Section A is based on the Washington Square Regional Center Design Standards (Section 18.630.030). The section addresses nonconforming uses and structures in the Downtown district. It has some differences with Section 18.760, Nonconforming Situations. Additions and modifications of existing nonconforming structures are permitted. As the proposed development standards would create many nonconforming developments, the proposed code requires only the addition or modification to the structure conform to the new code requirements. For example, for an application to add windows to the façade of an existing building would only have to meet the window standards (window coverage, trim, etc.) and not the other façade standards (awnings, etc.)*

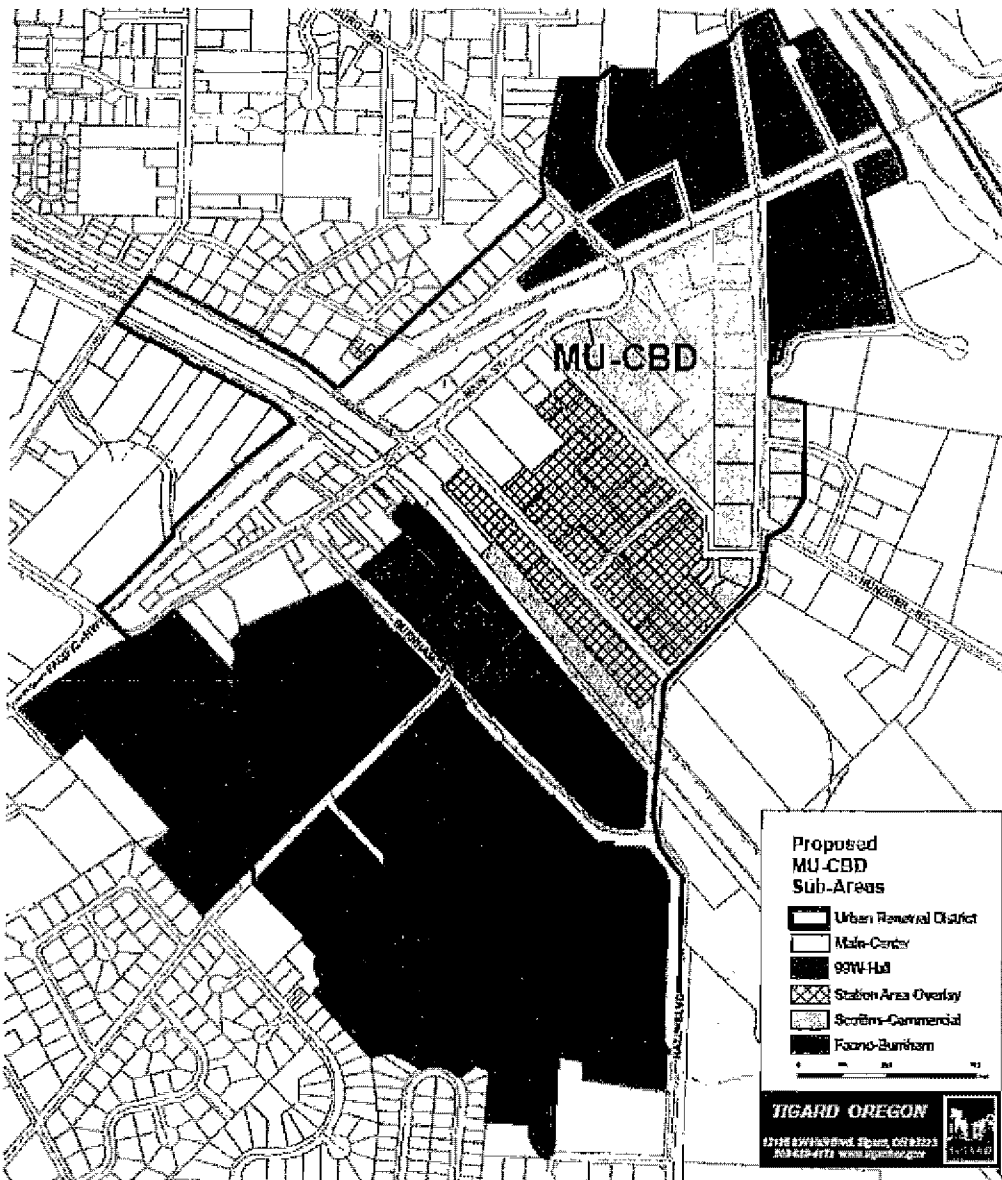
The proposed code also permits nonconforming uses and structures to continue if destroyed, as long as it is reestablished within one year. Section 18.760 permits only 6 months. Washington Sq. specifies 3 years to reestablish, but only if destroyed by fire, earthquake, or other act of god. The proposed language would allow up to a year to reestablish an abandoned use. The reason for the more permissive standard is to lessen the likelihood that buildings would stand empty and unused during the expected transition of downtown.

Section C carries over from the existing CBD regulations, with one previously listed property removed (the property where the Ballroom Dance Facility is now located.)

18.610.020 Building and Site Development Standards

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- A. **Sub-Areas:** The four sub-areas located on Map 610.A and described below have different setback and height limits in order to create a feeling of distinct districts within the larger zone.
1. **Highway 99W and Hall Boulevard Corridor** sub-area is intended to create a “pulse-point” along the Highway 99W corridor. Located at the intersection of 99W and Hall Blvd., the area has the high traffic and visibility to draw potential retail customers from the region. It will also serve the potential for future high capacity transit in the corridor. The area will accommodate higher levels of vehicular circulation, while maintaining a pedestrian scale at the ground-floor level of buildings. It would allow development of mixed use and retail buildings that could vary in scale from one-story retail-only buildings, to mixed use buildings up to eight stories tall with retail on the ground floor and residential and/or office uses above.
 2. **Main St.—Center St.:** The sub-area is centered on the City’s historic downtown Main Street. It is intended to be pedestrian oriented with smaller scale development that would function like a “traditional Main Street.” A pedestrian environment would be improved with a continuous building wall broken only intermittently. New buildings in the sub-area must include ground floors with commercial storefront features. Residential and commercial uses are permitted on upper floors.
 3. The **Scoffins St.—Commercial St.** sub-area is intended to provide an opportunity for higher density residential as well as an employment base comprised of civic, office and commercial uses in the areas of Commercial Street and Scoffins. Residential only buildings, office/commercial buildings, and mixed use developments are all permitted.
 4. The **Fanno—Burnham St.** sub-area provides an opportunity for medium scale residential or mixed use development. Compatible mixed-uses (live-work, convenience retail, office and civic uses) are encouraged on the frontage of Burnham Street. The area in proximity to Fanno Creek Park will be an opportunity to create a high quality residential environment with views and access to the natural amenity of Fanno Creek Park. Building heights will step down to three stories so as not to overwhelm or cast shadows on the park.



Map 18.610.A shows the location of the sub-areas. Each sub-area has distinct height limits and setbacks. The development standards are listed in Table 18.610.1 below. The sub-areas are centered on existing streets, but also account for the potential development of future streets.

All of the uses displayed in the 18.520.1 land use table are permitted in all of the sub-areas.

Note: for standards for development surrounding the future public plaza see Section 18.610.040. Special Requirements for Development Bordering Urban Plaza

B. Development Standards. Development Standards apply to all new development in the MU-CBD zone, including developments utilizing the Track 3 approval process. Variances or Adjustments may be granted if the criteria found in Chapter 18.370 is satisfied.

1. Development standards matrix. See Table 18.610.1 and Map 18.610.A

Table 18.610.1
 MU-CBD Development Standards Matrix^{1, 2, 3}

STANDARD	SUB-AREAS			
	Main Street (MS)	99W/Hall Corridor (99H)	Scoffins/Commercial (SC)	Fanno/Burnham (FB)
Front Setback				
Minimum	0 ft.	0/5 ft. (5 ft. for frontage on 99W)	0 ft.	0 ft.
Maximum	10 ft. ⁷	25 ft.	20 ft.	20 ft.
Side facing street on corner & through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/Maximum	N/A	N/A	N/A	N/A
Rear Setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3 stories (45 ft.)	3 stories (45 ft.)	6 stories (80 ft.)	6 stories (80 ft.) (3 stories/45 ft. within 200 ft. of Fanno Creek Park boundary (see Map 610A) or within 50 ft. of low or med. density residential district.)
Ground Floor Height Minimum	15 ft.	15 ft.	none	none
Site Coverage Maximum	100%	90%	90%	80%
Minimum Landscaping ⁴	0% ⁵	10%	10%	20%
Minimum Building Frontage	50%	50%	50%	50%
Residential Density (units per acre)				
<i>Minimum Density applies to residential-only development (not mixed use)</i>				
Minimum	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

Maximum height is provided in stories and feet. The limits shall be in stories, however having the maximum expressed in feet allows for flexibility in actual story heights, while providing a hard cap.

¹ This table does not apply to existing development. All New Buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040. Special Requirements for Development Bordering Urban Plaza.

³ See also 18.610.045 Exceptions to Standards in the MU-CBD zone.

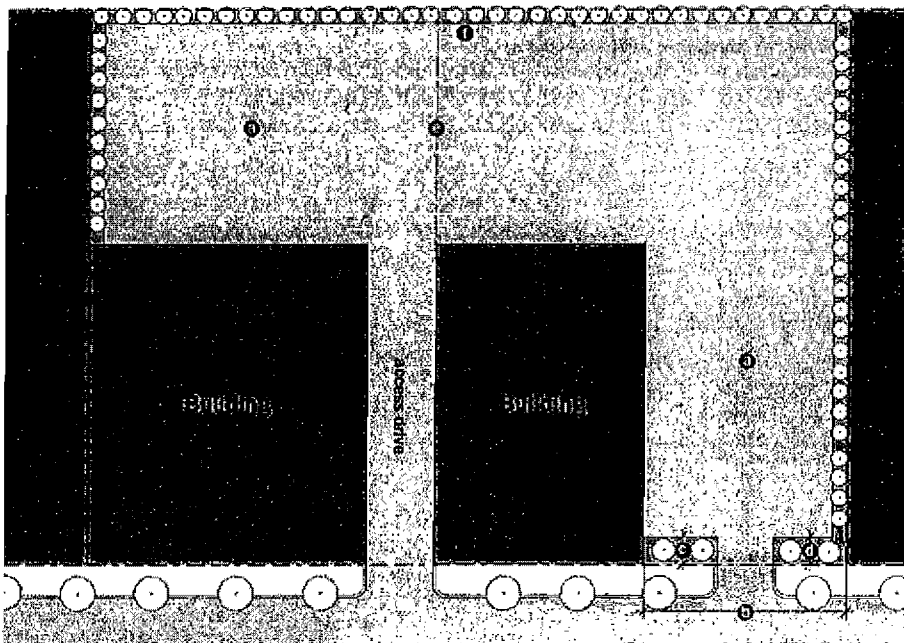
⁴ In the MU-CBD zone, required landscaping can be provided on roofs.

⁵ Landscaping/screening requirements for parking lots must be met.

⁶ Station Area Overlay permits a maximum of 80 units per acre (See Map 18.610A)

2. Parking Location:

- a. Parking is allowed on the side or rear of newly constructed buildings. If located on the side, the parking area shall not exceed 50% of the total frontage of the site.
- b. Parking is set back a minimum of 10' from the front property line.
- c. When abutting a public street, parking areas must be behind a landscaped area constructed to an L-1 standard.
- d. Where a parking lot shares a property line with an adjacent parking lot, the landscape requirement along the shared property line is not required.

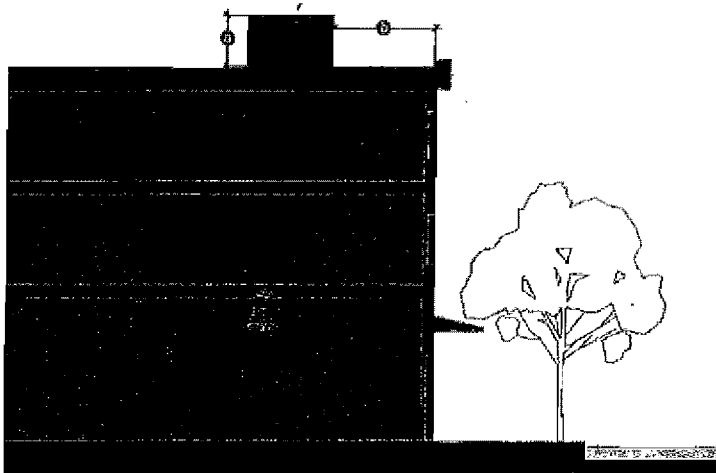


- 1 Parking on the side or rear of buildings
- 2 Max. 50% of site frontage
- 3 Min. 10' setback
- 4 L-1 landscape standard
- 5 Landscape not required along shared prop. line
- 6 See Ch.18,745 for screening and landscaping requirements

B.2 Parking Location

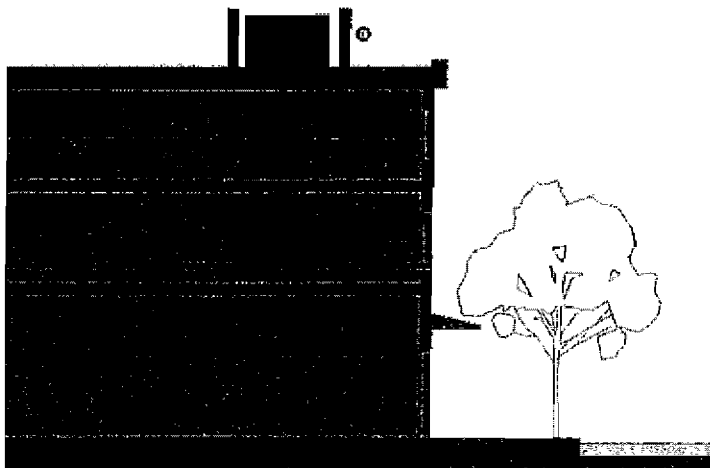
3. Rooftop Features/Equipment Screening

- a. The following rooftop equipment does not require screening:
 - (1) Solar panels, wind generators, and green roof features
 - (2) Equipment under two feet in height
- b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.
- c. Satellite dishes and other communications equipment shall be limited to 10 feet in height, shall be setback a minimum of 5 feet from the roof edge and screened from public view to the extent possible.
- d. All other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be setback a minimum of 5 feet from the roof edge and be screened from public view and from views from adjacent buildings by one of the following methods:
 - (1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry;
 - (2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
- e. Required screening shall not be included in the building's maximum height calculation.



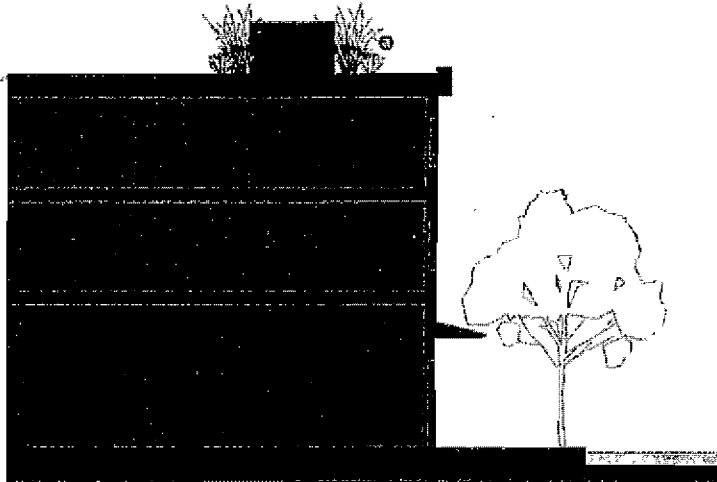
- ① 10 feet max. equipment height
- ② Equipment set back min. 5 feet

B.3 Rooftop Features/Equipment Screening



- ① Screen made of primary exterior finish material, wood, or masonry

B.3.d.(1) Rooftop Features/Equipment Screening (architectural screen)



Green roof features with evergreen foliage

B.3.d.(2) Rooftop Features/Equipment Screening (vegetative screen)

4. **Other Exterior Mechanical Equipment.** Other exterior mechanical equipment on the site (electrical boxes, etc.) shall be screened from view from adjacent ROW, public spaces, and parking areas by one or a combination of the following:
 - a. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry; or
 - b. Setback from the street facing elevation so it is not visible from the public ROW; or
 - c. Dense evergreen foliage that forms an opaque barrier when planted that will be regularly maintained.
5. **Landscaping and Screening.** In addition to the requirements of Chapter 18.745 the following shall also apply to the screening and landscaping of parking and loading areas:
 - a. The minimum dimension of the landscape islands shall be four feet and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.
 - b. Landscape islands shall provide a minimum of 1000 cubic feet of soil volume per tree. This may be achieved through open soil (see definition) area, root paths (see definition) to open soil areas, or covered soil areas (see definition) specially designed to support root growth. Soil depth will be assumed to be three feet.
 - c. Tree species shall be large stature/broad spreading at maturity and chosen from the Tigard Street Tree list unless otherwise approved by the City. If the use of large stature trees/broad spreading trees is precluded by building lines, trees shall be the largest size possible given the available space.
 - d. Irrigation shall be provided for all parking lot trees and landscaping via an automatic irrigation system.
 - e. Soil volume calculations (see definition) shall be provided for each tree. Soil specifications (including amendments and composition of imported soils) and irrigation details shall be provided on plans prepared by a licensed landscape architect.
 - f. Prior to final approval, the project landscape architect shall certify that parking and loading areas have been planted per the approved landscape plan and the provisions of this Section.

18.610.025 Street Connectivity

Section to be held until completion of Downtown Circulation Plan.

Section 18-610-025

A Downtown Circulation Plan will be adopted together with the TSP update (in progress.) The Circulation Plan will include a map with designated new streets and bicycle/pedestrian connections, which new development will be required to provide for. The Plan will also include special street sections for the MU-CBD zone.

18.610.030 Building and Site Design Standards

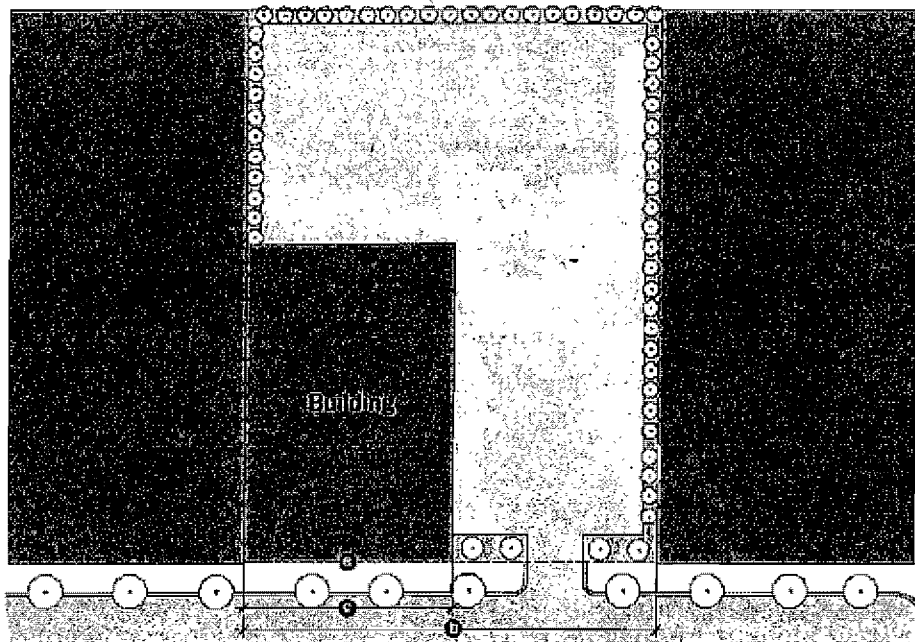
A. Create Vibrant Ground Floors, Streetscapes and Rights-of-Way; Provide Weather Protection; and Promote Safety and Security.

Intent. Design standards in this section are intended to foster vibrant, inviting streetscapes and sidewalk-facing ground floors and entryways. They are also intended to create buildings that are easily accessible to and provide protection from the elements for pedestrians. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. Building and site design should also address crime prevention through defensible spaces lighting, and features that allow observation and "eyes on the street."

STAFF COMMENTARY

1. Street Façade

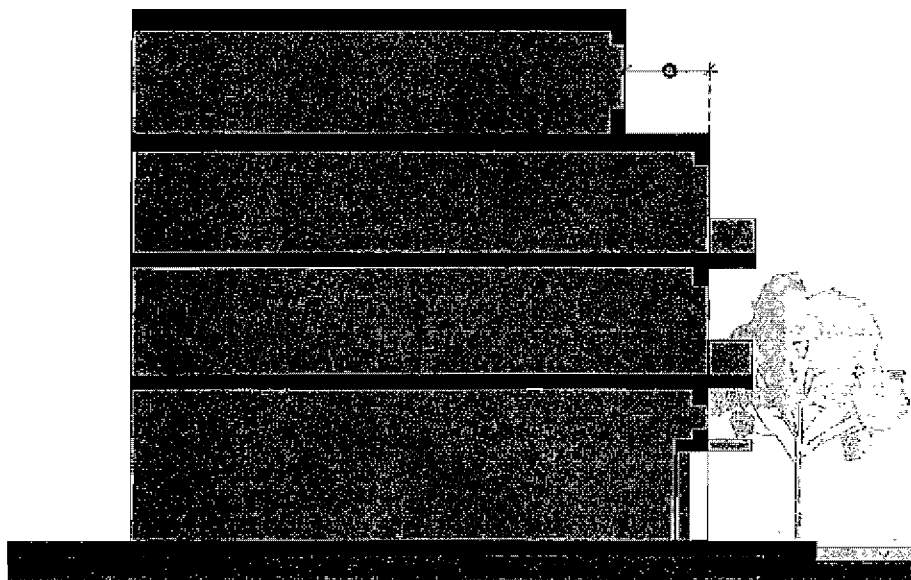
- a. Street-facing facades shall be built in proximity to the street. This standard is met when at least 50 percent of the ground floor front building elevation(s) is located no further from the front property line than the maximum front setback standard established in Table 18.610.1; and, where maximum street-facing side setbacks are required within the Main Street Subarea, at least 50 percent of the ground floor street-facing side building elevation(s) is located no further from the street-facing side property line than the maximum street-facing side setback standard established in Table 18.610.



- ⓐ Maximum setback line
- ⓑ Lot frontage
- ⓒ Min. 50% of street-facing lot frontage occupied by building facade at setback line

A.1(a) Street Façade

- b. Buildings more than 3 stories are required to step back six (6) feet from the building facade at the beginning of the fourth (4th) story.



- ⓐ Min 6' setback

A.1(b) Street Façade

2. Primary Entry

a. For Commercial/Mixed Use Buildings

- (1) At least one entry door is required for each business with a ground floor frontage.
- (2) Each entrance shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
- (3) All primary ground-floor common entries shall be oriented to the street or a public space directly facing the street, not to the interior or to a parking lot.

b. For Residential Buildings

- (1) **Entry Door:** The primary public entrance to each building unit shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
- (2) All primary ground-floor common entries of multi-family buildings and individual unit entries of attached single family units that front the street shall be oriented to the street or public right-of-way, not to the interior or to a parking lot.

3. Windows

a. Ground Floor Windows for Non-Residential and Mixed Use Buildings:

- (1) 60% minimum ground floor window coverage for street-facing wall (Minimum window coverage includes any glazed portions of doors)
- (2) Ground Floor Window Transparency. All buildings with non-residential ground floor windows must have a Visible Transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices which may have tinted windows.

b. Ground Floor Windows for Residential Buildings:

- (1) 30% minimum ground floor window coverage for street-facing wall (Minimum window coverage includes any glazed portions of doors)

c. Upper Floor Windows/Doors for All Buildings:

- (1) 30% minimum upper floor window coverage for each floor of the street-facing wall. (Minimum window coverage includes any glazed portions of doors)
- (2) The required upper floor window/balcony door percentage does not apply to floors where sloped roofs and dormer windows are used.
- (3) Upper floor windows shall be vertically oriented (a minimum vertical to horizontal dimension ratio of 1.5:1.)

