



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/04/2012

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 001-12

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: Thursday, December 20, 2012

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 Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Gary Pagenstecher, City of Tigard
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	NOV 30 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Tigard**Local file number: **DCA2012-00001**Date of Adoption: **November 27, 2012**Date Mailed: **November 29, 2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/23/12☐ 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".

Amends Chapter 18.730.050.D of the Community Development Code, adding the following adopted amendment:

5. In the R-12 Zone, bay windows and projections with floor area may project into required interior side and street side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the interior side yard is not reduced to less than 3 feet.

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

The changes to the proposed code amendment are indicated below in double underline (new language) and strikeout (deleted language)

5. In the R-12 Zone, bay windows and ~~pop-outs~~ projections with floor area may project into required interior side and street side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the ~~approved~~ interior side yard is not reduced to less than 3 feet.

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **N/A**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment.

DLCD File No. 001-12 (19468) [17251]

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

None

Local Contact: Gary Pagenstecher

Phone: (503) 718-2434 Extension:

Address: 13125 SW Hall Boulevard

Fax Number: 503-684-7297

City: Tigard

Zip: 97223

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).

120 DAYS = N/A
DATE OF FILING: 11/28/2012
DATE MAILED: 11/29/2012



CITY OF TIGARD

Washington County, Oregon

NOTICE OF FINAL ORDER BY THE CITY COUNCIL

Case Number:	DEVELOPMENT CODE AMENDMENT (DCA) 2012-00001
Case Name:	PROJECTIONS INTO REQUIRED YARDS
Applicant's Name/Address:	Ryan O'Brien, 1862 NE Estate Drive, Hillsboro, OR 97124
Owner's Names/Addresses:	N/A
Address of Property:	Citywide, Properties Zoned R-12
Tax Map/Lot Nos.:	N/A

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS **APPROVING** A REQUEST FOR A **DEVELOPMENT CODE AMENDMENT (ORDINANCE NO. 12-08)**.

THE CITY OF TIGARD PLANNING COMMISSION AND CITY COUNCIL HAVE REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISION'S STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE PLANNING COMMISSION HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON **OCTOBER 15, 2012** FOR THE PURPOSE OF MAKING A RECOMMENDATION TO THE CITY COUNCIL ON THE REQUEST. THE CITY COUNCIL ALSO HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON **NOVEMBER 27, 2012** PRIOR TO MAKING A DECISION ON THE REQUEST. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THIS FINAL ORDER.

Subject: ➤ The applicant is requesting an amendment to Chapter 18.730.050.D of the Community Development Code to allow, in the R-12 Zone, bay windows and projections with floor area to extend into required side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved side yard is not reduced to less than 3 feet.

ZONE: R-12. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380, 18.390, 18.510, and 18.730; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10.

Action: ➤ ☒ Approval as Requested ☐ Approval with Conditions ☐ Denial

Notice: Notice was published in the newspaper, posted at City Hall and mailed to:
☒ Affected Government Agencies ☒ Interested Parties

Final Decision:

THIS IS THE FINAL DECISION BY THE CITY AND IS EFFECTIVE ON DECEMBER 28, 2012.

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

Appeal: A review of this decision may be obtained by filing a notice of intent with the Oregon Land Use Board of Appeals (LUBA) within 21 days according to their procedures.

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

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

AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.730, TO ALLOW IN THE R-12 ZONE, BAY WINDOWS AND PROJECTIONS WITH FLOOR AREA TO EXTEND INTO REQUIRED YARDS WITH CERTAIN LIMITATIONS (DCA2012-00001).

WHEREAS, the city received application for the proposed code amendment to amend the text of the Exceptions to Development Standards Chapter (18.730) of the City of Tigard Community Development Code to allow in the R-12 zone, bay windows and projections with floor area to extend into required yards with certain limitations; and

WHEREAS, the purpose of Chapter 18.730 is to present exceptions to the height and setback standards which apply in various zoning districts as detailed in Chapters 18.510, 18.520 and 18.530, where flexible and/or more stringent setback standards are designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety; and

WHEREAS, notice was provided to the Department of Land Conservation and Development at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice of the public hearings was published in the Tigard Times Newspaper at least 10 business days prior to the public hearings; and

WHEREAS, the Tigard Planning Commission held a public hearing on October 15, 2012 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended; and

WHEREAS, the Tigard City Council held a public hearing on November 27, 2012, to consider the proposed amendment; 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 City Council has found the following to be the applicable review criteria: Community Development Code Chapters 18.380, 18.390, 18.510, and 18.730; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and unanimously approves the request as being in the best interest of the City of Tigard.