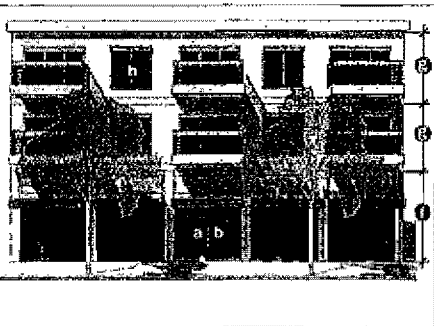
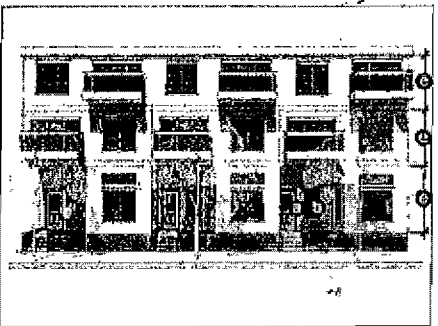
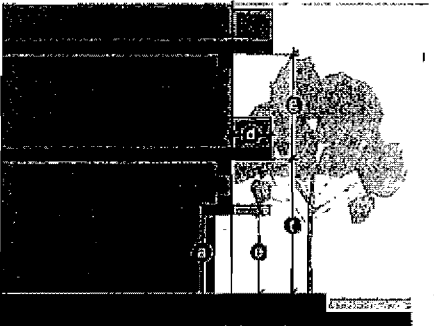
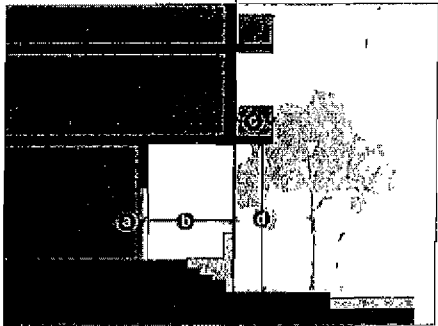
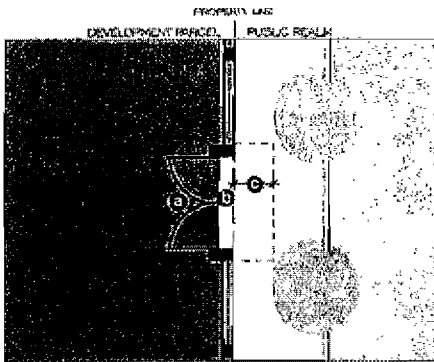
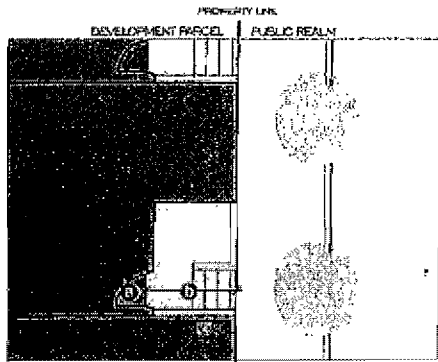
d. Window Shadowing for All Buildings:

Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 3 inches into the façade and/or incorporating trim of a contrasting material or color.

4. Weather Protection

For Non-residential and Mixed Use Buildings:

- a. A Projecting Façade Element (awning, canopy, arcade, or marquee) is required, on the street facing façade of the street with the highest functional classification.
- b. Awnings/Marquees/Canopies may project a minimum of 3 feet and a maximum of 6 feet from the façade (a maximum of 4 feet into the public right of way)
- c. The element shall have a minimum 10 feet clearance from the bottom of the element to the sidewalk.
- d. Awnings must match the width of storefronts or window openings.
- e. Internally lit awnings are not permitted
- f. Awnings must be made of glass, metal, or exterior grade fabric (or a combination of these materials)



- Ⓐ Primary entry doors oriented to street or public space
- Ⓑ Entrance is covered and/or recessed behind facade
- Ⓒ Max 6' balcony/deck projection
- Ⓓ Min 10' clearance
- Ⓔ Min 30% windows
- Ⓕ Upper windows vertically oriented

A.2-4 Residential (Only) Building

- Ⓐ Primary entry door oriented to street or public space
- Ⓑ Entrance is covered and/or recessed behind facade
- Ⓒ Min 3'; Max 6' projection
- Ⓓ Max 6' balcony/deck projection
- Ⓔ Min 10' clearance
- Ⓕ Min 60% windows
- Ⓖ Min 30% windows
- Ⓗ Upper windows vertically oriented

A.2-4 Commercial/Mixed-Use Building

B. Cohesive architectural facade standards.

Intent. Build and expand upon Downtown Tigard's architectural character by incorporating cohesive and repetitive architectural elements into the ground floor of street facing facades.

1. Architectural Bays for Non-Residential and Mixed Use Buildings

Divide the street facing ground floor of commercial/mixed use storefronts into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.



- ① Architectural bay (30' max on center)
- ② Building lighting
- ③ Transom windows
- ④ Ground floor window(s)
- ⑤ Column/pilaster/post
- ⑥ Frame sign
- ⑦ Sign board/storefront frieze

B.1 Architectural Bays

C. Integrated building façade standards.

Intent. Build upon and improve Downtown Tigard's architecture by creating an attractive and unified building façade that encourages ground floor activities, and creates visually interesting facades and roofs.

1. Non-residential and mixed use building facades

a. Non-residential and mixed use buildings Tri-Partite Facades

Non-residential and mixed use buildings two stories and above shall have three clearly defined elements on the street-facing façade(s); a base (extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building); a middle (distinguished from the top and base of the building by use of building elements); and a top (roof form/ element at the uppermost portion of the façade that visually terminates the façade). A tripartite façade creates a unified façade and breaks up vertical mass.

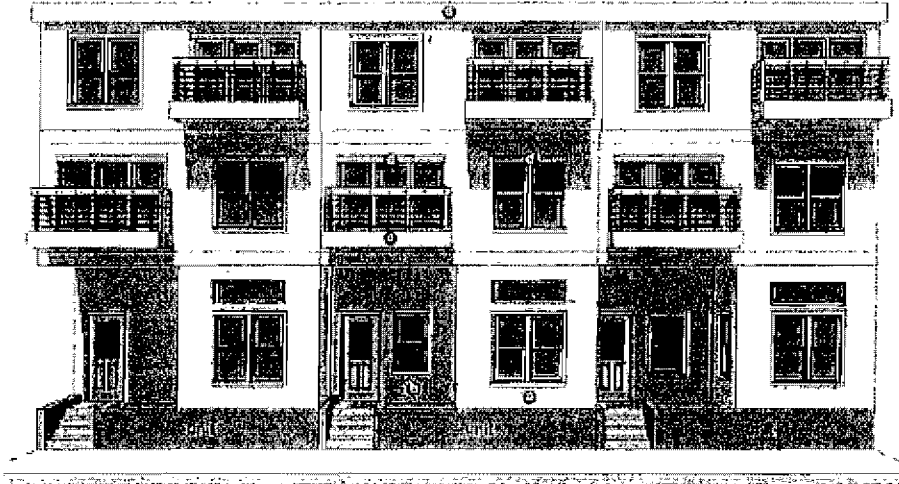


- ⓐ "Base"
- ⓑ "Middle"
- ⓒ "Top"
- ⓓ Belt course/string course
- ⓔ Projecting cornice/parapet

C.1 Integrated Building Façade (Commercial/Mixed-Use Building)

2. Residential Building Facades

- a. Unit definition. Each street facing dwelling unit shall be emphasized by including a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch or balcony that faces the street. b) Trim detail. Trim shall be used to mark all building roof lines, porches, windows and doors that are on a primary structure's elevation(s).

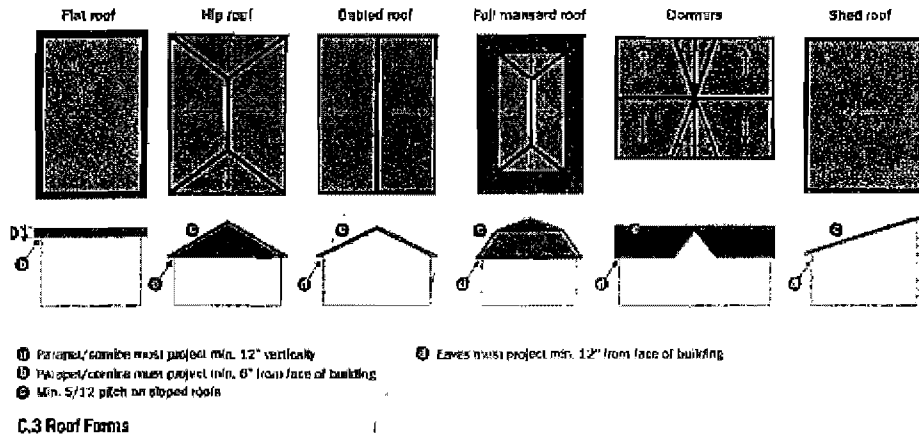


- ① Street-facing bay window
- ② Street-facing porch
- ③ Street-facing balcony
- ④ Trim required on roof lines, porches, windows and doors

C.2 Integrated Building Facade (Residential Only Building)

3. Roof Forms

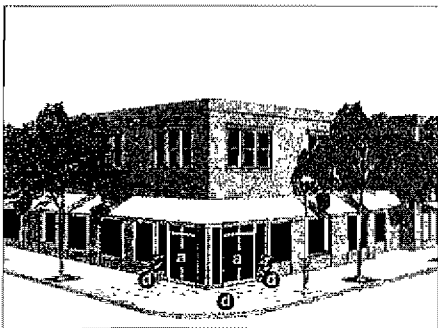
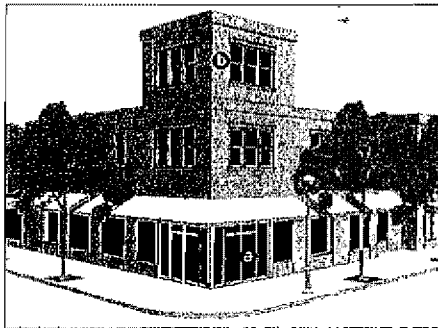
- a. The roof form of a building shall follow one (or a combination) of the following forms:
 - (1) Flat Roof with Parapet or Cornice
 - (2) Hip Roof
 - (3) Gabled Roof
 - (4) Full Mansard Roof
 - (5) Dormers
 - (6) Shed Roof
- b. All sloped roofs (other than full mansard roofs) exposed to view from adjacent public or private streets and properties shall have a minimum 5/12 pitch.
- c. Sloped roofs, shall have eaves, exclusive of rain gutters, that must project from the building wall at least twelve inches.
- d. All flat roofs or those with a pitch of less than 5/12 shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least twelve inches and /or a cornice that must project from the building face at least 6 inches.
- e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as the existing roof.
- f. Green roof features and/or rooftop gardens are encouraged. As part of the development permit, applicant shall execute a covenant ensuring the maintenance of any green roof. The covenant shall be approved by the Director on City provided forms.



D. Create Street Corners with Strong Identity

Intent. Create a strong architectural statement at street corners. Establish visual landmarks and enhance visual variety.

1. For non-residential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) incorporate one of the following features:
 - a. Locate the primary entry to the building at the corner.
 - b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
 - c. The corner of the building cut at a 45 degree angle, or a similar dimension "rounded" corner.
 - d. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.



- 1 Primary entry door to the building located at corner
- 2 Prominent architectural element within 20' of the corner of the building
- 3 Corner min 10' from street corner and cut at 45 degree angle
- 4 Special paving patterns, street furnishings, and plantings near front door

A.2-4 Commercial/Mixed-Use Building

E. Assure Building Quality, Permanence and Durability

Intent. Use building materials that evoke a sense of permanence and are compatible with Downtown Tigard and the surrounding built and natural environment.

1. Building Materials

- a. The following exterior building materials or finishes are prohibited:
 - (1) Vinyl siding
 - (2) T-111 or similar sheet materials
 - (3) Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry.) Foundation material may be skim coated concrete block where the foundation material is not revealed for more than 2 feet.
 - (4) Mirrored glass

F. Open Space/ Public Plaza

Intent: Assure adequate public, private and shared outdoor space

1. Mixed use and Commercial Developments greater than 60,000 sf.
 - a. Development projects with site areas greater than 60,000 sf shall include at least one public space with a minimum size of 600 sf.
 - b. Public spaces shall be abutted on at least two sides by retail shops, restaurants or services with windows entrances fronting on the space.
 2. Mixed Use Buildings with Residential Units and Residential Only Multi-Family Developments
 - a. **Private Outdoor Space:** For all residential only buildings and mixed use buildings with more than 4 residential units:
 - (1) A minimum of 80% of the dwelling units in a development shall have private open space, such as a private porch, a deck, a balcony, a patio, an atrium, or other outdoor private area. The private open space shall be contiguous with the unit in a single area.
 - (2) A minimum of 32 square feet of private open space is required. The open space must have a minimum depth of 4 feet.
 - (3) Balconies may project up to a maximum of four feet into the public right-of-way.
 - (4) Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
 - b. **Shared Outdoor Space for Mixed Use Buildings with Residential Units and Multi-Family Buildings:** In addition to the required private outdoor space, multi-family buildings and mixed use buildings with more than 4 residential units shall provide shared open space (e.g., courtyards, roof decks or garden, play areas, outdoor recreation facilities, indoor recreation room, and/or similar space) that is equal to or greater than 10% percent of the development site, except as follows:
 - (1) **Credit for Private Open Space.** Up to 50% percent of the shared open space standard may be met by providing additional private open space, such as balconies, porches and patios (above what is required in 18.610.030.F.2).
 - (2) **Credit for Proximity to a Park.** A shared open space credit of 50% percent may be granted when a multiple family development is directly adjacent to an improved public park.
 - (3) **Credit for up to 100% of the shared open space standard may be met by paying a fee-in-lieu.** The fee will fund parks and/or plazas within the Downtown Urban Renewal District.
 - (4) **Shared outdoor recreation space shall be readily observable to promote crime prevention and safety.**
 3. **Private Open Space for Single-Family Attached Dwelling Units:**
 - a. A minimum of 100 square feet of private open space per unit such as a private porch, yard, a deck, a balcony, a patio, or other outdoor private area is required.
- G. Additional Requirements for Single-Family Attached Dwelling Units**
1. Garage entry garages and carports shall be accessed from alleys, or otherwise recessed behind the front building elevation (i.e., living area or covered front porch) a distance of 7 feet or less or 18 feet or greater.

Section F

The required open space for multi-family projects have been changed from the existing SDR standards (Chapter 18.360) to allow a more urban form of development. 80% of multi-family units in a development are required to provide private open space, which allows more flexibility in the design of multi-family buildings. 32 sq. ft. of private open space is required, reduced from the SDR requirement of 48 sq. ft.

Minimum required shared outdoor space will be 10% of the site area, rather than 200 or 300 sq. ft. per unit as required in Chapter 18.360 Site Development Review.

18.610.035 Additional Standards

Applications must conform to all applicable standards in the following chapters:

- Access Egress and Circulation see Chapter 18.705
- Environmental Performance Standards see Chapter 18.725
- Exceptions to Development Standards see Chapter 18.730
- Landscaping and Screening see Chapter 18.745
- Mixed Solid Waste and Recyclable Storage see Chapter 18.755
- Off-Street Parking and Loading Requirements see Chapter 18.765
- Sensitive Lands see Chapter 18.775
- Signs see Chapter 18.780
- Tree Removal see Chapter 18.790
- Visual Clearance see Chapter 18.795
- Wireless Communication Facilities see Chapter 18.798
- Street and Utility Improvement Standards see Chapter 18.810

18.610.040 Special Requirements for Development Bordering Urban Plaza

The Urban Plaza is listed as a catalyst project in the Tigard Downtown Improvement Plan and Urban Renewal Plan. Developments on the parcels that directly abut the location of the new plaza will be expected to be in keeping with the character of the plaza. New development that is built concurrently or subsequent to the construction of the plaza will need to conform to the following standards (in addition to the other applicable standards in this code):

- The building must be minimum of two stories and a maximum of four stories.
- No parking lot may abut the plaza
- The buildings shall follow the building and site design and development standards for Commercial and Mixed Use buildings in the Main Street Sub-area.

These requirements are a "floating zone" that will take effect when the property for the Urban Plaza is secured.

18.610.045 Exceptions to Standards

A. Exceptions to setback requirements. The Director may grant an exception to the yard setback requirements in the applicable zone based on findings that the approval will result in the following:

1. An exception which is not greater than 20% of the required setback;
2. No adverse effect to adjoining properties in terms of light, noise levels and fire hazard;
3. Safe vehicular and pedestrian access to the site and on-site;
4. A more efficient use of the site which would result in more landscaping; and
5. The preservation of natural features which have been incorporated into the overall design of the project.

B. Exceptions to parking requirements. The Director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:

1. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., senior citizen housing, and which has a demonstrated low demand for off-street parking;
2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or
3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.

C. Exceptions for private or shared outdoor area. The Director may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any one or more of the

18.610.045 adapted from Chapter 18.360 Site Development Review

following findings:

1. The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or
2. The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

D. **Exceptions to landscaping requirements.** The Director may grant an exception to the landscaping requirements of this code, Section 18.745, upon finding that the overall landscape plan provides for at least 20% of the gross site to be landscaped.

18.610.050 Building and Site Design Objectives (to be used with Track 3 Approval Process)

A. Applicability

All development using the Track 3 Approval Process must demonstrate compliance with the design objectives listed in 18.610.050.C. The development must also meet the development standards of Table 18.610.1.

B. Approval Criteria

Applicants are required to identify how their proposed site/building plan meets the intent statements of the design objectives, through architectural drawings and a narrative.

The design review body will make findings that the intent of the design objective has been met. Applications using the Track 3 process must also show compliance with the development standards set forth in Section 18.610.020 and Table 18.610.1

Concurrently or after Design Review Board approval, the application will be reviewed for compliance with the other relevant chapter sections, as listed in 18.610.035.

C. Design Objectives

Each design objective has an intent statement followed by photographs of development exemplifying the objective.

1. Create Vibrant Streetscapes and Rights-of-Way; Provide Weather Protection; and Promote Safety and Security

Intent. Foster vibrant, inviting streetscapes and sidewalk-facing ground floors and entry ways. Create buildings that are easily accessible to and provide protection from the elements for pedestrians. Ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. Building and site design should also address crime prevention through defensible spaces, lighting, and features that allow observation and "eyes on the street."



18.610.050

Track 3 is available as an alternative way of review that ensures projects that are unable to meet the design standards will have good design principles.

The Building and Site Design objectives are qualitative statements, with multiple ways of accomplishing. They are based on the intent statements from the Design Standards section. The application would address each applicable objective through a narrative graphics, and architectural drawings. The decision making process is Type III with the Design Review Board as the decision making authority.

Concurrently, or after Design Review Board approval, the application will be reviewed for compliance with the other relevant chapter sections: land use, street, utility, issues, etc. A Design Review Board may consist of a new volunteer board, appointed by Council or a subcommittee of the Planning Commission. A potential configuration is five members with at least three involved in architecture, landscape architecture, or a design specialty.

The photos are included as examples of development that exemplify the objective.

STAFF COMMENTARY

2. Create Cohesive Architectural Facades

Intent. Build and expand upon Downtown Tigard's architectural character by incorporating cohesive and repetitive architectural elements into the ground floor of street facing facades. Relate to the horizontal facade articulation and massing of surrounding development and/or utilize building and site design elements that connect Panno Creek Park or extend natural elements to the Downtown.



3. Design Buildings with Integrated Facades

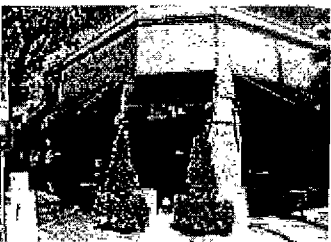
Intent. Build upon and improve Downtown Tigard's architecture by creating an attractive and unified building facade that encourages ground floor activities, creates a visually interesting facades and roofs.





4. Create Street Corners with Strong Identity

Intent. Create a strong architectural statement at street corners to create a strong identity and opportunities for activity. Establish visual landmarks and enhance visual variety.



5. Assure Building Quality, Permanence and Durability

Intent. Use building materials that evoke a sense of permanence and durability and are compatible with Downtown Tigard and the surrounding built environment. Windows, doors, roofs, and weather protection shall appear to be an integral part of the building design.



6. Provide Adequate Outdoor Spaces

Intent: Assure new residential units have adequate private and shared outdoor space.

18.610.046 Signs

- A. **Sign standards.** In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:
1. Zoning district regulations - Residential only developments within the MU-CBD zone shall meet the sign requirements for the R-40 zone 18.780.130B; non-residential developments within the MU-CBD zone shall meet the sign requirements for the commercial zones, 18.780.130C, and the additional requirements below.
 2. Sign area limits — The maximum sign area limits are:
 - a. Freestanding signs: 70 square feet per sign face or a total of 140 square feet for all sign faces.
 - b. Wall Signs: shall not exceed in gross area 15 percent of any building face on which the sign is mounted.
 - c. All other signs area requirements shall follow 18.780.130C.
 3. Height limits — The maximum height limit for all signs except wall signs shall be 20 feet
 4. Sign location — Freestanding signs within the MU-CBD zone shall not be permitted within required L-1 landscape areas.
 5. Blade Signs are permitted.
 - a. One blade sign (above the walkway and under weather projecting awnings, marquees, and parapets) placed at each entrance to a building is allowed.
 - b. Vertical dimension of a blade sign shall not exceed 1.5 ft and the width may not exceed 90 percent of the width of the weather protection, for a maximum sign area per sign of 4.5 sq. ft.
 - c. Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
 - d. Illumination: The blade sign may be indirectly illuminated.
 6. Projecting signs are permitted.
 - a. A projecting sign not greater than 32 square feet per face or a total of 64 square feet for all sign faces can project up to four feet into the public right-of-way with a 10 foot clearance of the right-of-way.
 7. Pedestrian-oriented roof/awning signs are permitted.
 - a. Buildings with a height of 20 feet or less are permitted to have one roof sign which extends above the upper surface of the awning structure or the roof line.
 - b. The sign may not exceed 2 feet above the roof line and may not extend below the roofline
 - c. The maximum sign area is 45 square feet.
 - d. The sign must be oriented to the entrance of the building
 - e. The sign may be internally or externally illuminated.
 - f. One pedestrian oriented roof/awning sign shall be permitted per tax parcel.

18.610.047 Off-Street Parking and Loading Requirements

- A. **Parking Standards.** New development in the Downtown must conform to the requirements of Chapter 18.765 with the following exceptions.
1. Multi-family Units: In the MU-CBD zone the minimum parking requirement for all multi-family units shall be 1.0/DU. Adequate provisions for barrier free parking shall be as required by the State Building Code. Visitor parking spaces are not required. Bicycle parking requirements shall not be reduced.
 2. All Other Uses: For all other uses the minimum off-street vehicle parking requirements shall be 75% of the total computed from Table 18.765.2. Bicycle parking requirements shall not be reduced.
 3. Main Street-Center Sub-area: New commercial development up to 20,000 square feet in the Main Street-Center sub-area (shown on Map 18.610.A) shall have no minimum vehicle parking requirements, except that any multi-family units shall have a minimum of 1.0/DU.
 4. Fractional Space Requirements: In the MU-CBD zone, when calculating the total minimum number of vehicle parking spaces required in Table 18.765.2, fractional space requirements shall not be counted as a whole space.
 5. Motorcycle/scooter parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle/scooter parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.
 6. Further adjustments: As provided for in Section 765.070.R, further adjustments to parking standards can be

applied for.

18.610.46 Signs

Most existing CBD and C-G sign regulations are retained with some exceptions.

18.610.047 Off-Street Parking Requirements

Development in the MU-CBD have significantly reduced parking minimums in expectation that other modes will be increasingly used.

Properties in the Main St and Center Sub-area will have no minimum required parking to preserve the existing street wall on these streets.

In addition, in the existing Chapter 18.370 Variances and Adjustments, an additional 40% adjustment in the minimum parking requirement may be authorized if:

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

18.120 Chapter Definitions

Design Related Definitions

1. **Arcade** — An exterior covered passageway along a building façade that is open to the street frontage.
2. **Awning** — An overhead cover extending above the sidewalk (usually above windows and doors) as a shelter and/or sunshade.
3. **Band** — Any horizontal flat member or molding or group of moldings projecting slightly from a wall plane and usually marking a division in the wall.
4. **Bay** — (a) Within a structure, a regularly repeated spatial element defined by beams or ribs and their supports. (b) A protruded structure with a bay window.
5. **Belt Course** — A horizontal band or molding set in the face of a building as a design element (also called a string course).
6. **Canopy** — A covered area which extends from the wall of a building, protecting an entrance or loading dock.
7. **Chamfer** — To cut off the edge or corner of.
8. **Column** — In structures, a relatively long, slender structural compression member such as a post, pillar, or strut, usually vertical, supporting a load which acts in (or near) the direction of its longitudinal axis.
9. **Cornice** — Decorative projection or crown along the top of a wall or roof.
10. **Eaves** — The lower edge of a sloping roof; that part of a roof of a building which projects beyond the wall.
11. **Entry** — The space comprising a door and any flanking or transom windows associated with a building.
12. **Frieze** — A decorative horizontal band, as along the upper part of a wall in a room; often used for signage in modern buildings, but derived from classical architectural principles.
13. **Marquee** — A permanent roof-like shelter over an entrance to a building.
14. **Medallion** — A decorative element set into the upper portion of a building façade periodically, typically aligning with columns or pilaster.
15. **Parapet** — A low, solid, protective screening or decorative wall as an extension of exterior building walls beyond the roof or deck level.
16. **Pilaster** — An ornamental or functional column or pillar incorporated into a wall.
17. **String Course** — A horizontal band or molding set in the face of a building as a design element (also called a belt course).
18. **Transom** — A horizontal glass plane, typically encased in a wood or metal frame that separates the storefront from the upper façade.
19. **Turret** — A very small and slender tower attached to a larger building.
20. **Visible Transmittance** — A measure of the amount of visible light transmitted through a material (typically glass). Information about visible transmittance typically is, or can be, provided by window manufacturers.

Landscaping related definitions:

21. **Open soil** — An unpaved area of soil surrounding a tree, which contains existing, new or amended soil.
22. **Root paths** — Constructed paths that use aeration or drainage strips to give roots a way to grow out of the tree space and under pavement in order to access better planting soils. Root paths can connect tree spaces and adjacent green spaces.
23. **Covered soil area** — An area of soil that is under pavement and specially designed to accommodate tree root growth. Design methods include structural soil, sidewalk support and soil cells.
24. **Soil volume calculations** — Sum total of soil volumes from each design method used for a tree. A soil depth of 3 feet is assumed. $\text{Soil Volume (cubic feet)} = \text{Open soil area (length x width x depth) (feet)} + \text{Covered soil area (length x width x depth) (feet)} + \text{Root path length (feet) x } 0.25 + \text{Green space area (length x width x depth) (feet)}$.
*Include only applicable soil areas and design methods for each tree.

STAFF COMMENTARY

These definitions were largely adapted from the City of Canby's design code. They will be integrated into the existing Definitions Chapter.

Use related

25. Custom arts and craft work -- Manufacture of crafts, art, sculpture, pottery, stained glass, musical instruments and similar items produced without the use of a mechanized assembly line.

STAFF COMMENTARY

Table 18.745.1 BUFFER MATRIX

EXISTING/ABUTTING USE	PROPOSED USES:												
	Single Units, Detached; Manufactured Units	Attached Single Units and Multifamily, 1-5 Units, Duplexes	Attached Single Units and Multifamily, 5+ Units	Mobile Home Parks	Commercial Zones (CC, CG, CP, CBD)	Neighborhood Commercial Zone (CN)	Mixed Use Employment Zone (MUE)	Light Industrial Zones (IP, IL)	Heavy Industrial Zones (IH)	Parking Lot: 4-50 Spaces	Parking Lot: 50+ Spaces		
Detached Single Units, Manufactured Units	-	A	C	C	D	G	C	E	F	C	D		
Attached Single Units and Multifamily, 1-5 Units, Duplexes	A	-	B	C	D	C	C	E	F	C	D		
Attached Single Units and Multifamily, 5+ Units	A	A	-	C	D	C	C	E	F	C	D		
Mobile Home Parks	A	A	B	-	D	C	C	E	F	C	D		
Commercial Zones (CC, CG, CP, CBD)	C	C	C	C	-	A	A	D	D	-	-		
Neighborhood Commercial Zone (CN)	C	C	C	C	A	-	A	D	D	-	-		
Mixed Use Employment Zone (MUE)	C	C	C	C	A	A	-	D	D	-	-		
Light Industrial Zones (IP, IL)	D	D	D	D	A	A	A	-	D	-	-		
Heavy Industrial Zone (IH)	D	D	D	D	D	D	D	D	-	-	-		
Parking Lots	C	C	C	C	-	-	-	-	-	-	-		
Arterial Streets	A	A	A	A	-	-	-	A	D	-	-		

In keeping with a mixed use downtown, different uses will generally not need to be buffered from each other, with the exception of parking lots.

Note 1: See Table 18.745.2 for alternative combinations for meeting these screening requirements.

Note 2: **For projects within the MU-CBD zone the following buffering is required:**

- A) Proposed parking lots must have a buffer to level "C" (Parking lots abutting parking lots do not need a buffer).**
- B) Proposed uses in the MU-CBD zone that abut a residential zone must have a buffer to level "C."**

Chapter 18.765
OFF-STREET PARKING AND LOADING REQUIREMENTS

STAFF COMMENTARY

Table 18.765.2

	MINIMUM	MAXIMUM ^m		
		Zone A	Zone B	Bicycle
Multifamily Units	DU < 500 sq ft: 1.0/DU (M) 1 bedroom: 1.25/DU (M) 2 bedroom: 1.5/DU (M) 3 bedroom: 1.75/DU (M) [X]	none	none	1.0/2 DUs except elderly, which is 1.0/20 DUs

[7] Please see Chapter 18.610.047 off-street vehicle parking minimum requirements in the in the MU-CBD zone.

Existing buildings directly abutting Main Street are not required to add additional off-street parking for a change of use except for entertainment uses. New buildings or existing buildings that undergo remodeling provided the original square footage of the buildings remain the same also are not required to add additional off-street parking. Entertainment uses and construction of new buildings abutting Main Street require parking according to the standards of Table 18.765.2.

[x] In the MU-CBD zone the minimum parking requirements for all multi-family units is 1.0/DU.

18.765.070.I. Developments in the MU-CBD Zone Please see Section 18.610.047 off-street vehicle parking minimum requirements in the in the MU-CBD zone.

In addition, in the existing Chapter 18.370 Variances and Adjustments, an additional 40% adjustment in the minimum parking requirement may be authorized if

(1) Use of transit, demand management programs, and/or special characteristics of the customer, client employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standards Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements, and

(2) A reduction in parking will not have an adverse impact on adjacent uses.

Chapter 18.780

SIGNS

Change reference from CBD to MU-CBD

EXHIBIT "B"

Proposed Land Use Designations

City of Tigard Oregon

Zoning Classifications

CC	Community Commercial
CG	General Commercial
CN	Neighborhood Commercial
CP	Professional Commercial
MU-CBD	Mixed Use Central Business District
HI	Heavy Industrial
LI	Light Industrial
IP	Industrial Park
MUC	Mixed Use Commercial
MUC-1	Mixed Use Commercial 1
MUE	Mixed Use Employment
MUE-1	Mixed Use Employment 1
MUE-2	Mixed Use Employment 2
MUR-1	Mixed Use Residential 1
MUR-2	Mixed Use Residential 2
R-1	80,000 Sq Ft Min Lot Size
R-2	20,000 Sq Ft Min Lot Size
R-3	10,000 Sq Ft Min Lot Size
R-4.5	7,000 Sq Ft Min Lot Size
R-5	5,000 Sq Ft Min Lot Size
R-12	3,000 Sq Ft Min Lot Size
R-25	1,400 Sq Ft Min Lot Size
IS-40	40 Units Per Acre
(PD)	Planned Development Overlay
(HCD)	Historic District Overlay

Comprehensive Plan Designations

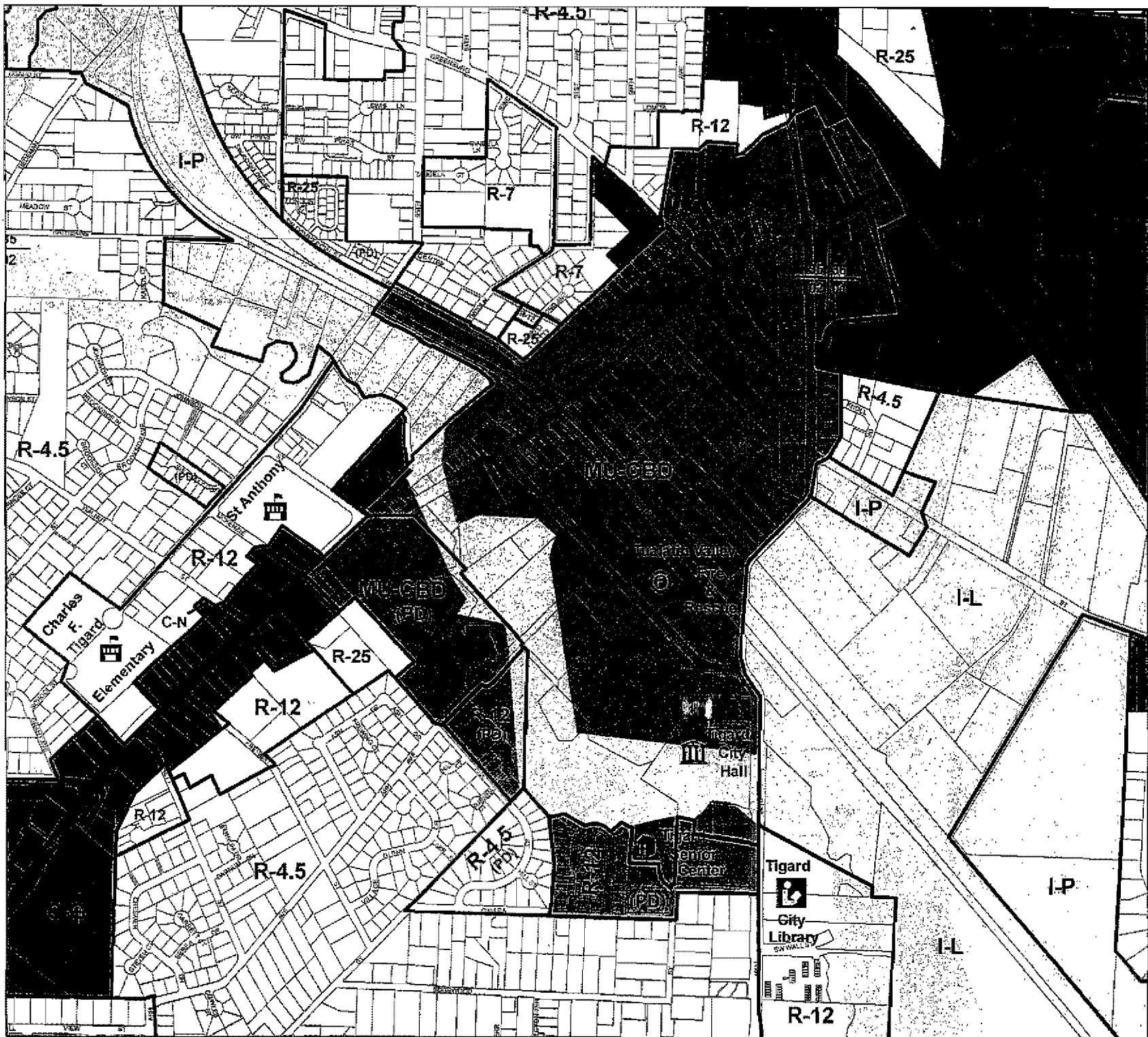
	Mixed Use-Central Business District
	Community Commercial
	General Commercial
	Neighborhood Commercial
	Professional Commercial
	Heavy Industrial
	Light Industrial
	Low Density Residential
	Medium Density Residential
	Medium-High Density Residential
	High Density Residential
	Mixed Use Commercial
	Mixed Use Employment
	Mixed Use Employment 1
	Mixed Use Employment 2
	Mixed Use Residential 1
	Mixed Use Residential 2
	Open Space
	Public Institution
	Tigard City Limits
	Tier 1 Boundary

** The information represented on this map is current as of Aug 20, 2009. Revisions will be update as new conditions or considerations occur to the benefit of the City.



Scale: 0 100 200 300 Feet

Map of Tigard, Oregon
 City of Tigard, Oregon
 1000 NE Oregon Street, Tigard, Oregon 97138
 (503) 338-2000
 www.tigard.or.gov



Agenda Item: _____
 Hearing Date: January 26, 2010 Time: 7:30 PM

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



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: DOWNTOWN URBAN RENEWAL DISTRICT CODE AMENDMENTS

FILE NOS.: Comprehensive Plan Amendment CPA2009-00003
 Development Code Amendment DCA2009-00005
 Zoning Map Amendment ZON2009-00001

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

PROPOSAL: The proposal is for Comprehensive Plan Amendments, Development Code Amendments, and Zoning Map Amendments related to the Downtown Urban Renewal District and the Central Business District Comprehensive Plan designation.

- The proposal includes changing the Comprehensive Plan Designations of the subject parcels from Central Business District, General Commercial, Commercial Professional, Medium-High Density Residential, Low Density Residential, and Mixed Use Residential 1 to Mixed Use Central Business District.
- The proposal also includes changing the Zoning Map Classifications of the subject parcels from CBD (Central Business District), CBD (PD) (Central Business District-Planned Development Overlay), C-G (General Commercial), C-P (Commercial Professional), R-25 (Residential, 25 units per acre), R-4.5 (Residential, 4.5 units per acre), MUR-1 (Mixed Use Residential 1), R-12 (PD) (Residential, 12 units per acre- Planned Development Overlay) to MU-CBD (Mixed Use Central Business District) and MU-CBD (PD) (Mixed Use Central Business District-Planned Development Overlay).
- The proposed MU-CBD zone will permit a wide mix of uses. The zone is proposed to be further divided into sub-areas which regulate height and setbacks.
- Maximum density is proposed to be increased from the currently allowed 40 units an acre to 50 units an acre, plus a station area overlay permitting 80 units per acre.
- Proposed Development Code Amendments include design and site standards for new development and changes to Sections 18.120, 18.390, 18.520., 18.745, and 18.765.
- These proposed changes would implement the Comprehensive Plan Text amendments for the Downtown adopted in 2007.

LOCATION: Properties within the Tigard Downtown Urban Renewal District and properties with the Central Business District Comprehensive Plan designation.

**CURRENT ZONING/
COMP. PLAN**

DESIGNATION: Zoning Designation: CBD (Central Business District), CBD (PD) (Central Business District-Planned Development Overlay), C-G (General Commercial), C-P (Commercial Professional), R-25 (Residential, 25 units per acre), R-4.5 (Residential, 4.5 units per acre), MUR-1 (Mixed Use Residential 1), R-12 (PD) (Residential, 12 units per acre- Planned Development Overlay). Comp Plan Designation: Central Business District, General Commercial, Commercial Professional, Mixed Use Residential 1, Low Density Residential, Open Space.

**PROPOSED ZONING/
COMP. PLAN**

DESIGNATION: Proposed Zoning Classification: MU-CBD (Mixed Use Central Business District) and MU-CBD (PD) (Mixed Use Central Business District with Planned Development Overlay), R-12 (PD) (Residential, 12 units per acre with Planned Development Overlay). Proposed Comp Plan Designation: Mixed Use Central Business District and Open Space.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters: Goal 1-Citizen Involvement; Goal 2- Land Use Planning; Goal 5-Natural Resources and Historic Areas; Goal 6-Air, Water and Land Resources; Goal 7-Hazards; Goal 8- Parks, Recreation, Trails, and Open Space; Goal 9- Economic Development; Goal 10-Housing; Goal 11-Public Facilities and Services; Goal 12- Transportation; Goal 13- Energy Conservation; Goal 14- Urbanization; and Goal 15- Special Planning Areas-Downtown; Metro Functional Plan Titles 1, 2, 6, and 7; and Statewide Planning Goals 1, 2, 5, 6, 7,9, 10, 11, 12, 13, and 14.

SECTION II. STAFF RECOMMENDATION

The Director recommends that the Tigard City Council finds this request to meet the necessary approval criteria. Therefore the Director recommends that the Council **ADOPT** the proposed Comprehensive Plan Amendment, Development Code Amendment and Zoning Map Amendment as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION

Site History

Tigard’s historic center is Main Street. The arrival of the Oregon Electric Railroad in 1910 with a stop off Main Street helped spur commercial development around the mostly agricultural area. The area

developed into the mixed use area of retail shops, light industrial uses, and multi-family housing that it is today.

In 1996, the Metro 2040 Plan included Downtown Tigard as a Town Center, one of 37 areas in the Portland Region identified as a focus for redevelopment, multi-modal transportation and concentrations of households and employment.

The current local Downtown Tigard planning effort dates back to 2002. A group of citizens and business owners were inspired to work on ideas for Downtown to capitalize on the planned Commuter Rail station in Downtown. A more extensive planning process was made possible with a state Transportation and Growth Management (TGM) grant.

Tigard Downtown Improvement Plan (TDIP)

A Task Force of 24 citizens was formed to guide the plan's development. The planning process incorporated high levels of citizen involvement, including community dialogues, workshops, open house, and a public survey. Because of this citizen involvement process, the City of Tigard was awarded the 2005 Good Governance Award from the League of Oregon Cities. The award recognizes exceptional city programs that unite citizens within a community.

The result of the planning process was the Tigard Downtown Improvement Plan (TDIP). The TDIP set forth a vision to create "a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes and uses natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard."

Urban Renewal Plan

An Urban Renewal Plan was developed to implement the TDIP. The tools provided by urban renewal, including Tax Increment Financing, are intended to attract private investment and facilitate the area's redevelopment. Tigard voters approved the use of Tax Increment Financing for the Urban Renewal District in the May 2006 election.

Downtown Comprehensive Plan Chapter

In 2007, a new Comprehensive Plan chapter for the Downtown was adopted specifically to provide the goals, policies, and action measures to implement the vision of the TDIP.

Vicinity Information

In general, the area is bounded by Fanno Creek to the southwest, Hall Boulevard to east, and Hwy 99W to the northwest. The Downtown Urban Renewal District encompasses 193.71 acres. In addition to these properties, approximately 37 acres have the Comprehensive Plan designation of Central Business District.

Adjacent properties are zoned Commercial General (C-G), Commercial Professional (C-P), Light Industrial (I-L), Industrial Park (I-P), Medium High Density Residential (R-25), Medium Density Residential (R-12 and R-7), Low Density Residential (R-4.5), and Low Density Residential with Planned Development Overlay (R-4.5(PD)).

Proposal Description

The Community Development Director requests Comprehensive Plan Amendments, Development Code Amendments, and Zoning Map Amendments for properties in the Downtown Urban Renewal District

and properties with the Central Business District Comprehensive Plan designation. All of the properties within the Urban Renewal District and all properties currently with the Comprehensive Plan designation of Central Business District are proposed to be designated with the new Comprehensive Plan designation of Mixed Use Central Business District. All of the properties within the Urban Renewal District are proposed to be designated with the new zoning classification of Mixed Use – Central Business District (MU-CBD). Five properties with the current zoning CBD (PD) are proposed to be designated with the new zoning classification Mixed Use – Central Business District with Planned Development Overlay (MU-CBD (PD)). Two additional properties (the Fanno Creek House) currently zoned R-12 (PD) would also receive the designation MU-CBD (PD). The Fanno Creek area would retain its current Comprehensive Plan designation of Open Space.

SECTION IV. SUMMARY OF REPORT

Applicable criteria, findings and conclusions

Tigard Community Development Code

- o Chapter 18.380

- o Chapter 18.390

Applicable Tigard Comprehensive Plan Policies

- o Policies 1, 2, 5, 6, 7, 8, 9, 10 11, 12, 13, 14, and 15

Applicable Metro Standards

- o Titles 1, 2, 6, and 7

Statewide Planning Goals

- o Goals 1, 2, 5, 6,7, 8, 9, 10 11, 12, 13, and 14

City Department and outside agency comments

SECTION V. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

TIGARD DEVELOPMENT CODE CHAPTER 18.380:

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060.G.

TIGARD DEVELOPMENT CODE CHAPTER 18.390:

Chapter 18.390.060.G states that 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.

These factors will be addressed in this staff report.

APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES:

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

COMPREHENSIVE PLAN – GOAL 1: CITIZEN INVOLVEMENT

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

The code amendments are intended to implement the Tigard Downtown Improvement Plan, which included extensive public involvement in the Tigard Downtown Improvement Plan, (citizen Task Force, community dialogues, workshops, an open house, and a public survey.) A subcommittee of the City Center Advisory Commission and Planning Commission, two citizen groups, met in public meetings for over a year to develop the proposed Code amendments. The City Center Advisory Commission has reviewed, provided additional input to, and endorsed the proposed amendments. In addition, two public open houses were held to provide opportunity for citizen comment. Information on the proposed code changes was also distributed at several community meetings and events.

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. A notice was mailed to all affected property owners and individuals on the citywide interested parties list. The notice of the Planning Commission and City Council hearings was additionally published in the Tigard Times on November 19, 2009. 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. Requests for comments were also sent to ODOT, Metro and surrounding jurisdictions.

At the December 7, 2009 public hearing, the Planning Commission unanimously recommended approval of the proposed code amendments to Council.

With these public involvement provisions, the proposed code amendments are consistent with applicable Citizen Involvement policies.

COMPREHENSIVE PLAN – GOAL 2: LAND USE PLANNING

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

Policy 2. The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

The Comprehensive Plan includes a chapter on the Downtown. The goal of this chapter is to "promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to live, work, play, and shop in an environment that is uniquely Tigard." The proposed code amendments are consistent with this chapter.

Policy 4. The City's land use program shall promote the efficient use of land through the creation of incentives and redevelopment programs.

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

The proposed amendments are consistent with these policies. The proposed increase in maximum density will encourage the redevelopment of underutilized parcels that are close to services and well-served by transit. Downtown Tigard is a Metro designated Town Center and the proposal will encourage more intensive residential and employment development than is currently permitted.

Policy 6. The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability.

The proposed code amendments would create a new mixed use zone MU-CBD that would allow a wide range of residential and commercial uses. The proposed zoning is important to the success of the Urban Renewal District, which was enacted by Tigard voters in 2006. The proposed zoning will encourage new development which will have a positive impact on the Tax Increment Financing that is necessary for the completion of the identified projects of the City Center Urban Renewal Plan. The success of the Urban Renewal District is vital to the community's social and fiscal stability.

Policy 7. The City's regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:

- A. Residential;**
- B. Commercial and office employment including business parks;**
- C. Mixed use;**
- D. Industrial;**
- E. Overlay districts where natural resource protections or special planning and regulatory tools are warranted; and**
- F. Public services.**

The proposed new zone MU-CBD allows a mix of needed urban land uses: residential, commercial, office employment, and public services. The proposed zone also includes a Station Area overlay zoning which has a higher maximum density to encourage residential development in close proximity to bus and commuter rail service.

Policy 12. The City shall provide a wide range of tools, such as planned development, design standards, and conservation easements, that encourage results such as:

- A. High quality and innovative design and construction;**
- B. Land use compatibility;**
- C. Protection of natural resources;**
- D. Preservation of open space; and**
- E. Regulatory flexibility necessary for projects to adapt to site conditions.**

Policy 24. The City shall establish design standards to promote quality urban development and to enhance the community's value, livability, and attractiveness.

The proposed code amendments include comprehensive design standards for new development within the MU-CBD zone. The design standards require new development to be high quality and pedestrian-oriented.

The zone is further divided into four sub-areas which regulate height and maximum setbacks in a way that is context sensitive. The proposed Fanno-Burnham sub-area has a higher landscaping percentage requirement for development than the other sub-areas and has a height limit of three stories for development within 200 feet of Fanno Creek Park. This will result in less intensive development which is compatible to an open space area and will protect natural resources. There is a three story height maximum for development within 50 feet of a low and medium residential district which assures land use compatibility.

Policy 15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services;

The district is served by transportation facilities, designated arterials: Hwy 99W and Hall Blvd., collectors (Main Street, Burnham Street, Ash Street, and Hunziker Street). Several street improvement projects will be underway within the next two years: intersection improvements and Hwy 99W and Greenburg/Main and Hwy 99W/ Hall Blvd.; reconstruction of Burnham Street and Ash Street connection to the park and ride lot; and the Main Street Green Street.

The district is well served by public transit. It is the location of the Tigard Transit Center and the WES Commuter Rail station.

A Downtown Circulation Plan is in progress that will identify the location of new streets and pedestrian/bicycle connections, and street functional classifications. A section of the proposed code has been reserved so these standards and location of new streets can be adopted.

Sanitary and water lines and stormwater facilities are generally available in the district. As properties redevelop in the district, applicants will have to upgrade to current standards.

C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;

D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;

As a flexible zone, the proposed MU-CBD zone will allow opportunities for a wide variety of commercial goods and services, employment, housing, public and community services.

The CBD zone is a de facto Mixed Use district; however the new designation will make it more explicit. According to the City's Buildable Land Inventory, there are 86.32 acres of buildable properties with Commercial zoning (48.17 acres of Commercial-only and 38.15 acres of Mixed Use). For the properties zoned C-G included in this zone, the new designation will increase the range of types of permitted development. As a place where high density housing can be built, it will help address the shortage of appropriately zoned High Density residential buildable land (there is currently 0 acres available).