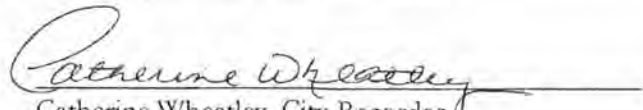
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendment attached as **"EXHIBIT A"** to this Ordinance is hereby approved and adopted by the City Council.

SECTION 2: The findings in the October 4, 2012 Staff Report to the Planning Commission and the Minutes of the October 15, 2012 Planning Commission hearing are hereby adopted in explanation of the Council's decision.

SECTION 3: 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 27th day of November, 2012.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 27th day of November, 2012.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

11/27/12
Date

Exhibit A
Ord. 12-08

DCA2012-00001
PROJECTIONS INTO REQUIRED YARDS
DEVELOPMENT CODE AMENDMENT

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ - Text to be deleted

[Bold, Underline and Italic] – Text to be added

Chapter 18.730
EXCEPTIONS TO DEVELOPMENT STANDARDS

18.730.050 Miscellaneous Requirements and Exceptions

D. Projections into required yards.

1. Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.

2. Fireplace chimneys may project into a required front, side or rear yard not more than three feet provided the width of such yard is not reduced to less than three feet.

3. Open porches, decks or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches.

4. Unroofed landings and stairs may project into required front or rear yards only.

5. In the R-12 Zone, bay windows and projections with floor area may project into required interior side and street side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the interior side yard is not reduced to less than 3 feet.

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
October 15, 2012**

CALL TO ORDER

President Walsh called the meeting to order at 7:06 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Walsh
Vice President Anderson
Commissioner Doherty
Commissioner Fitzgerald
Commissioner Muldoon
Commissioner Rogers
Commissioner Schmidt
Commissioner Shavey

Absent: Commissioner Ryan; Alt. Commissioner Miller; Alt. Commissioner Armstrong

Staff Present: Tom McGuire, Interim Community Development Director; Doreen Laughlin, Executive Assistant; Sean Farrelly, Redevelopment Project Manager; Marissa Daniels, Associate Planner; Gary Pagenstecher, Associate Planner

COMMUNICATIONS

This agenda item was moved by President Walsh to the end of the meeting.

CONSIDER MINUTES

June 4, 2012 Meeting Minutes: President Walsh asked if there were any additions, deletions, or corrections to the June 4 minutes; there being none, Walsh declared the minutes approved as submitted.

WORKSHOP – RIVER TERRACE COMMUNITY PUBLIC INVOLVEMENT PLAN

Associate Planner Marissa Daniels gave an update on the public involvement plan for River Terrace. She covered the following three items and then opened it up for discussion:

- The Planning Commission's role as Tigard's state recognized Committee for Citizen Involvement.
- Details about the River Terrace Community Plan.

- Described the contents of the public involvement plan.

She advised the commissioners that Sr. Planner, Darren Wyss, would be back in November to give a comprehensive overview of the project. She noted that there would be Stakeholder Working Group (SWG) meetings and that a Planning Commission member would be invited to participate in that. The committee will act as an advisory body to staff and provide a venue for citizen involvement opportunities in planning for River Terrace. The first message was sent through the "listserv" the previous week. Daniels noted that one of the benefits of following from Washington County is that they passed to Tigard a list of over a 100 contacts for this project. She added that the commissioners were welcome to join that listserv online at the City website and noted that the first kick-off meeting for the project would be held Wednesday, October 24th near the general River Terrace area – at Deer Creek Elementary School. She invited the Commissioners to attend and left postcards at the podium for them to pick up if they wanted more information on that and wanted to attend.

Questions from the Commissioners of Daniels

What is the role of the River Terrace Community Plan as a whole? You'll review items of the plan as they come through the legislative adoption process. There's a schedule on the draft (**Exhibit A**). You can see there that different topics will come through at different times to the Commission before the final adoption of the plan. Staff will keep the Commission updated and engaged throughout so that they will be prepared for that process at those different points.

Questions of Interim CD Director, Tom McGuire

Referring to the current staff issues - where does this project fit in your priorities – with everything else you have going on with planning staff right now? This project is one of the Council's goals for this year and one of their top priorities. We have Darren Wyss as the project manager and he will be moving this forward. In addition, we hired a local land use consultant, John Spencer, who will primarily help to manage the long range projects and assist me. So this project will move forward. Darren will be here in November to update the Commission on the processes and where this is going.