E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled;

As part of the review of the draft code through TGM Code Assistance, architectural consultants designed site plans for three locations in the district, using the draft code. The studies demonstrated that the type of desired development was feasible.

Several properties included in this proposed re-zone have a Planned Development overlay. These designations will be retained.

F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses; and

G. Demonstration that the amendment does not detract from the viability of the City's natural systems.

The proposed zoning has sub-areas with development standards that are sensitive to context. Fanno-Burnham sub-area has a higher landscaping percentage requirement for development than the other sub-areas due to the proximity to Fanno Creek. In addition new buildings are limited in height to 3 stories within 200 feet of Fanno Creek Park. This will result in less intensive development compatible to an open space area with natural resources. There are also lower height limits for development that is within 50 feet of a Low Density Residential zone. In addition, the existing Planned Development Overlay designations will be retained. The requirement of an additional layer of review can ensure the preservation of natural features.

COMPREHENSIVE PLAN – GOAL 5 NATURAL FEATURES AND OPEN SPACE

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

In the proposed Fanno-Burnham sub-area there is a lower height limit for development within 200 feet of Fanno Creek Park. In addition there is higher landscaping requirements for development than the other sub-areas. This will result in less intensive development compatible to an open space area with natural resources. In addition, the retention of existing Planned Development Overlay designations will entail an additional layer of review to ensure the preservation of natural features.

Overall, the district's higher permitted density and more intensive land uses will help preserve open space in other areas of the City and region.

COMPREHENSIVE PLAN – GOAL 6 ENVIRONMENTAL QUALITY

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

The proposed code amendment will encourage a more efficient development pattern in the Downtown. Development that is oriented to the street and the provision of the pedestrian and bicycle facilities listed in the Urban Renewal Plan will make other modes of transportation more attractive. This will reduce reliance on the automobile (the use of which is a major source of air pollution). In particular, in allowing higher density residential development in close proximity to transit service will make this a more plausible option for everyday transportation needs.

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

Tigard's existing Development Code includes several provisions aimed at protecting the community's water supply. The proposed development code provisions include additional requirements for trees in parking lots (minimum island dimensions with soil volume requirements, and irrigation requirements). These changes are intended to improve the viability of trees in parking lots and enable a healthy tree canopy to develop that will mitigate negative impacts of parking lot stormwater runoff.

The proposed code also permits the landscaping requirements to be provided on a building's roof, which is an incentive to develop green roofs, which manages stormwater on the site.

COMPREHENSIVE PLAN – GOAL 7 HAZARDS

The proposed amendments will not affect the City of Tigard's existing regulations that address natural disasters and hazards. The floodplain of Fanno Creek will maintain its Comprehensive Plan designation of Open Space, as well as be subject to existing City code restrictions on building within 100 year floodplains.

COMPREHENSIVE PLAN – GOAL 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.**

Goal 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.

The existing Comprehensive Plan designation of Open Space on the Fanno Creek floodplain will be retained. This Open Space serves an important dual purpose of recreation for residents and enhancement of natural resources.

The proposed code addresses the provision of open space by including code provisions for development adjacent to a Public Plaza, which is an identified Urban Renewal project.

The proposed code does not require the development of trails (this is being addressed in the Downtown Circulation Plan). However, the proposed zoning will have a positive impact on the Urban Renewal District, which includes projects such the conversion of unused rail right of way to a multi-use pedestrian path. The Urban Renewal Plan also includes recreation facilities projects such as a public plaza.

COMPREHENSIVE PLAN – GOAL 9 ECONOMIC DEVELOPMENT

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

Policy 5. The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.

The proposed code amendments will increase opportunities for higher density housing and employment development in the Downtown Urban Renewal District and enable more intense housing and employment uses to be located in close proximity to transit and other urban uses.

Goal 9.3 Make Tigard a prosperous and desirable place to live and do business.

Policy 1. The City shall focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

Policy 2. The City shall adopt land use regulations and standards to ensure a well designed and attractive urban environment that supports/protects public and private sector investments.

The proposed code amendments include detailed design standards for new development in the Downtown. The regulations will ensure high quality pedestrian scale development. This, along with public investments in streets and parks will attract desirable development in the Downtown Urban Renewal District.

COMPREHENSIVE PLAN – GOAL 10 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 1. The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, preferences, and financial capabilities of Tigard's present and future residents.

Increasing the permitted density to a maximum of 50 units per acre (80 units in the station area overlay) in an area with a high level of transit service will encourage a compact district and more efficient use of land. High density provides the developer lower land costs per unit than does low density, and combined with the proposed code's reduction of required private and shared open space requirements and minimum parking requirements in the Downtown, should result in additional affordable housing opportunities.

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.

The proposed code amendments increase opportunities for higher density mixed use development in the Downtown Urban Renewal District and enable residential uses to be located in close proximity to retail, employment, and public facilities, such as transit and parks.

The proposed code provides incentives to encourage the development of a range of housing choices at transit-supportive densities near existing and planned transit routes, by allowing up to 80 units an acre on properties that are within approximately 750 feet of the existing Transit Center/Commuter Rail Station.

The district is also in proximity to activity centers such as employment, commercial areas, public library, government services, and a public park. The adjacent Hwy 99W Corridor is also under consideration for future investment in High Capacity Transit.

COMPREHENSIVE PLAN – GOAL 11 PUBLIC FACILITIES AND SERVICES

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

Policy 8. The City shall locate appropriate municipal administration offices and services in downtown Tigard.

Adequate public facilities are present in the Downtown area. The Urban Renewal Plan includes projects that will build on these services and improve streets and other infrastructure in the district.

The Downtown is also the location of several municipal offices and services, such as Tigard City Hall, Public Works, Tigard Senior Center, and Tualatin Valley Fire and Rescue. The proposed zoning will continue to permit the location of appropriate governmental buildings in the Downtown.

COMPREHENSIVE PLAN – GOAL 12 TRANSPORTATION

Goal 12.3 Public Transportation

Policy 2. The City shall encourage the expansion and use of public transit by:

- A. Locating land intensive uses in close proximity to transit ways;**
- B. Incorporating provisions into the community development code which require development proposals to provide transit facilities; and**
- C. Supporting efforts by TriMet and other groups to provide for the needs of the transportation disadvantaged.**

The current planning process started with the announcement that a new Washington County commuter rail line would have a stop in Downtown Tigard. The proposed amendments would permit more intensive land uses in close proximity to transit. Increased residential densities in this transit oriented district will likely lead to expanded use of public transportation service. The proposed overlay zone would allow an even higher maximum density within a short walk to the central Tigard Transit Center and WES Commuter Rail Station.

COMPREHENSIVE PLAN – GOAL 13 ENERGY CONSERVATION

Goal 13.1 Reduce energy consumption.

Policy 1. The City shall promote the reduction of energy consumption associated with vehicle miles traveled through:

- A. land use patterns that reduce dependency on the automobile;**
- B. public transit that is reliable, connected, and efficient; and**
- C. bicycle and pedestrian infrastructure that is safe and well connected.**

Increasing density in an area with a high level of transit service (a bus Transit Center and a new Commuter Rail station) should achieve greater energy efficiency by reducing reliance on the automobile. The regulations will require a pedestrian orientation for new development and have reduced off-street parking minimum requirements which should encourage alternatives modes of transportation. The code amendments also will allow a mix of residential, retail, and employment uses to create the opportunity for people to live in close proximity to work, shopping and governmental services.

COMPREHENSIVE PLAN – GOAL 14 URBANIZATION

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

Policy 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.

Urban growth boundaries are not specifically involved in this proposal; however the proposed amendments will allow for the more efficient and compact use of land in a designated Town Center and could help reduce the need for future expansion of the urban growth boundary.

COMPREHENSIVE PLAN – GOAL 15 SPECIAL PLANNING AREAS: DOWNTOWN

Goal 15.1 The City will promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to live, work, play, and shop in an environment that is uniquely Tigard.

The explicit purpose this proposal is to fulfill the Tigard Downtown Improvement Plan's goal of creating a vibrant and active urban village. The proposed zoning will create the opportunity for high quality pedestrian and transit oriented development which will complement retail, services, employment and recreational opportunities in the district.

Goal 15.2 Facilitate the development of an urban village.

Policy 1. New zoning, design standards, and design guidelines shall be developed and used to ensure the quality, attractiveness, and special character of the Downtown as the “heart” of Tigard, while being flexible enough to encourage development.

The proposed code amendments seek to be flexible while requiring high quality development. Rather than specifying the location of uses, the zone includes a single list of permitted uses, and will let the real estate market determine the best use for each property. However, the new development must meet comprehensive architectural design standards. This is based on “form based code” concepts, where the design of the building and how it “interacts” with the public realm is more important than the use contained in the building.

The proposed design standards are clear and objective standards and include illustrations of many of the provisions. In addition, there is a provision for the applicant to apply under a discretionary review process. Discretionary design standards provide a “safety valve” for well-designed projects that can't meet the clear and objective standards. The review criteria are broad statements that could be achieved in multiple ways. Photos are provided that show development that exemplifies the design objective. This process allows a design review body discretion in deciding whether an application met them.

Policy 2. The downtown's land use plan shall provide for a mix of complementary land uses such as:

- A. retail, restaurants, entertainment and personal services;**
- B. medium and high-density residential uses, including rental and ownership housing;**
- C. civic functions (government offices, community services, public plazas, public transit centers, etc);**
- D. professional employment and related office uses; and**
- E. natural resource protection, open spaces and public parks.**

Policy 3. The City shall not permit new land uses such as warehousing; auto dependant uses; industrial manufacturing; and industrial service uses that would detract from the goal of a vibrant urban village.

The proposed land use table for the MU-CBD zone is consistent with these policies. A wide variety of commercial, residential, civic, employment, and park uses are permitted. Uses that would detract from the goal of a vibrant urban village, such as new warehousing, industrial uses, are not permitted. New auto-oriented uses are limited.

The code amendments are intended to maximize flexibility in the location of land uses while requiring high quality architectural design. Sites in the zone are generally left open to commercial, residential, or mixed use development.

Policy 4. Existing nonconforming uses shall be allowed to continue, subject to a threshold of allowed expansion.

The proposed code allows for the continuation of nonconforming uses. For uses that are already non-conforming (such as light industrial uses), provisions call out that all existing development may continue (and, if destroyed, be re-established to current standards within one year). This differs from the existing Development Code which in most cases requires a discontinued non-conforming use to be reestablished within six months. If a renovation is planned for an existing building, only the renovated portion would be required to meet the new design requirements.

The proposed code seeks to reduce the creation of additional non-conforming uses as they can create difficulty for businesses in financing, insurance, etc. Land uses that are no longer permitted outright have been in most cases classified as "Restricted" specifying that if the use existed on a property before the adoption of the new code, it can continue as a conforming use, but new uses of this kind elsewhere in the district could not be established. For example, Vehicle Sales will be a Restricted use. A property in the zone that currently has this use can continue it, even if the business changes hands. If this business desired to build a new building, they could develop one consistent with the design standards. However, if a new use was established on the property, then the old Vehicle Sales use could not be reestablished at a later date.

Policy 5. Downtown design, development and provision of service shall emphasize public safety, accessibility, and attractiveness as primary objectives.

The policy is consistent with the proposed design standards which regulate the character of new development. The standards will result in attractive, high quality, and accessible development. Minimum ground floor window requirements will support the concept of "eyes on the street" which is a recognized urban design factor in public safety.

Policy 6. New housing in the downtown shall provide for a range of housing types, including ownership, workforce, and affordable housing in a high quality living environment.

The proposed code permits a wide variety of housing types, including multi-family and single-family attached development. An increase in the permitted density in an area with a high level of transit service will encourage compact communities and more efficient use of land. High density housing, along with the proposed code's reduced requirements for private open space requirements and minimum off-street parking, will result in lower land costs per unit for developers and should result in additional affordable and workforce housing opportunities in the Downtown.

Policy 7. New zoning and design guidelines on Main Street will emphasize a “traditional Main Street” character.

The proposed Main Street sub-area includes several provisions to promote a “traditional Main Street” character. The height of new development is limited to a maximum of three stories, which will prevent out of character development to overwhelm the street. Zero foot front setbacks are permitted and no landscaping is required (except in parking lots) which will preserve the street wall of a pedestrian oriented commercial street. In addition, development under 20,000 square feet would not be required to provide off-street parking, as parking lots and the required curb cuts would interfere with the desired pedestrian atmosphere.

Goal 15.3 Develop and Improve the Open Space System and Integrate Natural Features into downtown.

The proposal would retain the existing Comprehensive Plan designation of Open Space for the Fanno Creek floodplain. The proposed development code requires less intensive uses than is allowed elsewhere in the district in the area adjacent to Fanno Creek Park.

Code provisions that will have the effect of integrating Natural Features include the requirements for trees in parking lots (which make their survival more likely) and the allowing of landscaping requirements on roofs. Natural features will also be integrated into Downtown through the design and development of public improvement projects identified in the Urban Renewal Plan, such as the reconstruction of Burnham Street and the Main Street Green Street project.

Goal 15.4 Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles, and transit.

A Downtown Circulation Plan is currently in progress and the proposed code has a reserved section for circulation improvements, which will include new multi-modal streets to increase connectivity and pedestrian and bicycle connections.

The requirement for commercial and mixed use development to have such features as weather protection, minimum window coverage standards, and requiring parking lots to be in the rear or on the side of new development will encourage a pedestrian scale environment.

FINDING: Based on the analysis above, staff finds that the proposed code and zoning map amendments are consistent with the applicable goals and policies contained in the Tigard Comprehensive Plan.

APPLICABLE METRO, STATE AND FEDERAL REGULATIONS

Pursuant to 18.390.060.G, review of the following Metro, State and Federal regulations are applicable to Type IV procedures which apply generally to legislative matters such as the creation, revision, or large-scale implementation of public policy.

APPLICABLE METRO REGULATIONS:

Metro Urban Growth Functional Plan Title 1: Requirements for Housing and Employment Accommodation

Requires local jurisdictions to establish its capacity to accommodate housing and employment.

The proposed code amendments would increase the permitted residential density in Downtown. The zoning will be flexible in the kinds of employment uses permitted. So the proposed amendments will improve the ability of Tigard to meet its Dwelling Unit Capacity of 6,308 and Job Capacity of 17, 801 as listed on Table 3.07-1 of the Metro Urban Growth Functional Plan. The changes would also help implement the Downtown's designation as a 2040 Growth Concept Town Center.

Metro Urban Growth Functional Plan Title 2: Regional Parking Policy

Requires local jurisdictions to establish parking minimums and maximums to encourage compact urban form.

The proposed code amendments would reduce minimum required off-street parking in the Downtown, below the "maximum" minimums that are listed in Table 3.07-2 of the Metro Urban Growth Functional Plan. Multi-family units would provide a flat 1 space per unit, decreased from the ratio based on the size of the unit. For all other uses, the minimum required off-street parking would be reduced 25% from what is required in the existing Development Code. This will reduce the amount of land that must be devoted to parking and encourage a more compact development form.

Metro Urban Growth Functional Plan Title 6: Central City, Regional Centers, Town Centers and Station Communities

Requires local jurisdictions to adopt land use and transportation plans that are consistent with Metro guidelines for designated Town Centers.

The Metro 2040 Growth Concept and Framework Plan designates Downtown Tigard as a Town Center. Centers are defined as "compact, mixed-use neighborhoods of high-density housing, employment and retail that are pedestrian-oriented and well served by public transportation and roads." The Tigard Downtown Improvement Plan fulfilled the requirement to adopt land use and transportation plans that are consistent with Metro guidelines for designated Town Centers.

The proposed amendments would institute the Tigard Downtown Improvement Plan's and the Tigard Comprehensive Plan's goal of "creating a vibrant and active urban village at the heart of the community that is pedestrian-oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to "live, work, play and shop in an environment that is uniquely Tigard."

Metro Urban Growth Functional Plan Title 7: Affordable Housing

Requires local jurisdictions to address the need for affordable housing.

The proposals allow for a wide range of medium and high density housing types. Higher density housing in an area with a high level of transit service, and provisions that will have the effect of reducing land costs per unit should provide for additional affordable housing opportunities.

It should be noted that the City has already prospectively increased the maximum density from 4.5 units/acre to 50 units/acre on a .98 acre site within this subject area for a proposed affordable senior housing project.

FINDING: Based on the analysis above, staff finds that the proposed project has addressed the relevant Metro policies.

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

Statewide Planning Goals

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.

The code amendments are intended to implement the Tigard Downtown Improvement Plan, which included extensive public involvement in the Tigard Downtown Improvement Plan. A subcommittee of the City Center Advisory Commission and Planning Commission, two citizen groups, met in public meetings for over a year to develop the proposed Code amendments. The City Center Advisory Commission has reviewed, provided additional input to, and endorsed the proposed amendments.

Two Open Houses were held in July 2008 and July 2009 where a summary of the proposed code amendments was presented. Information on the proposed code changes was also distributed at several community meetings and events.

This goal has also been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. Two public hearings will be held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided. Notice in accordance with ORS 227.186, which implements Ballot Measure 56, was mailed to all affected property owners 20 days prior to the first hearing on the ordinance. Additionally, notice of the Planning Commission and City Council hearings was published in the November 19, 2009 issue of the Tigard Times.

At the December 7, 2009 public hearing, the Planning Commission unanimously recommended approval of the proposed code amendments to Council.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework.

The City's Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process and standards to review changes to the Comprehensive Plan. As discussed within this report, the proposed amendments comply with the Development Code and Comprehensive Plan criteria.

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.

Statewide Planning Goal 5 – Natural Resources

This goal requires the inventory and protection of natural resources, open spaces, historic areas and sites suitable for removal and processing of mineral and aggregate resources.

The proposed amendments are consistent with this goal because the proposed changes retain protection for natural resources in the Urban Renewal District, particularly the Fanno Creek wetland and riparian area.

Statewide Planning Goal 6- Air, Water, and Land Resources Quality

This goal aims to maintain and improve the quality of the air, water and land resources of the state.

Air quality will be maintained and improved through the more efficient development pattern in the Downtown which will make other modes of transportation more attractive. This will reduce a major source of air pollution (reliance on the automobile). In particular, in allowing higher density residential development in close proximity to transit service will make this a more plausible option for everyday transportation needs. Code provisions with higher standards for trees in parking lots will also improve water quality.

Statewide Planning Goal 7-Areas Subject to Natural Hazards

This goal aims to protect people and property from natural hazards.

The City of Tigard has existing regulations that address natural disasters and hazards. The proposed amendments will not affect these provisions. The floodplain of Fanno Creek will maintain its Comprehensive Plan designation of Open Space as well as be subject to existing City code restrictions on building within 100-year floodplains.

Statewide Planning Goal 8- Recreational Needs

This goal aims to provide for the siting of facilities for the recreational needs of the citizens of the state and visitors.

The code amendments address recreational needs, through the inclusion of design standards for development that is adjacent to the planned Public Plaza (when it is eventually constructed). This public area is envisioned to provide a range of recreation activities such as farmers markets and performances and become a central gathering place for the community and increase recreational opportunities for residents.

Statewide Planning Goal 9- Economic Development

This goal aims to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed code amendments are consistent with Goal 9 as they will facilitate the development of a vibrant and economically sound city core. The zoning changes will create opportunities for new housing, commercial, and employment development which would create a thriving urban village.

Statewide Planning Goal 10- Housing

This goal aims to provide adequate housing for the needs of the community, region and state.

One of the recommended catalyst projects in the TDIP is to increase the number of housing units in the Downtown. These code amendments increase the maximum density for housing from 40 units an acre to 50 units an acre and 80 units an acre in the Station Area Overlay. This should provide opportunities for a wide variety of housing types in the district.

Statewide Planning Goal 11- Public Facilities and Services

This goal aims 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.

As an area with a significant amount of established development, sufficient public facilities and services are present, including streets, water, sewer utilities, and open space. The code amendments require that new development meet the requirements for street and utility improvements, as well as the standards that are adopted as part of the Downtown Circulation Plan.

Statewide Planning Goal 12-Transportation

The goal aims to provide "a safe, convenient and economic transportation system."

The proposal would allow a more intensive form of development in an area with excellent transit service. The proposed code would result in a compact mixed use development pattern that would encourage walking and bicycling as a realistic transportation alternative to automobile use. Required minimum off-street parking ratios have been reduced in the district and most new automobile dependent uses will not be permitted. This goal will be discussed further in the section addressing the Transportation Planning Rule.

A Downtown Circulation Plan is in progress that will identify the location of new streets and pedestrian/bicycle connections, and street functional classifications. A section of the proposed code has been reserved so these standards and location of new streets can be adopted.

Statewide Planning Goal 13: Energy Conservation

The goal aims to “maximize the conservation of all forms of energy, based upon sound economic principles.”

Increasing density in an area with a high level of transit service (Transit Center served by five TriMet bus lines and a new WES Commuter Rail service) should achieve greater energy efficiency by reducing reliance on the automobile. The regulations will require new development to have pedestrian friendly features such as weather protection to encourage walking. Reduced off-street parking minimum requirements may also encourage the use of alternative modes of transportation. The code amendments will also allow a mix of residential, retail, and employment uses which will create the opportunity for people to live in close proximity to work, shopping and governmental services.

Statewide Planning Goal 14- Urbanization

The goal aims to “accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The proposed amendments will allow for the more efficient use of land in a designated Town Center and could help reduce the need to expand the urban growth boundary.

FINDING: Based on the analysis above, staff finds that the proposed amendments are consistent with applicable Statewide Planning Goals.

State and Federal Regulations

Transportation Planning Rule

Oregon Administrative Rule: Section 660-12-060

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 ratio, etc.) of the facility.

The Transportation Planning Rule requires that amendments to acknowledged comprehensive plans and land use regulations which may significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.

The subject area is an existing central business district that is a designated Town Center under Metro's 2040 Growth Concept. Two ODOT facilities, Hwy 99W and Hall Boulevard, form the northern and eastern boundaries of the district.

Under the existing Development Code, a maximum of 40 units an acre is permitted in the CBD zone which encompasses 75% of the proposed new zoning area. The proposed code would raise the maximum density to 50 units an acre. This is a 25% increase in the maximum allowed density.

A Station Area overlay zone, which allows up to 80 units an acre, comprises 10% of the area of the new zone. This overlay zone consists of properties that are generally within 750 feet of the transit hub of the Tigard Transit Center and the WES Commuter Rail Station. This is expected to result in transit oriented development which would attract a population that would be more likely to use transit for their everyday transportation needs.

The height limits are not proposed to be increased from what is permitted under existing code. The existing CBD zone allows commercial buildings up to 80 feet (60 feet for residential). This height limit will be retained, except in the Main Street-Center Street Sub-area, where the height will be limited to 45 feet. Development within 200 feet of Fanno Creek Park will also be limited to 45 feet. For properties that are currently zoned Commercial General and Commercial Professional, the height limit will retain their current maximum height limit of 45 feet.

As the land uses and residential maximum density of the proposed code are substantially in keeping with Tigard Downtown Improvement Plan's Preferred Design Alternative, a new Traffic Impact Analysis has not been performed. A Future Transportation System Analysis and Recommendations memorandum was performed by Kittelson & Associates as part of the Tigard Downtown Improvement Plan. The memorandum (attached) reports the travel demand model analysis that was done based on the land uses assumptions of the TDIP Preferred Design Alternative. The travel demand model assumed 2,233 households and 4,077 employees. The analysis addressed the question of whether the TDIP Preferred Design Alternative causes significant negative traffic volume impacts to the regional facilities of Hall Boulevard, Greenburg Road, Walnut Street, Hunziker Street, and OR 99W. The analysis concluded that the Preferred Design Alternative does not cause impacts to the surrounding transportation system that cannot be accommodated by improvements already identified in the adopted Transportation System Plan. The memo also addressed the forecast volume-to-capacity ratios assuming implementation of the TDIP.

The model analysis concluded that the Preferred Design Alternative was not forecast to have significant impacts on the surrounding street system.

The proposed zone does encompass a larger area (210 Acres) than the TIDIP study area (157 acres), so some impact may not be accounted for. However, the proposed code would implement a pedestrian-friendly, mixed-use center with land uses that are consistent with the definition of listed in Section 660-12-060 (6) A- H. Centers that meet this definition are eligible for credits for reductions in vehicle trips.

The permitted land uses prohibit or limit uses that rely on auto trips: new Self-Service Storage, Motor Vehicle Sales/Rental, Vehicle Fuel Sales, Bulk Sales, Outdoor Sales and Drive-up Windows are not permitted. Motor Vehicle Servicing/Repair is permitted as a Conditional Use. In three of the proposed sub-areas, new retail and sales uses may not exceed 60,000 gross leasable area per building. The Hall/99W sub-area does not have this particular limit, due to pre-existing retail development in excess of this limit.

A brief analysis was done comparing the maximum build outs that would be permitted under existing zoning and the proposed zoning. Automobile trip generation was estimated by using the gross square footage of development, with an assumed land use mix and the Institute of Transportation Engineers *Trip Generation, 8th edition* publication. The automobile trips that could be generated under the maximum build out of the new zoning were estimated to be 5% less than what could be generated under a maximum build out under existing zoning.

For the above reasons the proposed zoning is likely consistent with the identified function, capacity, and level of service of the state facilities of Highway 99W and Hall Blvd.

In addition, the Downtown Circulation Plan, currently in progress, will implement a network of local streets, collectors, and arterials to relieve traffic demand on state highways and provide convenient pedestrian and bicycle ways. It is also expected that street improvements at two intersections, Hwy 99W and Hall Blvd. and Hwy 99W and Greenbutg/Main, will improve capacity and level of service of the facilities. These projects are scheduled to go to construction in 2010.

SECTION VI. ADDITIONAL CITY STAFF AND OUTSIDE AGENCY COMMENTS

The Tigard Police Department has reviewed the proposal and has no objection to it.

The City of Tigard's Development Services Division, Public Works Department, Tualatin Hills Park and Recreation, Tualatin Valley Fire and Rescue, Tualatin Valley Water District, Clean Water Services, the City of Beaverton, the City of Durham, the City of King City, the City of Lake Oswego, the City of Tualatin, Metro Land Use and Planning, Oregon Department of Environmental Quality, ODOT Rail Division, Washington County, Portland & Western Railroad and TriMet Transit Development were mailed a copy of the proposal but provided no comment.

ODOT Region 1 staff provided feedback regarding the Transportation Planning Rule.

SECTION VIII. CONCLUSION

Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan, Development Code, and Zoning Map Amendments are consistent with applicable provisions of the Tigard

Development Code, Tigard Comprehensive Plan, Metro Regional Functional Plan, Statewide Planning Goals and State and Federal Regulations.

ATTACHMENTS:

EXHIBIT 2A: MEMO FROM ANGELO PLANNING DATED MARCH 20, 2009

EXHIBIT 2B: TECHNICAL MEMORANDUM FUTURE TRANSPORTATION SYSTEM ANALYSIS DATED JULY 24, 2005

EXHIBIT 2C: E-MAIL COMMENTS FROM JOHN FREWING (OCTOBER 2, 2009) WITH STAFF RESPONSE



PREPARED BY: Sean Farrelly
Redevelopment Project Manager

January 11, 2010
DATE



REVIEWED BY: Ron Bunch
Community Development Director

January 11, 2010
DATE

Memorandum

Date: March 20, 2009
To: Sean Farrelly, City of Tigard Planning Department
cc: Matt Crall, DLCD
From: Cathy Corliss and Darci Rudzinski, APG
 Marcy McInelly and Michelle Marx, SERA Architects
Re: City of Tigard Downtown Code Amendments Code Assistance Project
 Task 2.2 Final Evaluation Memorandum

Background

The Transportation and Growth Management (TGM) Program promotes smart development principles that enable communities to meet transportation needs while retaining their livability and economic vitality. These principles include:

- Integrating land use and transportation planning;
- Making efficient use of land and resources;
- Designing human-scaled, walkable communities;
- Ensuring good connections between local destinations; and
- Promoting pedestrian, bicycle and transit-oriented development.

In support of these principles, the City of Tigard has requested and received a Smart Development Code Assistance grant to assist with the preparation of a new Mixed Use – Central Business District (MU-CBD) zoning district and new Site and Downtown Building Design Standards and Guidelines.

City staff prepared a draft of the Proposed Downtown Tigard Code Amendments (Draft #1 Amendments dated December 10, 2008). The consultant team (APG and SERA) reviewed the Draft #1 Amendments using the TGM *Smart Development Code Handbook, Model Development Code and User's Guide for Small Cities -- 2nd Edition*, the TGM *Commercial and Mixed-Use Development Code Handbook*, and the TGM *Infill and Redevelopment Code Handbook* as the basis for the evaluation. The resulting Evaluation Memorandum Draft #1 (dated January 21, 2009) provided input to staff regarding the following issues:

- a. The potential for aspects of the proposed code to become a barrier to smart development. Code elements explored include:
 1. The general clarity and ease of use of the Draft Downtown Tigard Code Amendments.
 2. Organizing the code and regulating development by building type. (Example: should required setbacks be based on design area or building type?)
 3. Instituting one zone (MU-CBD) with a single list of permitted uses versus design sub-districts, each with allowed a range of building types and development standards rather than multiple separate zoning districts.
 4. The method of regulating existing and non-conforming buildings.
- b. Possible inconsistencies with Oregon State law requirements and Metro regulations.

- c. The potential for proposed code language that is intended to provide clear and objective standards to be construed as discretionary.
- d. The adequacy of the discretionary design guidelines to provide enough basis to make a recommendation to a design review body.

The project team reviewed the recommendations in Evaluation Memorandum Draft #1 at a meeting on January 28, 2009. Based in part on this discussion, city staff then prepared a revised version of the MU-CBD zoning district and Site and Downtown Building Design Standards and Guidelines (Draft #2 Amendments). The purpose of this memorandum is to provide a review of the Draft #2 Amendments, including an evaluation of how the revised code language meets the principles of the TGM program and how the initial recommendations have been addressed.

Promoting Smart Development Principles

The consultant team's assessment was that the objectives of that the Draft #1 Amendments were consistent with the Smart Development principles. This remains true for the Draft #2 Amendments. The proposed new Mixed Use – Central Business District (MU-CBD) zoning district allows a wide range of uses in downtown Tigard which will offer citizens the opportunity to live, work and shop all within walking distance. The new Site and Downtown Building Design Standards and Guidelines make efficient use of land and transportation facilities by encouraging a higher intensity development in close proximity to transit. By requiring that new building be designed to enhance the public realm, the Design Standards and Guidelines will help create a human-scaled, walkable community. Additionally, with recent amendments made by staff and discussed below, the proposed structure and general usability of the code is also much improved.

Overall Approach

In a form-based code (FBC), the development standards that dictate urban form are linked to a Regulating Plan. A Regulating Plan is similar to a zoning map, but with less emphasis on land uses and more emphasis on the building shape, street type, and neighborhood character in each zone. Draft #1 used an approach that regulated development through "Building Types" wherein the Regulating Plan controlled the locations of six pre-defined building types. The consultant team commented that this approach was somewhat complicated by the similarities between building types. The team also noted that linking building types to sub-districts de-emphasizes the public realm created by the street and could result in disparate building types or heights facing each other along the street.

The approach to the Development Standards in Draft #2 uses "sub-areas" which are similar to the building-type districts in Draft #1. The development standards (such as building height and setbacks) are defined by the sub-areas and building design standards vary for residential and non-residential buildings. This approach is less complicated and more user-friendly.

Non-Conforming Uses and Development

The proposed new Mixed Use – Central Business District (MU-CBD) zoning district will replace the present CBD, C-G, and C-P zones in Downtown Tigard. As noted above, the proposed new zoning district allows a wide range of uses in downtown Tigard which will offer citizens the

opportunity to live, work and shop all within walking distance. The proposed MU-CBD zone will be more inclusive in terms of uses than existing zoning; however, there are some uses that are currently permitted that will no longer be allowed in the new zone. The city has anticipated the possibility that this could create non-conforming uses and has included a footnote to the use table that will allow for the continuance of uses that were conforming prior to the adoption of the new zone.

The intent of the new Downtown Building Design Standards and Guidelines is to implement the Tigard Downtown Improvement Plan, the Urban Renewal Plan, and the Comprehensive Plan objectives for the downtown. However, in meeting these objectives through new development, it is not the city's intent to make existing development non-conforming. Therefore, city staff developed, and further revised with the consultant team's assistance, language to allow existing developments to continue without being made non-conforming by the new development or building design standards. In addition, specific language is now included in Draft #2 that specifies that, while all new buildings are subject to all applicable standards, only those standards applicable to the proposed expansion apply.

Review Procedures

There are three approval processes or "tracks" for application review. Track 1 and Track 2 use clear and objective Design Standards as the approval criteria. The approval criteria for Track 3 review are the discretionary Design Objectives. Specific types of changes to existing buildings, landscaping or parking will be reviewed using a Track 1 administrative review. Proposed changes that would potentially impact the existing streetscape to a greater degree, such as increased building height or decreased common open space, would be reviewed through a Track 2, Administrative Review with Design Standards, process. The Track 3 discretionary process provides the opportunity for approval of well-designed projects that cannot otherwise meet the clear and objective standards for building and site design.

The Track 3 process is a Type III review procedure and the decision making authority is the Design Review Board. In contrast to the clear and objective design standards, the Track 3 discretionary design objectives are written as qualitative statements. In this way, the proposed Draft #2 Amendments provide for flexibility in how an application achieves each design objective.

Clear and Objective Standards

It can be very challenging to craft truly clear and objective standards that faithfully express the desired outcome of a high quality urban environment. Determining what is, and isn't, a standard is important to clearly communicate through code language so that developers and decision-makers are fully aware of the requirements that need to be met. In discussing the Draft #1 Amendments, the consultant team and city staff explored potential inconsistencies between the proposed code requirements and the intent for development in the central business district. Draft #2 clearly differentiates between the intent of the standards and the requirements themselves. The description of the four "sub-areas" and the expectations for the future urban environment for each is contained in a separate section from the Development Standards that govern development.

The requirements in the Building and Site Design Standards are also presented as clear and objective requirements and each category of requirements are prefaced by an intent statement to provide background on what the city is trying to achieve through the standards.

While the format and presentation of the proposed code language meets the project objectives regarding clear and objective code requirements, there are a number of specific design standards that where additional community input is needed to ensure the desired urban design outcomes for downtown Tigard. In particular, additional input and recommendations would be helpful on the following items:

◆ **Private Outdoor Space (18.610.030.F.1)**

Proposed code requirements: All residential buildings and mixed-use buildings with more than four residential units must provide for private outdoor space (e.g., deck, balcony, porch, etc.). Consistent with existing code language, the proposed minimum 48 square feet requirement for each dwelling unit would apply to any of the built elements that could satisfy the private outdoor space requirement.

Issues: As outlined in the Development Examples, the higher residential densities proposed in the new zone may make it challenging to develop viable development projects where buildings can accommodate 48 square feet of private open space for each planned residential unit. Often, more urban residential developments do not have large patios off of the ground floor units and have much smaller balconies (e.g., 4' x 8' or smaller).

For Discussion:

- ◇ Should all residential and mixed-use buildings be required to have private outdoor space for each unit?
- ◇ Can the required size of the private outdoor area be reduced or modified, either for a percentage of the units, or based on the type (e.g., balconies) of space provided? Would a requirement based on minimum dimensions work better in this section?

◆ **Public Outdoor Space (18.610.030.F.2.)**

Proposed code requirements: Multi-family buildings and mixed-use buildings with residential units must provide shared open space that is at least 10% of the development site.

Issues: The proposed requirement provides some flexibility to decrease the amount of outdoor shared space provided on site if the proposed development includes additional private open space or if it is located directly adjacent to an improve public park. Where reductions are allowed, and for smaller developments, the planned shared outdoor space will be relatively small. Smaller outdoor space "pockets" may have minimal utility and the district as a whole may benefit more from larger public spaces. In addition, the code does not provide any guidance in terms of how (and where within the site) the open space should be designed.

As an alternative, a "fee in lieu" provision in the code could allow developers to pay a fee commensurate with the amount of public outdoor space required instead of actually providing it on site. Funds banked by the city could be used for land procurement and development of active

public outdoor space. The fee in lieu option could allow more flexibility for developers and would give the city an opportunity to provide public outdoor spaces, such as the Public Plaza, that are appropriately sized and located to best serve the district.

For Discussion:

- ◊ Is the public outdoor space requirement appropriate for all, especially small, mixed-use and multi-family developments?
- ◊ Should a fee in lieu option to providing public outdoor space on-site be available to developers? If so, should it be available in all sub-areas within the MU-CBD, or just the Main Street-Central sub-area? Under what circumstances would a proposed development be eligible to pay a fee, rather than build public open space on-site (e.g., developments with fewer than X amount of residential units, proximity to the Urban Plaza, etc.)

◆ **Height maximum on Main Street (Table 18.610.1)**

Proposed code requirements: The proposed maximum height in the Main Street sub-area is 45 feet or three stories. As explored in the Development Examples (Site #3: Main Street Storefront Mixed-Use), a three story mixed-use building would require an elevator, which is an expensive feature to construct, but would only serve two residential floors. Increasing the height allowance to four stories would allow more units using the same building footprint, thereby reducing the per unit cost of expensive building features.

Issues: With redevelopment of the central business district as an overarching goal, it is important to provide a regulatory framework that allows desirable projects to come to fruition. Allowing for taller buildings and spreading out the per unit cost of expensive construction elements is one way of encouraging multi-storied development. The possible down side of taller buildings, particularly in the short term, is that they may be seen by some as architecturally inconsistent with the existing historic buildings downtown.

For Discussion:

- ◊ Should the height maximum be raised in the Main Street sub-area? If so, should this be allowed in all cases? In limited locations? Or, only as a bonus for projects which utilize specific features, such as sustainable practices?

Adequacy of Discretionary Design Guidelines

Section 18.610.030 establishes the Track 3 discretionary review process. The approval criteria are intended to provide the Design Review Board with adequate guidance to approve or deny a proposed project. The discretionary design standards, the Design Objectives, are based on the intent statements in the clear and objective standards. Applicants would still be required to meet compliance with the Development Standards but, where the clear and objective requirements can not be met, the applicant has the opportunity to demonstrate how their proposed project meets the Design Objectives through a Type III approval process

An applicant can address design review requirements through a combination of demonstrating that certain Design Standards are met and, where these standards can not be met, through satisfying

applicable Design Objectives. In such cases, the public hearing and Design Review Board decision will focus only on whether or not the proposed development satisfies the requirements of the applicable Design Objectives.

Because discretionary guidelines are intended to provide some flexibility, the Design Objectives in Section 18.610.050 are supported by illustrations and text explaining how the guideline can be met. This is critical for guidelines that may be interpreted in multiple ways. In addition, each Design Objective is prefaced by an "intent" section that explains why the guideline is important and provides a context for the staff and Design Review Board to refer to when making a judgment about compliance.

Conclusion

The proposed MU-CBD zoning district and new Site and Downtown Building Design Standards and Guidelines further the smart development principles. Tigard's central business district is primed for redevelopment through the city's earlier design work and urban renewal district planning. The proposed code amendments implement the city's vision for redevelopment in this area by setting a design framework for future development. Proposed standards governing elements such as height, parking location, building location, and building design will ultimately result in an urban environment in the central business district that is human-scaled and walkable, provides good connections between uses, and promotes pedestrian, bicycle and public transportation. The provision of the clear and objective and discretionary approval tracks allow for more flexibility in how the vision for downtown will be implemented through the design and approval process. The city's rationale for regulating specific standards and design objectives is explained through "intent" statements and are illustrated to assist users of the code – code elements that also promote the outcome of better built projects. Adoption of the proposed Draft #2 Amendments will result in more efficient development and redevelopment in the central business district consistent with smart development principles.

**KITTELSON & ASSOCIATES, INC.**

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

510 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-6200 • FAX (503) 278-8169

**TECHNICAL MEMORANDUM
Future Transportation System Analysis and
Recommendations**

July 24, 2005

Project # 6759

To: Tigard Downtown Improvement Plan Task Force
From: Elizabeth Wemple, P.E.

cc: Dave Siegel, Parametrix

Introduction

This final transportation memo for the Tigard Downtown Improvement Plan (TDIP) provides a summary of the transportation analysis conducted on the Preferred Design Alternative and of the project recommendations assuming implementation of the currently Preferred Design Alternative. This technical memorandum will be an appendix to the final plan document. As such it has been written without significant plan context or explanation. Specifically, the purpose of this memorandum is to document the:

- Future conditions travel demand model analysis; and
- Future transportation system recommendations including:
 - Downtown street functional classification
 - Compliance with Metro Policies
 - Compliance with Oregon Department of Transportation Policies
 - City of Tigard Transportation System Plan (TSP) Amendments; and
 - Transportation Public Improvements.

This memo is organized according to the above bullet list.

Future Conditions Travel Demand Model Analysis

Network and Land Use Assumptions

Washington County staff provided travel forecasts for the project based on the year 2000 Adopted Metro Regional Transportation Plan emme/2 travel demand model. As shown in Table 1, the Washington County model is based on a different projection of employees and households than has been applied in the TDIP project

Table 1 Land Use Assumptions

Land Use Type	Washington County		TDIP
	Year 2000 Base	Year 2020	Year 2025
Households	450	466	2242
Retail Jobs	1270	2065	1384
Other Jobs	2457	3200	3668

To address the difference between the two data sources, the following facts and assumptions were applied to the model:

- o The 2000 Regional Transportation Plan (RTP) regional travel demand model has a forecast year of 2020. The trip table developed for this forecast year was factored to 2025 using a growth rate for the purposes of comparison to the TDIP Preferred Design Alternative and plan;
- o The regional transportation network included in the 2000 RTP travel demand model was applied to this analysis. As part of the development of the 2025 forecasts, there were also minor network changes applied in downtown Tigard. These are:
 - o Commercial Street and Scoffins Street were added to the transportation network as collector streets
 - o The analysis was conducted with and without Ash Avenue connecting from Walnut Street to Hunziker Street.
- o The majority of Downtown Tigard is within one Transportation Analysis Zone (TAZ), and a small portion of Downtown Tigard is within a second TAZ. The household and employment numbers were for these TAZs were modified to reflect the Preferred Design Alternative; household and employment assumptions were not changed for any other TAZ in the model.
- o The City's adopted TSP has a forecast year of 2015. The 2015 forecast was refined to include detailed info about Tigard build-out. The refined 2015 forecast was compared to the updated 2020 Metro forecasts. Since the modified 2015 generated the most trips, it was used for the TSP analysis. For the purposes of comparing the results of the 2025 modeling to the adopted TSP, a growth factor was developed from the baseline (1994)

and future (2015) traffic volumes in the TSP. The growth factor was then applied to the 2015 TSP forecasts to estimate 2025 traffic volumes according to the adopted TSP.

Scenarios Analyzed

The travel demand modeling analysis was conducted to respond to three questions:

- 1) Does the Preferred Design Alternative for the TDIP cause significant negative traffic volume impacts to the regional facilities of Hall Boulevard, Greenburg Road, Walnut Street, Hunziker Street, or OR 99W?
- 2) Does the Preferred Design Alternative for the TDIP necessitate changes to street classifications given to Burnham Street, Commercial Street, or Scoffins Street in the City of Tigard's adopted TSP?
- 3) What are the forecast volume-to-capacity ratios assuming implementation of the TDIP?

Therefore the following scenarios were analyzed:

- o Year 2000 baseline conditions assuming the regionally adopted RTP land uses and transportation network.
- o Year 2025 future conditions assuming the regionally adopted RTP land uses and transportation network Year 2025 *without* Ash Avenue.
- o Year 2025 future conditions assuming the regionally adopted RTP land uses and transportation network Year 2025 *with* Ash Avenue.
- o Year 2025 future conditions assuming the regionally adopted RTP land uses and the TDIP land uses and transportation network *without* Ash Avenue.
- o Year 2025 future conditions assuming the regionally adopted RTP land uses and the TDIP land uses and transportation network *with* Ash Avenue.

This analysis includes the transportation conditions with and without Ash Avenue to provide information to the City of Tigard for future consideration and projects. The TDIP does not include the proposed Ash Avenue connection to Walnut Street as a requirement; nor does it preclude Ash Avenue from being constructed in the future, should the City pursue this.

Results

Regional Facility Impacts

Table 2 provides a comparison of forecast 2025 traffic volumes on the regional roadways in the study area under the 2000 RTP and the Preferred Design Alternative. As shown, with implementation of the TDIP there is no significant change in p.m. peak hour traffic volumes on the surrounding regional streets when compared to the 2000 RTP.

Table 2 Downtown Tigard Improvement Plan Screenline Analysis WITHOUT Ash Avenue

Road	Direction	2000 RTP (forecast to 2025)	2025 Preferred Design Alternative
Greenburg Road (north of Hwy 99W)	Northbound	1050	885
	Southbound	995	1015
	Total	2045	2000
Walnut Street (north of Hwy 99W)	Northbound	625	665
	Southbound	740	770
	Total	1365	1435
Hwy 99W (west of Walnut Street)	Westbound	2680	2645
	Eastbound	2045	2075
	Total	4705	4720
Hall Blvd. (south of Burnham Street)	Northbound	550	610
	Southbound	1065	1040
	Total	1615	1650
Hunziker Street (east of Burnham Street)	Northbound	525	540
	Southbound	345	335
	Total	870	875
Highway 99W (east of Hall Blvd)	Westbound	1885	2415
	Eastbound	2310	1825
	Total	4305	4240
Hall Boulevard (north of Hwy. 99W)	Northbound	645	620
	Southbound	605	630
	Total	1255	1250

The City of Tigard's currently adopted TSP forecasts traffic volumes to the year 2015. A growth factor was developed from the adopted TSP data (i.e. 1994 counts and 2015 forecast volumes) to extrapolate the adopted TSP volumes to a 2025 forecast. The adopted TSP also includes the Ash Avenue Extension. A comparison of the extrapolated TSP volumes and the Preferred Design Alternative volumes with Ash Avenue is shown in Table 3.

Table 3 Downtown Tigard Improvement Plan Screenline Analysis *With Ash*

Road	Direction	2015 Adopted TSP	2025 Adopted TSP with Growth Factor	2025 Preferred Design Alternative
<i>Greenburg Road (north of Hwy 99W)</i>	<i>Northbound</i>	<i>575</i>	<i>580</i>	<i>985</i>
	<i>Southbound</i>	<i>800</i>	<i>875</i>	<i>1015</i>
	<i>Total</i>	<i>1375</i>	<i>1425</i>	<i>2000</i>
Walnut Street (north of Hwy 99W)	Northbound	835	865	855
	Southbound	700	715	770
	Total	1535	1580	1435
<i>Hwy 99W (west of Walnut Street)</i>	<i>Westbound</i>	<i>1945</i>	<i>1955</i>	<i>2645</i>
	<i>Eastbound</i>	<i>1350</i>	<i>1355</i>	<i>2075</i>
	<i>Total</i>	<i>3295</i>	<i>3310</i>	<i>4720</i>
Hall Blvd. (south of Burnham Street)	Northbound	810	820	610
	Southbound	700	700	1040
	Total	1510	1520	1650
Hunziker Street (east of Burnham Street)	Northbound	545	550	540
	Southbound	420	445	335
	Total	965	995	875
<i>Highway 99W (east of Hall Blvd.)</i>	<i>Westbound</i>	<i>2805</i>	<i>2860</i>	<i>2415</i>
	<i>Eastbound</i>	<i>2265</i>	<i>2300</i>	<i>1825</i>
	<i>Total</i>	<i>5070</i>	<i>5160</i>	<i>4240</i>
Hall Boulevard (north of Hwy. 99W)	Northbound	840	860	620
	Southbound	840	860	630
	Total	1680	1620	1250

In summary, the most significant differences in traffic volumes occur on Greenburg Road north of Highway 99W, and on Highway 99W east of Hall Boulevard and west of Walnut Street. These are shown in italics above.

In the case of Greenburg Road the difference in forecast traffic is likely due to the difference in the level of detail between the Tigard TSP model and the regional RTP model. The TSP model contains more roadways and TAZs in the vicinity of downtown Tigard than does the regional model. Even with the higher projected volumes in the TDIP on Greenburg Road, the functional classification and number of travel lanes identified in the TSP still pertain.

On Highway 99W west of Walnut Street, the TDIP volumes are higher than predicted by the TSP; in contrast east of Hall Boulevard the TDIP forecast traffic volumes are lower than predicted by the TSP. Again, this distinction may be due to the more detailed model developed in the TSP. Nonetheless, the traffic volumes forecast through the TDIP modeling effort can still

be accommodated within the three travel lanes per direction cross-section for Highway 99W that is identified in the City's TSP.

Therefore, the Preferred Design Alternative does not cause impacts to the surrounding transportation system that cannot be accommodated by improvements already identified in the adopted TSP.