At this point, President Walsh took a quick poll of the audience and noted that a majority of the people present were there for the Connectivity Agenda item. He decided to change the agenda order and moved the public hearing on connectivity to the next order of business.

President Walsh opened the public hearing:

PUBLIC HEARING - CPA2012-00001/DCA2012-00002

TIGARD DOWNTOWN CONNECTIVITY PLAN CODE AMENDMENTS

REQUEST: To amend the City of Tigard 2035 Transportation System Plan to add background and figures and to amend the Tigard Development Code (Title 18) Chapters 18.370, 18.610 and 18.810 to implement new street connections. The complete text of the currently proposed amendments can be viewed on the city's website at <http://www.tigard-or.gov/connectivity> **LOCATION:** Downtown District. **ZONE:** MU-CBD.

STAFF REPORT

Sean Farrelly, Redevelopment Project Manager introduced himself and also introduced Cathy Corliss who was there as a consultant with Angelo Planning Group and had worked on developing some of the code language for this amendment. Farrelly went over a PowerPoint presentation regarding the Tigard Downtown Improvement Plan (**Exhibit B**). He turned the presentation regarding the proposed amendments to Chapter 18.610 over to Ms. Corliss.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that this request for a Comp Plan Amendment and Development Code Amendments meets the necessary approval criteria according to the findings found in Section IV of the staff report. Staff recommends approval of CPA2012-00001 and DCA2012-00002.

PUBLIC COMMENT

TESTIMONY IN FAVOR – Alexander Craghead – 12205 SW Hall Blvd Tigard 97223

Mr. Craghead is the chair of the City Center Advisory Commission (CCAC) and present on behalf of the CCAC. He noted they had reviewed this quite thoroughly over several meetings (and stated that that was an understatement). He said tonight's amendments represent an accumulation of over five years of effort on behalf of the CCAC to carve the future transportation systems for downtown Tigard. The CCAC believes this plan achieves connectivity goals and that the right amount of flexibility is built into the plan. He had participated in the outreach of the property owners and heard the various concerns. He said he saw response from staff addressing those concerns while still achieving the goals. In closing, Craghead said the CCAC recommends the Planning Commission approve these amendments.

TESTIMONY IN OPPOSITION

Cecilia Thompson – 1847 N. 150 E Centerville, UT

She and her husband own a 67 unit apartment building in the area. They are concerned about the safety and security of the tenants if they have to have paths going through the area. They do not want to provide pedestrian and bike paths through the property. She said this is private property. If the plan goes through, she believes the property would be worth less. She said she's not heard any complaints from the tenants regarding connectivity and requests that her whole lot be exempt from this. She's against paying for someone else's pipe dream.

Russ Little – PO Box 1006 Tualatin, OR 97062

He is one of the property owners in the Rite Aid center. His property currently houses "Woodcraft." He said he bought the property because he'd decided to stay in Tigard and support the community. He's concerned that dividing his property into three pieces would decrease the value of his property.

David Wilson 12375 SW Hall Blvd. Tigard 97223 – Spoke in favor of the Scoffins collector. He said you should actually call it the Hunziker collector because it would be part of Hunziker. He believes it would reduce some of the cross traffic in front of Rite Aid and Woodcrafters.

Owen Snyder 15400 SW Alderbrook Drive, Tigard

Mr. Snyder stated he owns some properties in the Scoffins realignment in area map #4 where it shows the connector being made with Hunziker. He had the following clarification question: *During that realignment, you're abandoning the previous intersection - what is the intended use of the existing street?* Farrelly answered him. "No final decision has been made because we haven't "pulled the trigger" on that street - but a possible idea is that when that property is purchased from the owner of that apartment building – we'd essentially have to purchase the entire property and that abandoned ROW could be consolidated with the remaining property to present a parcel big enough to redevelop. *So there's no other particular usage intended at this time?* Nothing definite has been decided, but a good viable option would be to swap that ROW with that property owner to have a parcel that can be redeveloped.

CLOSED PUBLIC TESTIMONY

President Walsh then opened the meeting up for questions by the commissioners.

One of the commissioners commented that, if it goes through, she would like to see that there will be some sort of help from the City for the owners of businesses to plan for redevelopment. She believes the owners have some legitimate concerns. Cathy Corliss said that all property owners would have to agree on whether the connections through the Rite-Aid block takes place. She thinks there's a way to designate those that are not quite the same as the way we would do in the viaduct.