Collector Street Impacts

The modeling effort conducted for the Tigard TSP included Burnham Street, but not Scoffins or Commercial Street. To estimate 2025 traffic volumes on Burnham Street under the adopted TSP scenario, a growth factor was applied to the 2015 forecast volumes. With the growth factor for the TSP, Burnham Street would carry approximately 615 vehicles (in both directions) in the 2025 p.m. peak hour. Under the TDIP, it is estimated that Burnham Street will carry approximately 675 vehicles (in both directions) during the weekday p.m. peak hour. Both sets of data are consistent with Burnham's classification as a collector street.

The RTP and TDIP forecasts on Commercial Street, Scoffins Street, and Burnham Street are very similar and consistent with their classifications as collector streets. For this reason, no modifications to the TSP functional classifications are needed.

Link Level Capacity Analysis

Table 4 provides a comparison of forecast volume to capacity ratios on key regional links within the study area. As shown in this table, assuming implementation of the TDIP Preferred Design Alternative, the volume-to-capacity ratios on the key links remain essentially the same as the forecast p.m. peak hour volume to capacity ratios assuming the adopted regional land use plan. Again the TDIP Preferred Design Alternative is not forecast to have significant impacts on the surrounding street system.

Table 4 Downtown Tigard Improvement Plan Volume to Capacity Analysis

Road	Direction	2000 RTP Forecast to 2025 Conditions		2025 TDIP Preferred Design Alternative	
		Volume-to-Capacity Ratios	Volume-to-Capacity Ratios	Volume-to-Capacity Ratios	Volume-to-Capacity Ratios
		with Ash	without Ash	with Ash	without Ash
Greenburg Road (north of Hwy 99W)	Northbound	0.58	0.58	0.55	0.56
	Southbound	0.55	0.53	0.58	0.56
Walnut Street (north of Hwy 99W)	Northbound	0.52	0.54	0.55	0.56
	Southbound	0.62	0.65	0.64	0.65
Hwy 99W (west of Walnut Street)	Westbound	1.27	1.25	1.26	1.24
	Eastbound	0.97	0.97	0.99	0.98
Hall Blvd. (south of Burnham Street)	Northbound	0.31	0.29	0.34	0.34
	Southbound	0.59	0.59	0.58	0.58
Hunziker Street (east)	Northbound	0.75	0.75	0.77	0.77

Table 4 Downtown Tigard Improvement Plan Volume to Capacity Analysis

Road	Direction	2000 RTP Forecast to 2025 Conditions		2025 TDIP Preferred Design Alternative	
		Volume-to-Capacity Ratios	Volume-to-Capacity Ratios	Volume-to-Capacity Ratios	Volume-to-Capacity Ratios
		with Ash	without Ash	with Ash	without Ash
of Burnham Street)	Southbound	0.49	0.49	0.48	0.48
Highway 99W (east of Hall Blvd.)	Westbound	0.98	0.98	1.01	1.00
	Eastbound	0.77	0.77	0.76	0.76
Hall Boulevard (north of Hwy. 99W)	Northbound	0.36	0.36	0.35	0.35
	Southbound	0.34	0.34	0.35	0.34

Future Transportation System Recommendations

Functional Classification

It is recommended that with the exception of Hall Boulevard and Hwy 99W, the proposed TDIP include the following functional street classification system (See Table 5). This is consistent with Metro guidelines for Town Centers and the adopted TSP. Figures 1-3 shows examples of these street designs. These guidelines serve as a starting point in the discussions of the most suitable treatments on an individual street by street basis in Downtown Tigard.

Table 5 Proposed Downtown Functional Classification

Street	From	To	Classification	Median Type
Main Street	Hwy 99W	Hwy 99W	Collector Street	Landscaped with specific Left-Turn Pockets
Burnham Street	Main Street	Ash Avenue	Collector Street	Landscaped with specific Left-Turn Pockets
Burnham Street	Ash Avenue	Hall Boulevard	Collector Street	Two-way-left-turn-lane
Commercial Street	Main Street	Hall Boulevard	Collector Street	Landscaped with specific Left-Turn Pockets
Scoffins Street	Main Street	Hall Boulevard	Collector Street	Two-way-left-turn-lane
Ash Avenue	Scoffins Street	Commercial Street	Local Street – with ROW to Collector Street	
Ash Avenue	Railroad Tracks	Fanno View Point	Local Street – with ROW to Collector Street	

Table 6 shows the ODOT, Tigard and Metro classifications for Highway 99W and Hall Boulevard.

Table 6 Hall Boulevard and Highway 99W Functional Classification

Street	ODOT Classification	Tigard Classification	Metro Classification
Oregon 99W	Statewide Highway	Arterial	Regional Boulevard
			Potential light rail or rapid bus
			Regional bus
			Major Arterial
			Main Roadway Route for Freight
Hall Boulevard	District Highway	Arterial	Regional Corridor for Cyclists
			Transit/Mixed Use Corridor
			Community Boulevard
			Minor Arterial
			Regional Corridor for Cyclists
			Transit/Mixed Use Corridor

Hall Boulevard and Highway 99W are under ODOT jurisdiction and therefore, unless design exceptions are received, must be designed according to ODOT Highway Design Manual standards. Table 7 summarizes these standards for major street cross-sectional features. Table 7 also shows these standards according to the City of Tigard TSP and Metro Street design guidelines. As shown in this table, there are differences among the design standards. As the City of Tigard moves forward with planning projects for Hall Boulevard or Highway 99W, it is recommended that the City of Tigard work with ODOT to resolve design distinctions. As appropriate, Tigard may have to acquire design exceptions from ODOT for specific elements.

Table 7 Design Features for Highway 99W and Hall Boulevard

	ODOT Highway Design Manual	City of Tigard TSP	Metro Street Design Guidelines
Sidewalks	6 feet Can be exceeded without design exception	10 feet	12 feet
Planter Strip	None required; if provided should be 4 to 8 feet	5 feet	Included in above sidewalk width
Shoulder	6 feet Combined shoulder/bike lane	None	None
Parking	None	None	7 feet Combined with street tree wells
Bike Lane	None – combined with shoulder	5 to 6 feet	5 feet
Lane Width	12 feet	12 feet	11 feet
Median Width/TWLT	15 or 16 feet depending on design speed	12 feet	10 feet
Street Trees	A design exception is required for street trees on urban streets with a design speed greater than 35 miles per hour.	Yes	Yes

Compliance with Metro Policies

Table 1.3 of the 2004 adopted Metro Regional Transportation Plan shows alternative mode percentages that have been established as goals for cities and counties to work toward as they implement the 2040 Growth Concept at the local level. In Town Centers the adopted goal is that 45-55-percent of trips to, from and within the Town Center be made by non-single occupant vehicle modes of transportation.

To begin to work toward these goals, the City should consider the options outlined below.

For cyclists:

- o To build momentum for the TDIP, prioritize constructing bike lanes on collector streets in Downtown Tigard. Integrate this with projects to improve non-motorized access to Downtown. Bike lanes could be painted with different colors to accentuate critical areas (e.g. known points of conflict between vehicles and cyclists, school area).
- o Plan city bike routes to focus crossings of major streets (e.g. Hall Boulevard or Highway 99W) at signalized intersections with sufficient signal time available for cyclists to cross the street. Consider providing additional traffic signal equipment such as loop detectors for cyclists or bicycle crossing signal call buttons. If the volume of cyclists crossing these roadways grows sufficiently, consider providing a “bike-box” to provide cyclists an advantage when crossing the street.
- o Provide covered bicycle lockers or racks in strategic places in Downtown (e.g. commuter rail station, bike store, popular retail, restaurant or coffee areas, future performing arts center, or the post office).

- o Revise development code to integrate end-of-trip facilities (e.g. bicycle parking, shower, and/or locker rooms) into new commercial/retail developments.
- o In collaboration with bike shops in Tigard, develop public education campaigns providing information about cycling in Tigard and specifically cycling to, from and within Downtown.

For pedestrians:

- o To build momentum for the TDIP, prioritize constructing sidewalks on streets in Downtown Tigard. Integrate this with projects to improve non-motorized access to Downtown. Provide a comprehensive system of sidewalks to, from and within Downtown;
- o Plan pedestrian routes to ensure that pedestrian crossings of major streets occur at signalized intersections with sufficient signal time for pedestrians to cross the street;
- o Provide streetscape treatments such as landscaping, pedestrian scale lighting, and street furniture to make pedestrians feel secure as they are walking in Downtown;
- o Plan for pedestrian activity in new parking areas.
- o Plan traffic calming devices such as curb extensions or chokers to enhance pedestrian environment but not detract from the cycling environment.

For transit users:

- o Work with Tri-Met to provide adequate pre or post-transit trip facilities (e.g. shelter, bike storage, and parking) to simplify and facilitate the transit trip.
- o Encourage development in the vicinity of the commuter rail station that provides services commuter's desire at the beginning or end of their transit trip.

Parking

Under current conditions there is ample parking supply in downtown Tigard, and no apparent issues related to parking demand and/or management. In the near future commuter rail will begin operation that will include a station in downtown Tigard. A parking lot is planned for commuter rail passengers.

As commuter rail operations and redevelopment in Downtown begins, it will be important for City of Tigard staff to monitor parking supply, demand and utilization in the Downtown area. Staff will want to monitor parking demand to ensure that short-term and long-term parking is available to residents, employees and patrons of Downtown as well as commuter rail passengers. Under most circumstances in Downtowns, on-street parking is considered full when peak hour parking utilization exceeds 85-percent.

In the event that on-street parking utilization begins to increase, the City of Tigard should have parking management policies in place to manage the demand and possibly provide additional parking supply. While a detailed parking supply, demand and utilization analysis will be required to establish these policies, possible parking management strategies include:

- Integrating parking management considerations with multi-modal access plans for Downtown to encourage and enhance non-auto travel.
- Initiating and enforcing different parking duration limits in different areas of Downtown;
- Initiating shared parking policies (this complements shared access policies);
- Initiating area parking permit programs;
- Working with property owners to make private parking available to the public; and finally
- A very long-term possibility, develop a city owned parking area.

Compliance with ODOT Policies

Access Management

Hall Boulevard and Highway 99W are under the jurisdiction of ODOT. The TDIP does not call for any additional access points to either of these streets. However, the development of the TDIP would add a fourth leg to the intersection of Garden Place/Hall Boulevard. Depending on the magnitude of development that occurs in this part of downtown Tigard, a traffic signal may become warranted at this location. If so, both ODOT Access Management Policies, and ODOT Signal Policy (outlined in OAD734-020-430 through 490) should be evaluated.

Within downtown Tigard all of the streets are under the jurisdiction of Tigard; thus ODOT access management policies do not apply. However, the City of Tigard should pursue shared access arrangements with developers and property owners as new development occurs. This will ultimately minimize the number of access points to the City's Downtown collector system; therefore preserving and enhancing the long term mobility and safety of the streets. In addition this complements shared parking policies to minimize the amount of space devoted to parking supply.

Transportation Planning Rule

Recent modifications to the Oregon Transportation Planning Rule require that "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 ratio, etc) of the facility." The modifications to the rule also explain that a land use plan or regulation significantly affects a facility if it would:

- "Change the functional classification of an existing or planned transportation facility;

- Change standards implementing a functional classification;
- Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned facility;
- Reduce the performance of an existing or planned facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- 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.”

As shown in Tables 2 and 3, the Preferred Design Alternative will not significantly affect the transportation system in the vicinity of downtown Tigard. Therefore, the TDIP Preferred Design Alternative densities are consistent with the findings of previous transportation analyses and the currently adopted TSP remains applicable.

Special Transportation Area and Urban Business Area

Early in the project both Highway 99W and Hall Boulevard were evaluated in the context of ODOT Special Transportation Area (STA) and Urban Business Area (UBA) policies contained in the Oregon Highway Plan. The analysis revealed that neither Highway 99W nor Hall Boulevard qualifies as an STA or UBA, and that the TDIP does not change this conclusion.

Transportation System Plan Amendments

The TDIP Preferred Design Alternative does not include extending Ash Avenue from Walnut Street to Hall Boulevard as called for in the City's adopted TSP. The TDIP project included much discussion about the Ash Avenue extension from Walnut Street to Downtown. The main themes of these discussions were:

- Many residents of Ash Avenue south of Fanno Creek do not want to see Ash Avenue extended from Walnut Street to Downtown. They are concerned about increases in traffic volumes and safety for their children in their neighborhood.
- Business owners and residents along what has been shown as a conceptual alignment for Ash Avenue extension from Walnut Street to Downtown are concerned about the implications to their businesses and residences.
- Citizens were concerned about the environmental impacts of a new bridge across Fanno Creek.
- Potential developers of downtown Tigard did not see an Ash Avenue connection from Walnut Street to Downtown Tigard as mandatory for successful re-development in downtown Tigard.

- ODOT and Portland & Western Railroad indicated that an Ash Avenue at-grade crossing of the railroad tracks in downtown Tigard would be very difficult to achieve. At a minimum one other at-grade crossing and preferably two at-grade crossings would need to be closed in order to open a new Ash Avenue at-grade crossing of the railroad tracks.

Because consensus about extending Ash Avenue from Walnut Street at Highway 99W to Hunziker Street was not achieved during this project, the TDIP plan was developed without including the Ash Avenue as a roadway connection from Walnut Street to Downtown Tigard. The Preferred Design Alternative however, does not preclude Ash Avenue from being constructed in its entirety as in the adopted TSP or in segments. Therefore, the proposed Ash Avenue connection does not need to be modified in the TSP.

Overall, the currently adopted TSP will accommodate the TDIP Preferred Design Alternative without any significant impacts to the regional or local transportation system in the study area. There are no modifications recommended as part of this plan.

Public Improvements

As the TDIP is implemented, in addition to the continuous planning that will occur to achieve the community vision, the following specific projects should be considered.

- Near-Term
 - Continue implementing the plans and policies in the adopted TSP.
 - *Achieve consensus on the Ash Avenue extension from Walnut to Downtown Tigard.* This is clearly a difficult issue for all stakeholders in downtown Tigard and vicinity. Extending the street from Walnut to Downtown Tigard is included in the adopted TSP; however some stakeholders would prefer that the street not be constructed. To address these discrepancies, the City of Tigard plans to conduct a corridor alternatives analysis for Ash Avenue. As part of this project, it is recommended that the City conduct a public consensus-building program to evaluate whether or not the community at large would benefit from and prefer that Ash Avenue be connected from Walnut Avenue to downtown Tigard. An element of this project would be a detailed assessment of the travel demand to, from and within Downtown and intersection operations within Downtown with and without Ash Avenue. It is further recommended that a sub-area travel demand model be developed to support this process. The transportation component of such a study could cost \$50,000 to \$100,000.
 - *Review City Pedestrian and Bicycle Plans.* Staff should review current City pedestrian and bicycle planning efforts to ensure that these support simple and feasible access to, from and within downtown Tigard. Modify plan as necessary.
 - *Explore design requirements for "Green Street" street treatments.* The TDIP calls for integrating Fanno Creek back into downtown Tigard. As part of this, Tigard should explore developing design guidelines for green-street street

treatments. It may be possible to integrate green-street concepts into traffic calming treatments, intersection control, drainage, and parking areas. Initially, City of Tigard Staff could work with City of Portland Staff to evaluate successes and failures in Portland.

- o *Hall Boulevard and Highway 99W Cross-Sections.* As the City of Tigard begins additional planning work related to Highway 99W and Hall Boulevard, work with ODOT as early as possible to refine and define cross-sectional preferences and requirements for these streets.
- o *Street Design Guidelines.* The City of Tigard Staff should participate as needed in work with ODOT and Metro Staff to develop Highway Design Manual street design guidelines blending features of both ODOT and Metro Street design requirements.
- o Long-Term
 - o Develop and implement a parking management plan that ensures adequate short-term and long-term parking supply for residents, employees and patrons of Downtown. Depending on the amount of data collection, public involvement, analysis, and code modification this could cost \$40,000 to \$75,000. This is not necessary until Downtown begins to grow and parking utilization increases. Such a parking study should be conducted prior to constructing any structured parking.
 - o The results of the Ash Avenue evaluation and Downtown access study will provide information about short-term and long-term transportation needs within Downtown. Begin implementing these measures as identified in the evaluation.
 - o It is desirable that within Downtown Tigard, that a new at-grade crossing of the railroad tracks be developed along the Ash Avenue alignment. City of Tigard Staff should continue to work with Portland & Western Railroad and the ODOT Rail Division to identify options for achieving this crossing. Current policy states that to open new at-grade crossings at least one and preferably two at-grade crossings need to be closed or grade-separated. Options for closing or grade-separating at-grade crossings do exist in Tigard (e.g. Hall Boulevard, North Dakota, Tiedeman); however, significant local and regional planning efforts and engineering and constructions costs would be required to achieve consensus about these projects.

We trust that this memo adequately summarizes the future conditions analysis and recommendations. Should you have any additional questions, please call me at 503-228-5230.

Sean Farrelly

To: jfrewing
Subject: RE: Downtown Urban Renewal Code Amendments (ZON 2009-00001 et al)
Attachments: Downtown Noticemap.pdf

Hi John,

Finally cleared off my desk (for the time being.)
I'll answer your questions from Friday.

1. The Design Review Board's responsibilities are to determine compliance with the proposed Downtown Design Objectives for applicants that choose to go through the Type III discretionary Review process. This is only available if an applicant can't meet the clear and objective Building and Site Design Standard. It would only be available for applications in the Downtown.

The eventual goal is to have a separate appointed Design Review Board. However, as such a board would not likely have much to do until redevelopment starts happening Downtown, we will probably have a subcommittee of the Planning Commission serve this function in the interim.

2. Here is how the proposed code addresses "integration of natural features and open space system into downtown."
Provisions include additional requirements for trees in parking lots, including

- 4 ft. minimum dimension of landscape islands
- Landscape islands provide a minimum of 1000 cubic feet of soil volume per tree.
- Automatic irrigation required.

These changes are intended to improve the viability of trees in parking lots and enable a healthy tree canopy to develop.

Also landscaping requirements would be allowed to be provided on a building's roof, which is an incentive to develop green roofs.

And while the Downtown street sections will be adopted into the code sometime next year, the draft we are currently working on requires certain street designations to have expanded sidewalk planting areas.

And overall, allowing denser pedestrian oriented mixed use development in an area well served by transit, can reduce the need for future UGB expansions.

This in addition to such Downtown projects such as the Main-Street Green Street, Burnham St., and Fanno-Creek re-meander.

3. By listing these chapters, we are including them as the criteria that have to be addressed in the application, however the new design standards would govern if there is a conflict. In looking at page p. 13, to make this clearer, we'll add the word "design" to standards.

4. The sub-area map not including Rights of Way is a fluke of the GIS system. I will rectify that. The Open Space Comprehensive Plan designation on the Fanno Creek area will be retained as it appears on the Zoning Map and Comprehensive Plan map (see attached), which includes part of the Ash Ave ROW. The proposed code amendment wouldn't affect the Ash St crossing one way or the other. That is an issue for the in-progress Transportation System Plan and the Downtown Circulation Plan.

Thanks for your catch on #3- that really helps.

I hope this answers your questions and feel free to call me if you'd like to discuss.

I will include this e-mail in the packets going to the PC and CC public hearings.

Thanks,
Sean

Sean Farrelly
Senior Planner
Downtown Urban Renewal/Long Range Planning
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223
(503) 718-2420

From: jfrewing [mailto:jfrewing@teleport.com]
Sent: Friday, October 02, 2009 4:20 PM
To: Sean Farrelly
Subject: Downtown Urban Renewal Code Amendments (ZON 2009-00001 et al)

Sean,

Thanks for letting me look over the proposed amendments (Draft 5) at City Hall. I have a couple questions and comments which I would hope you will include in the material going to Planning Commission and City Council.

1. Who is the Design Review Board and what are its functions, assignments and responsibilities? I am guessing the Planning Commission, but I don't see that in the proposal. Will the Design Review Board have any criteria for review other than the proposed code amendments?
2. How will the proposed code amendments meet Purpose 2, "encourage integration of natural features and open space system into downtown ..."? I don't see any guidance on this important point. Perhaps include photos of other sites where this integration has been done, eg Tualatin Police Station, Lake Oswego Millenium Park, etc. As a minimum the code should provide some words of guidance to developers. I am concerned with the words on page 14 that the design standards do not apply to exterior projects that don't require a building permit -- natural features are exactly that.
3. On page 13, I believe (can't read my notes) it says that the standards of this ssection govern, even if less restrictive than other areas of the code. Yet on page 33, this section specifies that development must comply with code sections (a long list is provided). Do these code sections govern or not?? I don't see that we can have it both ways.
4. On page 19, it appears that the Ash St right-of-way is excluded from any of the sub areas of the urban renewal area where these standards apply. This concerns me because it might be the 'foot in the door' for construction of Ash Street across Fanno Creek, an issue that has been discussed and turned down at earlier times. I think all of the Fanno Creek area should be deemed to be open space with natural features only.

Sean, if there are answers to these questions, maybe you would be so kind as to send them along so that these issues get on the table before the public hearings. Thanks,

John Frewing

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
December 7, 2009**

1. CALL TO ORDER

President Inman called the meeting to order at 7:05 pm. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Present: Commissioners Anderson, Caffall, Doherty, Fishel, Inman, Muldoon, Vermilyea, and Walsh

Absent: Commissioner Hasman, Alternate Commissioner Gaschke

Staff Present: Craig Prosser, City Manager; Dick Bewersdorff, Planning Manager; Susan Hartnett, Assistant Community Development Director; Gary Pagenstecher, Associate Planner; Cheryl Gaines, Associate Planner; Gus Duenas, Development Engineer; Sean Farrelly, Redevelopment Project Manager; Doreen Laughlin, Sr. Administrative Specialist

3. COMMUNICATIONS – In celebration of 8 years of service on the Planning Commission, there was a time of recognition of and appreciation for outgoing President Jodie Inman.

4. CONSIDER MEETING MINUTES

11-02-09 Meeting Minutes: President Inman asked if there were any additions, deletions, or corrections to the minutes; there being none, President Inman declared the minutes approved as submitted.

President Inman opened the public hearing.

5. PUBLIC HEARINGS

5.1 DEVELOPMENT CODE AMENDMENT (DCA) 2009-00004. SEASONAL OUTDOOR SALES CODE AMENDMENT – Cont'd from 11-02-09

President Inman read a statement from the applicant (City of Tigard) asking for a continuance of this hearing to a date certain of January 4th. Inman asked if there was anyone in the audience who had signed up to speak but could not make the January 4th meeting. Seeing and hearing none, she said she would entertain a motion to accept the continuance.

The following motion was made by Commissioner Caffall, seconded by Commissioner Vermilyea:

"I move that we continue the public hearing DCA2009-00004, Seasonal Outdoor Sales Code Amendment," as requested by the applicant, to January 4, 2010."

The motion CARRIED on a recorded vote, the Commission voted as follows:

AYES:	Commissioner Anderson, Commissioner Caffall, Commissioner Doherty, Commissioner Fishel, Commissioner Inman, Commissioner Muldoon, Commissioner Vermilyea, and Commissioner Walsh (8)
NAYS:	None (0)
ABSTAINERS:	None (0)
ABSENT:	Hasman (1)

Inman announced that, per the motion, the public hearing on DCA2009-00004 is continued to January 4, 2010.

5.2. PLANNED DEVELOPMENT REVIEW SONIC DRIVE-IN RESTAURANT – PDR2009-00001, VAR2009-00014

PUBLIC HEARING [PART I CDP] CONCEPTUAL DEVELOPMENT PLAN

STAFF REPORT

Cheryl Caines, Associate Planner, gave the staff report on behalf of the City. [Staff reports are available to the public upon request one week in advance of any meeting.] She showed a map showing the proposed location and stated the site is located at 15300 SW Pacific Hwy. The site consists of 1.34 acres located east of Pacific Hwy, south of Naeve St. and n/w of Royalty Parkway. She noted that just to the north is Mays Auto Sales and to the south is Les Schwab Tire Center. She said the applicant is requesting a concurrent review of the concept plan and detailed plan. There will be two hearings – first for the conceptual plan and, if that's approved, they would move on to the detailed plan. By doing so, the applicant assumes the risk of rejection of the detailed plan resulting from rejection of the concept plan.

Caines noted with regard to the Concept Plan:

It is a two phased plan:

- Phase 1 – fast food restaurant with drive through
- Phase 2 – second commercial building with possible drive through component (approximately 3,000 sq ft)

Caines went on to say the applicant met the conceptual plan standards with one exception. There was no clear schedule proposed for both phases showing when the phases will be initiated and when they will be completed.

Staff is recommending approval of the concept plan with a couple of issues that may be discussed if the Commission feels it necessary to do so. She said the plan meets the concept and standards but, looking at the site, is the Commission satisfied with the overall design? The design seems to be driven mainly by the circulation for the site and uses, and also the access points from Pacific Hwy and Royalty Parkway (shared with Les Schwab on the south end of the site off of Pacific Hwy). She said there are some regulations that say that's pretty much where it's going to be with ODOT's standards. Caines noted there was an existing access point there, so they're sharing that with Les Schwab and there wasn't a lot of "wiggle room" on changing that access location. She said the applicant is not requesting exceptions allowed through the PD process, PD overlay was existing, not requested, the site has no natural areas to preserve and the site is quite small.

QUESTIONS OF STAFF BY COMMISSIONERS:

There were some questions as to the unusualness of the hearing on this project – with the two plans: Dick Bewersdorff spoke to that for a bit and wrapped it up saying "The concept – what they're proposing – does it fit the desires of the Commission and, finally, does the detailed plan meet the code requirements?" Question was asked: So we have to speak separately? Bewersdorff: "It's all part of the same hearing but you make separate decisions on each." So we can have one deliberation – but separate...? Bewersdorff: "Yes."

APPLICANTS PRESENTATION:

Jess Wetsel, with the Wetsel Company, the applicant, at 2123 NW Aloclek Dr., Hillsboro 97124, introduced himself & his wife/business partner/co-owner, Andrea. He apologized for having a conceptual as well as a detailed plan. He said it was something Caines had worked with them quite a bit on. He said he appreciated the commission's understanding and Caine's work on what could have been a bit difficult for her. Andrea Wetsel gave a presentation, giving a background and overview of what the "Sonic concept" is (Exhibit A).

After Wetsel's presentation, President Inman interjected that she'd forgotten to poll the commissioners and audience regarding ex-parte contacts and jurisdiction. She apologized and said she would do it at this point (slightly out of normal order). President Inman asked if there were any commissioners who wished to abstain or declare a conflict of interest. *There were none.* She asked if anyone in the audience wished to challenge any member of the Planning Commission for bias or conflict of interest. *No one did.* She asked the commissioners to report any ex parte contacts. *There were none.* Two commissioners reported site visits (Commissioners Muldoon and Anderson). *No one in the audience challenged the jurisdiction of the commission.*

SOME QUESTIONS OF THE APPLICANT / SUGGESTIONS FROM COMMISSION

With regard to the Conceptual Plan:

Do you have any plans to partition the site? Most likely, yes. In fact, we anticipate that we would begin that process immediately. **Would Black Rock be a drive-through?** Yes. **Have you looked at other sites?** Yes – countless sites. This particular site is of interest to us because it's between the Wilsonville location and our Hillsboro location. It's on Hwy 99 which is a very heavily traveled road in a fairly dense neighborhood that is underserved by restaurants. We are very excited about pursuing this particular location. **Has Black Rock looked at the site plan?** Yes – no feedback from them.

There were some questions and concern about circulation. Bryan Cole, Landscape Architecture Manager, Associate from MacKay & Sposito, Inc., spoke to those concerns. He spoke about accommodating inbound traffic, queuing traffic, drive-through stacks, etc.

There were concerns regarding the location of the menu-board possibly causing a back-up of traffic. Andrea Wetsel spoke to that. She believed it wouldn't be a problem for various reasons.

President Inman suggested that the location of the second lane menu-board should be moved farther north to make it clear that it's clearly out of the path of travel. She believed people could be directed around the corner and out of the congested area. Possibly striping that clearly marks the path going around – making it very clear that this is where the travel way is.

The circulation appears awkward. Coming from the south – is that a 2 way access? There are conflicting traffic movements happening. There's no reason for Les Schwab to use that. It's not anticipated that there will be much traffic from there because it doesn't really go anywhere.

The presumption is Black Rock Coffee being there... what amount of cars would be crossing the Sonic property? I'd guess 20% at most.

PUBLIC TESTIMONY -- IN FAVOR:

No one had signed up and no one in the audience was there to speak in favor.

PUBLIC TESTIMONY -- OPPOSITION: None.

QUESTIONS FROM COMMISSIONERS OF STAFF

There were some general questions about the width of the driveway in the front and what is required. Caines spoke to that question. She said the detailed plan was modified to meet the requirements.

**PUBLIC TESTIMONY [PART I] CLOSED:
DELIBERATIONS ON THE CDP [Conceptual Development Plan]**

President Inman entertained comments on the general site layout, circulation, and other such issues.

Muldoon: This type of business seems to me to be a retail business to occupy the area -- it doesn't have any particular design that it has to conform to. I don't see any real problem with it.

Caffall: I'd feel a whole lot happier if that one area was a one-way but other than that I don't see a problem with it. Which area? The drive between Les Schwab and what would be the south side of their operation. My feeling is at some point even with the stop sign up there -- at some point there's going to be a point of contention with cross-traffic. Inman: That might be a fire access...

Vermilyea: I concur with Commissioner Muldoon. I don't have much of an issue on the back side of the Les Schwab -- my view is the two of them can work that out if the need arises down the road. I am concerned about the general flow of traffic. I understand it better now after hearing the explanations. I feel more comfortable now with regard to the south side. I'm a little bit concerned about how traffic is going to get through to the north side and then back around. I think if they move that board up, that will help. My one concern is how does moving the property 4 feet end the domino effect that impacts the traffic flow on the southern side. Maybe we could condition that for later. Beyond that, it certainly is better than what is there now. It fits in with the character of the neighborhood just fine. I know my kids will be hanging out there on Friday's. We just need to get the traffic issues nailed down.

Walsh: I don't like the traffic flow. If this was strictly a concept but I know this is going back to detail. I'm not satisfied and would like to see what ODOT has to say.

Inman list of concerns: I'm okay with the orientation of the buildings. I understand the general traffic flow on the site and why it's there. From a conceptual level I think I'm okay with it but at this point I think I'd require at the DDP to address the traffic flow patterns coming off of the southwest.

Anderson: Okay with concept plan -- would like to see it redrawn with a 1000 sq ft footprint for the second building. It's a big lot -- I just don't want it to be a quagmire where everyone gets stuck. I would approve the concept.

MOTION:

Commissioner Vermilyea made the following motion, seconded by Commissioner Muldoon:

"I move we approve the concept plan for PDR2009-00001/VAR2009-00014 as conditioned in the staff report, and as modified as indicated by the applicant tonight with respect to expansion of the north side traffic aisles and movement of the building footprint south 4 feet to accommodate traffic flow, and moving the menu boards to accommodate additional stacking of traffic while waiting."

The motion CARRIED on a recorded vote, the Commission voted as follows:

AYES:	Commissioner Anderson, Commissioner Caffall, Commissioner Doherty, Commissioner Fishel, Commissioner Inman, Commissioner Muldoon, Commissioner Vermilyea, and Commissioner Walsh (8)
NAYS:	None (0)
ABSTAINERS:	None (0)
ABSENT:	Hasman (1)

PUBLIC HEARING [DDP PART II] DETAILED DEVELOPMENT PLAN

At this point the hearing continued but this time with regard to Sonic's DDP [Detailed Development Plan].

ADDITIONAL STAFF REPORT SUPPLEMENTATION:

Cheryl Caines, Associate Planner, gave the supplemental staff report. She noted the following:

- Only for Phase I
 - 1,728 sq ft Sonic on south side of site
 - 990 sq ft patio dining area

- 26 in car dining spaces
- Phase 2 detailed plan at a later date with possible Minor Land Partition
- Originally there was a request for an adjustment to exceed the maximum allowed parking standard allowance for that site, but under review it was determined that that adjustment was not necessary because if you add the square footage of the covered patio which counts towards square footage – it actually gets the applicant above the actual number of spaces they've proposed with this detailed plan so that isn't actually necessary.
- Staff is recommending approval with conditions:
 - Tree canopy for the site (soil and species)
 - Staff is recommending one freestanding sign because the two phases are dependent upon each other, not separate developments – only one sign.
 - Wheel stops – some sort of protection for people walking on the walkway.
- Proposed changes from Public Works. [Caines distributed a memo and some comments (Exhibit B) that had been received from Public Works after the application packets had been mailed out to the commissioners. Because of those comments staff proposed some slight changes.
 - An amendment to condition 12 & condition 33 (See Exhibit B).

Gus Duenas, Development Engineer, said he wanted to make sure the applicant is conditioned to extend the sidewalk south of the property on the Les Schwab frontage and SW Royalty Parkway to close that sidewalk gap. That would need to be completed before the final building inspection. That would be about 260' over the existing sidewalk.

APPLICANTS PRESENTATION WITH REGARD TO THE DETAILED DEVELOPMENT PLAN

The applicant quickly went through the rest of the PowerPoint. At this point, Fred Harris, Architect with Carlson Veit, in Salem, was introduced and after him Chris Tiesler of Kittelson & Associates would speak. The applicant said he remained hopeful that at the end of the hearing they would have an approval with conditions to make the changes and they can move forward as they'd been working for several months and have a consider amount invested in this process. He said they strongly desire to move the project forward that night if at all possible.

Harris talked about the wheel stops. He said spaces on the south side do not have wheel stops primarily as safety for the employees who are on roller skates. He said the call box and the order box for ordering food is right beside the driver's window and that call box is placed a distance from the curb so when they stop there to order, they are well away from the curb. He said if the wheel stops are needed to proceed, they can do that, but they believe that would be a safety hazard. He spoke about the access aisle and said he hopes they can

make it a single lane on the backside of the restaurant. They'd like to have that space. He said they would provide a minimum of 4 bike spaces.

Bryan Cole, a landscape architect with MacKay & Sposito, 1325 SE Tech Center Dr., Vancouver, WA spoke in response to the condition regarding trees. He said he is working with their arborist and the City's arborist. He spoke about soil volume, irrigation, and tree canopy.

Chris Teasler, from Kittelson & Associates, the applicant's traffic engineer, responded to some of the things he'd heard. He spoke about access, queuing, and the one-way driveway into their site. He spoke about the general concepts on the queuing and overall amount of traffic. In the analysis, they were fairly conservative. 110 to 115 cars coming to the site averaged out. Two menu tables would help during the peak time periods. 70% of the traffic is anticipated to come from Hwy 99W. So the concern about the queuing on the outside one for people coming in off of Royalty has been noted but because of the distribution to the site with only 30% of the vehicles coming from Royalty Parkway – the ability for someone to get into that queue will be minimized.

Inman questioned the applicant about whether they'd ever considered the possibility of a using a "green roof." He answered "No." She asked if that had ever been done at any of their facilities. He answered "No ma'am. Not that I'm aware of."

PUBLIC TESTIMONY IN FAVOR OF APPLICATION: None.

PUBLIC TESTIMONY IN OPPOSITION OF APPLICATION:

John Frewing, 7110 SW Lola Lane, Tigard, spoke against. He would like a planter strip between Hwy 99 in front of Les Schwab and the sidewalk. With regard to trees, he's interested that there is an irrigation system for the trees. He would like the applicant to come in with a 15 year canopy goal for the site - possibly permeable pavement (where roller skates don't go.) Lastly, regarding block size 330', he is concerned it is longer than the standard code.

APPLICANT REBUTTAL: "Some of the concerns are outside the scope of my control. Planting strips on other people's property, namely, Les Schwab – I don't control that. Block size – I can't control that. Practically, what we're doing is extending the sidewalk where there is now just a ditch. We are improving the property and providing pedestrian crossways through the property from Royalty to Hwy 99... so I understand that perhaps from certain perspectives, we can always do more. I believe we've done what we can do here."

CLOSED PUBLIC TESTIMONY

DELIBERATIONS FOR THE DDP

Commissioner Caffall said the “green roof” will simply not work unless you’re going to build substantial pylons to hold up a roof that doesn’t work in the northwest because of our volume of rain; buildings come tumbling down with green roofs. He believes the applicant has gone out of their way to make the property nice and believes they’d be a great addition to the City. Commissioner Doherty agreed regarding both the green roof and believes the landscaping and such will help the area.

Commissioner Vermilyea believes they should agree to waive staff’s recommendation... in other words – no wheel stops on the south side is fine. He thinks the use for a drive-in that’s got cat-hops – wheel stops tend to make it difficult to accomplish that. Commissioner Fishel said she heartily agreed with that.

At this point, President Inman gave a synopsis of the conditions that staff had recommended [that she’d been tracking]:

- Wheel stops – they all agree – no. Remove that condition.
- 1 versus 2 free standing signs – they agree on this one. Condition remains.
- Tree Canopy – they’d like to leave condition #1 in as is.
- Three Public Works Conditions
 - #12 regarding water meters will stay;
 - #33 regarding the maintenance of the water quality facility will stay; and
 - an additional condition to extend the sidewalk on SW Royalty Parkway across Les Schwab to close the sidewalk gap to the existing sidewalk - remains.

So those are the existing conditions right now; other issues?

- Extend and add the conditions that they work with Les Schwab to explore opportunities to minimize that access to be able to accommodate the additional floor (inaudible).

MOTION:

Commissioner Vermilyea made the following motion, seconded by Commissioner Doherty:

“I move that we approve the application PDR2009-00001/VAR2009-00014, the Detailed Development Plan and the adoption of the findings and conditions of approval contained in the staff report as amended on the floor this evening, with the exception that the requirement that there be wheel stops on the south side of the building is removed; they must comply with the Development Code cited on the findings specifically to extend the sidewalk on the parkway side to provide the

amended and additional conditions set forth in Cheryl Caines memo dated 12/7/09; they are going to expand the travel aisle on the north side of building to 14' in width to accommodate cars entering and exiting parking stalls; and move the building footprint south 4 feet to accomplish that goal. They will move the menu-boards on the drive-through lanes to the north to allow for additional stacking and will work with Les Schwab to accommodate improved traffic flow, including the consideration of reduction of that lane and turning it into a one-way lane."

The motion CARRIED on a recorded vote, the Commission voted as follows:

AYES:	Commissioner Anderson, Commissioner Caffall, Commissioner Doherty, Commissioner Fishel, Commissioner Inman, Commissioner Muldoon, Commissioner Vermilyea, and Commissioner Walsh (8)
NAYS:	None (0)
ABSTAINERS:	None (0)
ABSENT:	Hasman (1)

SHORT RECESS

5.3 DOWNTOWN URBAN RENEWAL DISTRICT CODE AMENDMENTS CPA2009-00003, DCA2009-00005, ZON2009-00001

STAFF REPORT

Sean Farrelly, Redevelopment Project Manager, explained why this was coming to the commissioners once again since there was a hearing previously held on this very thing back in October 19th. He said he'd indicated in a memo [that he'd sent to the commissioners in their packets] that they'd finally come to an understanding with ODOT that resulted in a major change in the proposed code. Also, they wanted to make sure that proper notice was provided under Measure 56. He asked that the minutes and staff report from October 19th be entered into the record. He said, for purposes of the record, this will be considered the first public hearing. He went through the proposal using a PowerPoint presentation (Exhibit C).

At the end of his presentation, Farrelly went over the following changes [since the prior Planning Commission meeting of October 19th].

- Discussions with ODOT on potential impacts of 8-story development in Hall/99W sub-area.

- Due to potential increases in trip generation, new proposal will revert to the maximum building heights permitted under the properties' existing zoning (80 feet for properties currently zoned CBD, 45 feet for properties currently zoned C-G and C-P.
- The boundaries of the Hall/99W sub-area were re-drawn to separate out the properties currently zoned CBD and those zoned C-G and C-P.
- The boundaries of the Hall/99W sub-area were re-drawn to separate out the properties currently zoned CBD and those zoned C-G and C-P.
- The proposed front setback reduced from 10 feet to 5 feet.
- Changes incorporated into new draft 5.2.

QUESTIONS OF STAFF BY COMMISSIONERS

Can you remind me of sidewalk width when redevelopment happens on Hwy 99? *It is 10 feet.* And then the street tree requirement will be there as well? *Yes.*

PUBLIC TESTIMONY – IN FAVOR

Alexander Craghead, 12205 SW Hall Blvd., Tigard, OR 97223 spoke in favor. He read a written statement [Exhibit D.]

PUBLIC TESTIMONY – IN OPPOSITION: None.

PUBLIC HEARING CLOSED

DELIBERATIONS – Nothing further.

MOTION:

Commissioner Vermilyea made the following motion, seconded by Commissioner Muldoon:

“I move we recommend approval of CPA2009-00003, DCA2009-00005, ZON2009-00001 to City Council.”

The motion **CARRIED** on a recorded vote, the Commission voted as follows:

AYES: Commissioner Anderson, Commissioner Caffall, Commissioner Doherty, Commissioner Fishel, Commissioner Inman, Commissioner Muldoon, Commissioner Vermilyea, and Commissioner Walsh (8)

NAYS: None (0)
ABSTAINERS: None (0)
ABSENT: Hasman (1)

6. STUDY SESSION PREPARING FOR JOINT MEETING WITH COUNCIL REGARDING TREES (SCHEDULED FOR JANUARY 19TH).

Associate Planner, John Floyd, on behalf of the City, led a discussion about the upcoming joint meeting. It will be a workshop – Floyd noted that generally they don't take public input at these joint meetings. Vice President Walsh suggested that basically they walk the Urban Forestry Master Plan by Council and get their thoughts on it. Commissioner Doherty said she didn't really know what they, as a body, thought about this. Commissioner Vermilyea suggested that they get together again and get on the same page – or at least understand what they all think, since they hadn't discussed this topic in 18 months or so. There were several things brought up that they, as a body, hadn't really talked about.


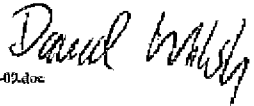
It was decided that this study session would continue on January 4, 2010 for further discussion.

7. OTHER BUSINESS – Photographs were taken of the commissioners on the Dias for the Comprehensive Plan land-use chapter.

8. ADJOURNMENT

President Inman adjourned the meeting at 10:30 pm.


Doreen Laughlin, Planning Commission Secretary


ATTEST: President Jodie Inman


Downtown Code Amendments

CPA2009-00003

DCA2009-00005

ZON2009-00001

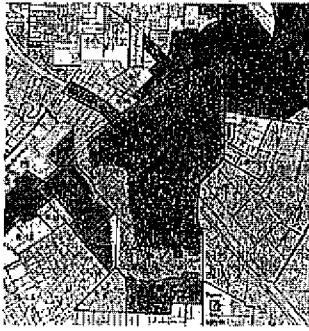
Staff Report to the
Tigard Planning Commission
1st Public Hearing on Ordinance
December 7, 2009



Proposal:

- Re-zones the Downtown Urban Renewal District new zoning classification MU-CBD and new Comprehensive Plan designation Mixed Use Central Business District
- MU-CBD zone includes sub-areas with different development standards
- Adds design standards for new development
- Increases maximum density to 50 units/acre and up to 80 units/acre in station area overlay

Existing



Existing Comp Plan Designation:
Central Business District

Existing Zoning Classifications:
• CBD and CBD (FD) ;
Mixed use zone allows com., res. up to 40 units/acre
• C-C: Commercial only
• C-P
• R-12 (FD)
• R-4.5
• MUR-1 (CPAH project)

Proposed



- Proposed Comprehensive Plan Designations:
• "Mixed Use Central Business District" replaces "Central Business District."
• Existing Open Space designation remains the same.
- Proposed Zoning Classifications:
• MU-CBD and MU-CBD (FD)
• All properties within the Downtown Urban Renewal District, plus 7 additional adjacent properties.

Citizen Engagement in Developing Code

- Tigard Downtown Improvement Plan
- Joint subcommittee of the City Center Advisory Commission and Planning Commission worked on draft code
- Open Houses in July 2008 and July 2009
- Community events
- CCAC meetings and endorsement
- Property owner notification

Meets Tigard Code Requirements

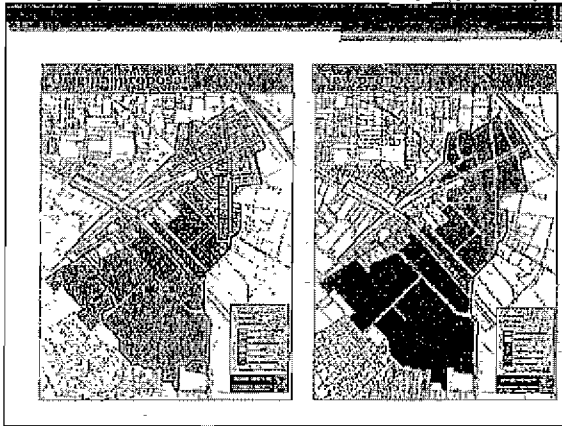
- Community Development Code Chapters 18.380 and 18.390;
- Comprehensive Plan Chapters:
Goal 1-Citizen Involvement
Goal 2-Land Use Planning
Goal 5-Natural Resources and Historic Areas
Goal 6-Air, Water and Land Resources
Goal 7-Hazards
Goal 8-Parks, Recreation, Trails, and Open Space
Goal 9-Economic Development
Goal 10-Housing
Goal 11-Public Facilities and Services
Goal 12-Transportation
Goal 13-Energy Conservation
Goal 14-Urbanization
Goal 15-Special Planning Areas-Downtown

Meets Metro and State Requirements

- Metro Functional Plan Titles 1, 2, 6, and 7;
- Statewide Planning Goals 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, and 14.
- Transportation Planning Rule

Changes since prior Planning Commission meeting

- Discussions with ODOT on potential impacts of 8-story development in Hall/99W sub-area.
- Due to potential increases in trip generation, new proposal will revert to the maximum building heights permitted under the properties' *existing zoning* (80 feet for properties currently zoned CBD, 45 feet for properties currently zoned C-G and C-P).
- The boundaries of the Hall/99W sub-area were re-drawn to separate out the properties currently zoned CBD and those zoned C-G and C-P.
- The proposed front setback reduced from 10 feet to 5 feet.
- Changes incorporated into new draft 5.2.



Recommendation:

- That the Planning Commission recommend Approval to the City Council of the proposed Comprehensive plan Amendment, Development Code Amendment, and Zoning Map Amendment

EXHIBIT D

Alexander B. Craghead

12205 S.W. HALL BOULEVARD
TIGARD OR 97223.6210

alexander.craghead@gmail.com
503.347.4059

December 7, 2009

Tigard Planning Commission
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

RE: *Draft downtown land use code.*

Good evening ladies and gentlemen of the Planning Commission,

For the record, my name is Alexander Craghead. I am the vice-chair of the City Center Advisory Commission, and I also served on the joint Commission Advisory Team that drafted the Downtown Code amendments that are before you again tonight. Between the last time that I talked with you, in October, and now, there have been some significant changes made to the proposed Downtown Code. I am here before you tonight to speak on behalf of the CCAC members on the Commission Advisory Team to urge you to approve this revised version of the Downtown Code.

This is not to say that we have no reservations about the revised Code. In order to accommodate the Oregon Department of Transportation, areas surrounding the intersection of Highway 99W and Hall Boulevard are to be far smaller in scale than called for by the CCAC's vision and the joint Commission Advisory Team's refinement of that vision. Instead of mid-rise, eight ~~to ten~~ story structures and so-called "medium box" retail, the revised code calls for zoning on three of these four corners that is little different in scale from the present conditions. This is a significant disappointment.

A.C.

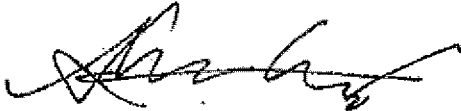
This said, the bulk of the proposed code remains highly relevant and vital to the redevelopment of downtown Tigard. Although the changes made to accommodate ODOT do not match our vision for downtown, we believe that the code before you tonight represents the best workable compromise available to the City of Tigard at this time.

Approving this Downtown Code at this time does not mean that the zoning of the Highway 99W / Hall Boulevard sub area cannot be revisited in the future. Next year, for example, the City will begin a reexamination of the land uses and zoning in the entire Highway 99W corridor. In addition, Metro is currently studying the potential of high-capacity transit in this corridor. Both processes will offer opportunities to further dialogue with ODOT and revisit this issue.

In closing, the CCAC members of the joint Commission Advisory Team wish to express our support for the approval of the revised Downtown Code, with the condition and understanding that the City of Tigard will continue to pursue the upzoning of the Highway 99W / Hall Boulevard sub area through other processes over the course of the next few years.

On behalf of Commissioners Barkley, Shearer, and myself, I want to thank you for your time this evening, and with that I will close my remarks and let you get on with the business of the evening. Thank you.

Best regards,

A handwritten signature in black ink, appearing to read 'Alex Craghead', written in a cursive style.

Alexander B. Craghead
Vice-Chair,
City Center Advisory Commission

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
October 19, 2009**

1. CALL TO ORDER

President Inman called the meeting to order at 7:00 pm. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Present: Commissioners Anderson, Caffall, Doherty, Fishel, Hasman, Inman, Muldoon, and Vermilyea

Absent: Commissioner Walsh, Alternate Commissioner Gaschke

Staff Present: Community Development Director Ron Bunch
Assistant CD Director Susan Hartnett
Planning Manager Dick Bewersdorff
Downtown Redevelopment Manager Sean Farrelly
Associate Planner Gary Pagenstecher
Senior Administrative Specialist Doreen Laughlin

3. COMMUNICATIONS - none

4. CONSIDER MEETING MINUTES

10-05-09 Meeting Minutes: President Inman asked if there were any corrections, deletions, or additions to the minutes; there was one correction (Commissioner Doherty's name had inadvertently been misspelled), President Inman declared the minutes approved with the noted correction.

5 PUBLIC HEARINGS

5.1 DOWNTOWN TIGARD CODE AMENDMENTS COMPREHENSIVE PLAN AMENDMENT (CPA) 2009-00003, DEVELOPMENT CODE AMENDMENT (DCA) 2009-00005, ZONING MAP AMENDMENT (ZON) 2009-00001

STAFF REPORT

Senior Planner Sean Farrelly gave the staff report. (Staff reports are available to the public one week before the scheduled meeting.) Farrelly went over a PowerPoint presentation (Exhibit A).

QUESTIONS OF STAFF & COMMENTS FROM COMMISSIONERS

What if the City of Tigard and ODOT can't come to an agreement? Are we mandated by law to comply with whatever ODOT decides to throw down – how does that work? There's a risk they could appeal this to LUBA but I don't see that happening. We're working with them on multiple projects including a couple hundred thousand dollar grant that's going to be looking at the lanes on the 99W corridor. We want to keep them happy but we have our own aspirations as well. I think we'll be able to meet their concerns and prove to them that the zoning that's there now is not being utilized to its full use.

Specifically, what were some of the concerns ODOT had? It's the concern that they have two facilities Hwy 99W and Hall Blvd - if there's maximum build-out under this proposed code, there could conceivably be a lot more people driving cars on their facility, making traffic worse. We argue that this is a town center and it will be pedestrian oriented. We feel a big percentage of the people who choose to live in the Downtown area in the future will use the transit; will use the WES commuter service; and will potentially use any future light rail that might come down the 99W corridor. ODOT expresses these concerns to pretty much every community that tries to increase density.

TESTIMONY IN FAVOR

Alexander Craghead, 12205 SW Hall Blvd., Tigard who is also the Vice-Chair of the City Center Advisory Commission (CCAC), and a member of the body that helped draft the code, read a statement (Exhibit B) acknowledging and thanking the people and the process that brought the draft downtown land use code to this point.

TESTIMONY AGAINST

Gary Haagen, 2514 SE 112 Ave., Vancouver, WA 98664 (owner, since 1989, of lot 5 - Payless Shopping Center at the corner of Pacific Hwy and Main Street). He's had the property for sale for more than a year. He said obviously the economic conditions up to this point have been challenging for commercial properties. He said two things are happening simultaneously. He noted he's not really "against" this, but had to choose – "for, or against" to sign in. He really just wanted to state a problem he has and was hoping there's a solution.

Haagen testified as follows: The road is being expanded from Pacific Hwy towards my property and they're also moving in from Main Street as well. Up until just the same time I

got the notice of this hearing, I got them practically the same day, I'd never actually received a detailed map showing me exactly what they're doing but they're taking more of my land than I would have anticipated based upon the markings that I'd seen out in the street and that sort of thing. I called the City to find out what the set-back requirements are under this new zoning – and it expands the set-back requirements. If I understand it correctly, my current zoning allows me a 5' set-back – the new zoning would be a 10' set-back. My property is a little less than 15,000 sq ft and the goal of me selling this building, and with the land value and the appraisals I've had, is that my building could actually be doubled, based upon my understanding of what I owned previously. The building there now is 1,290 sq ft, my CC&R's say the building could be up to 2,800 sq ft. Based upon my appraisals and my realtor – the idea was to try to find a buyer that would want one of two things – either destroy the current building and build a new building that would meet those requirements, or add on to the existing building and up until, maybe now, there's been sufficient ability to expand towards Pacific Hwy. I guess what I'm wondering is – is there any way I can be considered for a "grandfather" so that my set-back is maintained at the 5' and then I'd realize I'd have to deal with the state about expanding the road as a separate issue. Both of these two things happening simultaneously are resulting in an adverse economic effect on my property. Could I answer any questions?

QUESTIONS OF HAAGEN TESTIMONY BY COMMISSIONERS & STAFF

Sean Farrelly, Downtown Redevelopment Manager, explained what could be built under the proposed code. He said it may not be a feasible scenario now but in the not too distant future, especially if high capacity transit goes into the corridor, could make Haagen's property much more valuable. He said, as with any code, there may be some negative effects, but the positive impacts would outweigh that.

Haagen: It's hard for me to assess that other than... you know I only own a small piece of property and to destroy the building and then build again – at most it could be 2,800 sq ft – at most. So it'd be hard to build very high. The way I look at it, I can only see economic disadvantage – no economic advantage.

Commissioner Vermilyea to staff: Is there a way a property owner can have issues addressed individually... is there a variance process? A Grandfather process? Some kind of process where we can deal with individualized issues?

Farrelly: Couple things, there is a variance process that would be identical to the rest of what is permitted in our code. There's also an adjustment process in the new code. In addition, there are exceptions identified in 18.610.045 "Exceptions to Standards" [page 33 of "Proposed Downtown Tigard Code Amendments"].

Haagen questioned the right-of-way appraisal process. He wondered how to get a true value.

Ron Bunch, Community Development Director, spoke to the right-of-way appraisal process explaining that is a state and county process. He said the City is working with ODOT and the county. He said the 10 foot set-back is a standard with a 20% possible exception, so that could be reduced to 8 feet. That's as much dimensional "give" that we have in the standards right now. The right-of-way appraisal process is entirely separate from the planning process. Farrelly pointed out that the proposed code allows a 90% maximum site coverage; the current code allows 85% so you're able to cover 5% more of your lot.

At this point Haagen asked what the "process" is regarding this. President Inman explained that they would take more public testimony, deliberate, have questions of staff, and then make a recommendation to City Council. She said he could also testify to City Council at the public hearing on December 8th. In the meantime, he could consult with staff to get a little better idea of what the effective usefulness of his property might be within the code.

Haagen asked if the City Council would be aware of his testimony tonight. Inman said it would be in the minutes and in the record -- so long as they read it.

Inman asked if there was anyone in the audience who wished to speak either for or against.

Jim Andrews, Nicoli Engineering, 9025 SW Center Street, spoke [but had not signed in]. He said his was more of a question focused towards Farrelly. He said "Center Street has been put in a sub-area with Main Street. I understand it needed to go somewhere and I guess that makes sense. My only question is -- the standards on Main Street aren't always applicable to what I can see the character of Center Street being (or is). So I want to verify that the variances are still applicable to some of the zoning guidelines and the development standards that you've made and is the 20% reduction applicable to those design standards -- not so much set-back but as facade issues and those kind of guidelines?"

Farrelly answered: There is a discretionary design due process which would allow an applicant to propose something different from the standards. That's one of the tracks we have. The 20% reduction is not applicable to the design standards -- just the set-backs.

"What is the criterion of acceptance of modification?" Farrelly: It's very discretionary. There will be a design review board. In the interim there may be a sub-committee of the Planning Commission. There will be a designated design review body. They will judge against the design objectives towards the end of the code amendments [page 34]. They're just statements of intent of what we're looking for and the applicant would have to show how their proposal meets that. There will be multiple ways of showing that.

QUESTIONS OF STAFF BY COMMISSIONERS

With regard to the design review board -- how are we going to make that known to the public who may wish to follow track 3 and have a discretionary design review?

By the time Council (hopefully) adopts these code amendments, we'll explicitly talk about that as well as our ideas on how a design review board would work, and the long term transition to an independent board.

Ron Bunch added that Council has the authority under Municipal Code essentially to appoint a body that has land-use regulatory authority. Our proposal essentially, when we complete this, is to draw a series of proposals for Council, and the Planning Commission both, to consider. It would happen through a Council deliberation and appointment process.

PUBLIC HEARING CLOSED

DELIBERATION

President Inman noted the Downtown Code Errata that Farrelly had distributed earlier (**Exhibit C**) is basically updates to the code that was sent out in the earlier packet to the Commissioners. She also noted the fact that it would need to also be included in any recommendation. She said it would also be good to include in the amendment some instruction for staff to continue to develop ways to address ODOT's concern for greater density.

There were no further deliberations.

MOTION

The following motion was made by Commissioner Muldoon, seconded by Commissioner Vermilyea, as follows:

"I move for a recommendation to City Council, based on the findings that are in the staff report, to approve CPA2009-00003, DCA2009-00005, and ZON2009-00001; cognizant of the errata for the Downtown Code; and with a stipulation asking staff to work with ODOT to maximize towards target density as requested.

The motion **CARRIED** on a recorded vote, the Commission voted as follows:

AYES:	Commissioner Anderson, Commissioner Caffall, Commissioner Doherty, Commissioner Fishel, Commissioner Hasman, Commissioner Inman, Commissioner Muldoon, and Commissioner Vermilyea (8)
NAYS:	None (0)
ABSTAINERS:	None (0)
ABSENT:	Commissioner Walsh (1)

5.2 DEVELOPMENT CODE AMENDMENT (DCA) 2009-00004, SEASONAL OUTDOOR SALES CODE AMENDMENT

STAFF REPORT

Associate Planner Gary Pagenstecher went over the staff report on behalf of the City. (Staff reports are available to the public one week before the scheduled meeting.)

QUESTIONS OF STAFF & COMMENTS FROM COMMISSIONERS

Is there a City goal of having a single “Tigard Farmer’s Market?” Pagenstecher: The Comp Plan calls for Farmer’s Markets Downtown. That’s a goal expressed in the Comp Plan. I think in the staff report we find this language allowing for a Farmer’s Market consistent with that goal. Do we have a specific plan to provide a certain area in City owned property? No.

Bunch interjected that a city can provide a place/opportunity for a Farmer’s Market. He said it’s very rare for a city to be the actual sponsor of a Farmer’s Market kind of activity. Cities throughout the state in our research and experience worked with the organizations that establish a charter (inaudible) Farmer’s Market. It is a City goal to provide opportunities for Farmer’s Markets who operate in a community.

So what I’m hearing is it’s possible for several Farmer’s Markets could be operating in the City at the same time? This has me concerned - so on any Saturday and Sunday – are we talking about a Farmer’s Market at the Grange, a Farmer’s Market Downtown, and maybe a Farmer’s Market someplace else within the confines of the City all at the same time?

Bunch: This provides the opportunity for that to happen if the market will allow it to occur according to the specific criteria, yes.

Commissioner Vermilyea said he had a technical question – [Re: Page 6 of 10 – 18.785.020]. **What do you mean by the word “charter”?** Is that meant to be a licensed, registered, non-profit with the state corporation division – is that what the intent is there? Or is there some other charter that I’m not aware of? **Is the City intending to issue a charter?** No. So my suggestion then would be to put in language something along the lines of a public service or non-profit organization duly and properly licensed by the State of Oregon – or something along those lines because in order for a non-profit to operate legally in Oregon you have to register and file annual reports with the state corporations division. So something along those lines to me seems to be a more specific set of language than “charter”.

Commissioner Doherty – **So, in other words, when you talk about charter your intent was an organization that has a charter, a by-laws, a constitution, that kind of thing?**

Or was your intent that they had some recognition from the state? I really think that needs to be defined – I agree with Commissioner Vermilyea.

Pagenstecher - We ran this by the City Attorneys and they had no problem with this language. Neither did they didn't suggest another language. They can be chartered public service – in other words by-laws and documents that they have this organization and operate under these rules, or they can be a non-profit organization.

QUESTIONS OF APPLICANT

TESTIMONY IN FAVOR: Phil Yount, 11222 Cottonwood Lane, Tigard – introduced himself as the “treasurer/janitor/rental manager” of the Tigard Grange. He’s also a 17 year resident of the City of Tigard. He wanted to publically thank Ron Bunch and Gary Pagenstecher for their recognition of the problem confronting the Tigard Grange last spring and summer when they wanted to implement a Farmer’s Market activity on the Tigard Grange property and were not allowed to do so for longer than 30 days. When asked how the Tigard Farmer’s Market could operate for longer than 30 days, he said they didn’t really have an answer to that question – and thus, this meeting tonight. He said the Grange needs to have a way to earn funds to support the activities at the Grange. He hopes that the Planning Commission will see fit to recommend this to the City Council and they will end up passing it so that a year from now they can implement their Farmer’s Market. He said he was concerned about one thing in the staff report. The one that says they will need to enumerate how they are satisfying all these different things, like visual access, parking, so on and so on. He said he’s relatively confident they can do it but whether they can write it – they don’t have writers and if they have to hire an attorney to write that application for them, that might be somewhat of a disadvantage... but they might just have to overcome it. He ended saying he encourages them to recommend this to the City Council.

QUESTIONS OF YOUNT:

What’s your take on actually calling out specific months (such as May to October) as opposed to just giving a specific duration of time? We would probably be happier if it said “April to October” but I’m satisfied with May to October. That would fulfill all the requirements that we currently have. We have a strawberry vendor that works within the 30 day requirement. We also have a Christmas tree vendor that works within the 30 day requirement. If we could have the six months – seven would be better – but I don’t think that’s a critical need.

Do you have concerns with dealing with traffic that might be coming in and out of the grange during the market on Hwy 99? No – because we have entrance and egress as it stands and we have to deal with that during the Christmas tree season and the strawberry vending season as it is and haven’t had any particular complaints about that.

TESTIMONY AGAINST

Mr. Stan Baumhofer, PO Box 230421, Tigard 97281, President of the Tigard Area Farmers Market at 12950 SW Pacific Hwy, said he signed up as “against” the proposals, not so much that he’s against anything that is proposed in the current code, but more the concept is that the more regulations you provide, the less chance a new business has of starting. His testimony is as follows: We have no objection to the grange having a market or any other body – so far as we’re concerned – the more the better. Like a gas station on 4 corners. Some of the things being considered should include a definition of what a Farmer’s Market is. To make it easier on staff so that if someone comes to the counter, there should probably be a definition of what’s a “bazaar,” and what’s a “food cart”, what’s a “Farmer’s Market,” what’s a “garage sale” – so there’s a definition as to where this potential applicant falls into your codes here. Also – considering whether it’s a business for profit or a business not for profit. We started out as a civic event and a venue for other non-profits to come at no charge by the market to display whatever they had – the Boy Scouts, the Chamber, the Red Cross Blood Drive, or the City itself, when it’s promoting an issue, we’re glad to have you there at no charge – cause that’s what we’re all about. We’re run by volunteers – we do hire a manager for the actual market -- I’d like to introduce Pat Benson here. She is our Market Manager.

Whether the organization is a profit or non-profit should be of some concern. If Landmark Ford came in and said they wanted to have a market in their parking lot on Saturdays - that might be a separate concern or issue as to whether in comparison to a non-profit such as ourselves who are here for a civic purpose. We are registered with the Oregon Corporation Commission as a tax-paying corporation and we file a tax return every year. If we were to get to specific issues here I have a couple points. Specifically: the code exempts markets and yet you’re trying to put allowances for temporary uses. If you want to talk about a timeframe in the context of running a market, I think it should say something like “less than a year.” That way you don’t have to worry about it being May 10th or May 12th or May 20th or something that specific. So you say less than a year – are you expecting us to come in every year and pay a new fee each time we renew our license? Is this code intended just to generate some more revenue for the City and therefore run up the expense of the Market itself? Limiting the type of products to be sold is another can of worms because – where do you stop – or where do you start on the different types of items to be sold. And if we do need approval every year, would you expect a fee from us? As to a new market starting and having to do a lot of studies... a “traffic study” – obviously we want to be concerned about the traffic but if you require so many studies -- they’re spending 4, 5, 7, 8, \$10,000 just to go into business – they’re never going to go into business. That is contrary to what I think the City should be doing.

We’ve had over 75,000 people at our markets this summer – we compete with the Balloon Festival. Signage is an important thing for a market to succeed. What we would like to have is a permanent sign that says “This is the Home of the Tigard Area Farmer’s Market” so

people could contemplate 12 months of the year where we are and where we're going to appear when the market products come into vogue.

QUESTIONS OF MR. BAUMHOFER

With respect to the timeframe - is May to October as enumerated in the statute sufficient? Is it better to make it April to October as Mr. Haagen suggested, or is it best to make it a range of 6 months, or 7 months, in terms of how you're going to operate and when you're going to operate? That pretty much hinges on what your product is going to be. If you're going to sell something that's winter month oriented, you require during that time of year and that's why I say you can't guess correctly and fit all... one size doesn't fit all. We found that those six months from the middle of May to the end of October fits the kind of product that we are focusing on. That might not always be true for us or some other market.

So are you suggesting that we change it to be a range of a number of months to give that kind of flexibility? With any 12 month period I think would be the flexibility that would work best.

At this point, President Inman asked if anyone else was in the audience who wished to testify. There were none.

QUESTIONS OF STAFF

Regarding the criteria - they could tend to lean toward being onerous... such as letter "C," the traffic study. It could be a very expensive endeavor. That and "D," documentation that there is no adverse off-site impacts etc. How do you achieve that without paying consultants, and experts, and studies? I do see that, depending on how this is interpreted, you could end up spending thousands of dollars documenting something. Is there a way to soften the language so an applicant can address their plan and these concerns and then the planning director or somebody can require further documentation if they deem it necessary - to sort of allow somebody to "get in the door"? Pagenstecher: Not every site will have the same set of problems. It's entirely appropriate to attempt to make these standards achievable by non-profits who are doing something maybe once a week.

I'd like a common sense approach - a less onerous approach. We need to take another look at these 5 criteria of 18.785,040 No. 6. And come up with a way to get to what you're talking about because I don't think the language that's in there now, gets there. Can you wordsmith this so that the goal is workable - allowing permitted uses for both of these entities? Yes - we can certainly do that. We have a few months until May to work this out.

President Inman asked for a general consensus from the Planning Commission. If I'm hearing this correctly, we'd like to go back and address these approval criteria, see if we can soften them up, get more of a sliding scale – something in there that's a little more potentially "user friendly." Is that correct? The Commission concurred. Commissioner Vermilyea added one thing that he wanted to be specific criteria – and that would be a call out for hours of operation.

So the way it's written right now the modification is good for one year? So would they come in every year for a modification? Yes – they would renew it each year. What are the fees associated with that? Currently non-profits have no fees for renewal.

PUBLIC HEARING CLOSED

DELIBERATION

The commission decided to continue this meeting and deliberations to November 2nd.

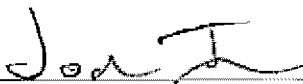
6. OTHER BUSINESS – None.

7. ADJOURNMENT

President Inman adjourned the meeting at 8:50 pm.



Doreen Laughlin, Planning Commission Secretary



ATTEST: President Jodie Inman

Downtown Code Amendments
 CPA2009-00003
 DCA2009-00005
 ZON2009-0001

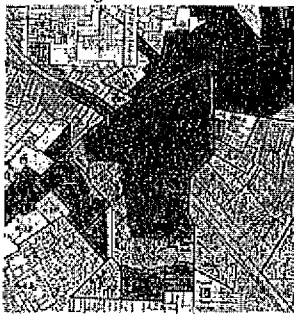
*Staff Report to the
 Tigard Planning Commission
 Public Hearing
 October 19, 2009*



Proposal:

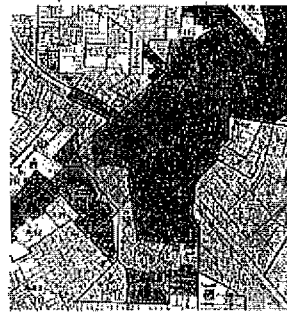
- Re-zones the Downtown Urban Renewal District new zoning classification MU-CBD and new Comprehensive Plan designation Mixed Use Central Business District
- MU-CBD zone includes sub-areas with different development standards
- Adds design standards for new development
- Increases maximum density to 50 units/acre and up to 80 units/acre in station area overlay

Existing



- Existing Comp Plan Designation:**
 Central Business District
- Existing Zoning Classifications:**
- CBD and CBD (PD) : Mixed use zone allows com., res. up to 40 units/acre
 - C-G: Commercial only
 - C-P
 - R-12 (PD)
 - R-4.5
 - M/IR-1 (CPAH project)

Proposed



- Proposed Comprehensive Plan Designations:**
- "Mixed Use Central Business District" replaces "Central Business District."
 - Existing Open Space designation remains the same.
- Proposed Zoning Classifications:**
- MU-CBD and MU-CBD (PD)
 - All properties within the Downtown Urban Renewal District, plus 7 additional adjacent properties.

Citizen Engagement in Developing Code

- Tigard Downtown Improvement Plan
- Joint subcommittee of the City Center Advisory Commission and Planning Commission worked on draft code
- Open Houses in July 2008 and July 2009
- Community events
- CCAC meetings and endorsement
- Property owner notification

Meets Tigard Code Requirements

- Community Development Code Chapters 18.380 and 18.390;
- Comprehensive Plan Chapters:
 - Goal 1-Citizen Involvement
 - Goal 2- Land Use Planning
 - Goal 5-Natural Resources and Historic Areas
 - Goal 6-Air, Water and Land Resources
 - Goal 7-Hazards
 - Goal 8- Parks, Recreation, Trails, and Open Space
 - Goal 9- Economic Development
 - Goal 10-Housing
 - Goal 11-Public Facilities and Services
 - Goal 12- Transportation
 - Goal 13- Energy Conservation
 - Goal 14- Urbanization
 - Goal 15- Special Planning Areas-Downtown

Meets Metro and State Requirements

- **Metro Functional Plan Titles 1, 2, 6, and 7;**
- **Statewide Planning Goals 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, and 14.**

Outstanding Issue:

- **Final Maximum Density and ODOT**

Recommendation

- **That the Planning Commission recommend Approval to the City Council of the proposed Comprehensive plan Amendment, Development Code Amendment, and Zoning Map Amendment**

Alexander B. Craghead

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TIGARD OR 97223.6210

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503.347.4059

October 19, 2009

Tigard Planning Commission
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

RE: Draft downtown land use code.

Good evening ladies and gentlemen of the Planning Commission,

For those of you who do not know me, I am Alexander Craghead, Vice-Chair of the City Center Advisory Commission, and a member the body that helped to draft the code before you tonight.

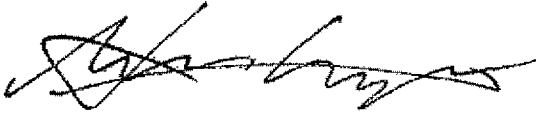
I want to take this opportunity not to talk about the technical details of the code, but instead to acknowledge the people and the process that brought us to this historic point.

The work product that is before you tonight would not have been possible without extensive cooperation between our two commissions. This cooperation took the form of the joint Commission Advisory Team, upon which it has been my pleasure to serve. I would like to acknowledge the service on this body of Planning Commissioners Tom Anderson, Karen Fishel, Stu Hasman, Jodie Inman, and Jeremy Vermilyea. On behalf of the CCAC members on the joint Commission Advisory Team, it has been a pleasure to work with you on this project.

I would also like to thank fellow CCAC Commissioners Carolyn Barkley and Elise Shearer, and former CCAC Commissioner Roger Pothoff. Each of these individuals contributed significantly to journey that this code has taken from a germ of an idea to the draft that is before you tonight.

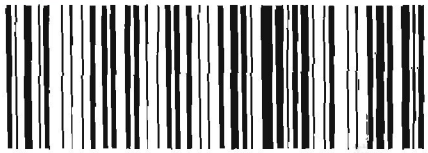
With that, and in recognition of the work that is before you tonight, I will cut my statement short, adding only that I think I can safely say that I speak for the entire CCAC when I say that it has been a pleasure and an honor working on this project with you, and we look forward to working with you again in the future.

Best regards,

A handwritten signature in black ink, appearing to read "Alexander B. Craghead". The signature is fluid and cursive, with a large initial "A" and "B".

Alexander B. Craghead
Vice-Chair
City Center Advisory Commission

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7005 3110 0004 5777 5170

CITY OF TIGARD
LONG RANGE PLANNING
13125 SW HALL BLVD.
TIGARD, OR 97223



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