There were some questions regarding the near term redevelopment problems that could be created. The hope was that flexibility is built in of what could be done. Farrelly noted this is a discretionary process and that there is flexibility for line adjustments. There was a question of CCAC Chair Craghead as to whether he believes there is flexibility built into the plan. Craghead said what the CCAC is looking for is clarity because a lot of developers are not going to want to come in and develop if there's not a transportation plan in place – because they'd not know where those roads would be – and that's a problem – not a benefit. In this case, he can see the property owner's concern and he noted there appears to be no concern about having flexibility.

PUBLIC HEARING CLOSED

DELIBERATIONS

President Walsh asked the commissioners their thoughts on this.

Commissioner Doherty noted that this is not a connectivity plan that has just been thrown together. She mentioned that Chair Craghead had noted the five years of planning and discussions that had gone on. She is confident the City would work with the people who

brought up concerns down the road if, indeed, it gets to the point that the connectivity would affect the apartment building or others. She said “I would support this because it has had a tremendous amount of input. But again... I would want the City to work with people who have issues.”

Commissioner Shavey believes this vision is a pretty strong picture of what can and may very well happen in downtown and thinks the Commission should make this recommendation to Council.

Commissioner Muldoon recommends a change on the Rite-Aid block – simply list the end points and let that connectivity be determined as the redevelopment happens.

Commissioner Anderson believes this is a good plan overall. There are no priorities listed on the streets and, if there were, he believes the two pieces that were talked about tonight would be low priority and probably among the last to be implemented. He believes that certainly the ones on Main Street and connecting some of the alleys are obvious and should be written in stone. He thinks putting end points would be good – let the developer work with the City to determine the street lines.

Commissioner Rogers is generally happy with this but is a bit concerned about the Woodcraft building. He thinks it affects that particular owner on two sides of their building – it seems like we’re picking on one particular landowner.

Commissioner Schmidt would hate to burden any property owner with a condition like that that would affect their current value – much less what it would be 20 or 30 years down the road.

Commissioner Fitzgerald appreciates the 5 years of work getting to this point. She thinks this could energize Tigard and put it on the path to having a really livable downtown community. She has two exceptions: she would like a piece of language to be readjusted a little differently. She would also like Tom McGuire to be a little more specific on how the code language could be addressed. That code language piece would help the Woodcraft property and Mrs. Thompson’s (apartment) property pretty easily without affecting the overall draft.

President Walsh likes the plan overall but has near term concerns. Are we creating a burden for the existing landowners? He hopes there is flexibility and thinks there is. He would like to see a softer line across the Rite Aid area and not having as defined a pathway as now and he also has concerns in that large block where the Thompson property is.

President Walsh said he would reopen the hearing so he can hear from Tom McGuire and get some guidance on how to do that.

PUBLIC HEARING REOPENED

President Walsh asked Tom McGuire *“Is it possible to amend the language and pass this tonight – move it forward? That’s the wish of the group.”*

McGuire said it’s going to be a challenge to have the exact language as an amendment tonight.

President Walsh suggested that they take a recess from this hearing so McGuire and Cathy Corliss can get together and talk about this while the next public hearing takes place. They would then bring it back to the Commissioners – at which time they would reopen the

hearing. McGuire and the Commissioners agreed this was a good idea. President Walsh also decided that they would take a six minute break before the next public hearing.

PUBLIC HEARING CLOSED (to be reopened following the next public hearing.)

SIX MINUTE RECESS

PUBLIC HEARING FOR PROJECTIONS OPENED

PUBLIC HEARING – DCA2012-00001 PROJECTIONS INTO REQUIRED YARDS

REQUEST: Amend Chapter 18.730.050.D of the Community Development Code to allow, in the R-12 Zone, bay windows and pop outs with floor area to project into required side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved side yard is not reduced to less than 3 feet. **LOCATION:** Citywide. **ZONE:** R-12.

QUASI-JUDICIAL HEARING STATEMENTS

President Walsh read the required statements and procedural items from the quasi-judicial hearing guide. There were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: None; No challenges of the jurisdiction of the commission; no conflicts of interest.

STAFF REPORT

Gary Pagenstecher, Associate Planner, presented the staff report. [The staff report is available one week before the hearing.]

STAFF ANALYSIS:

As demonstrated in the application and the findings in the staff report, the proposed amendment complies with the applicable state planning goals, City Comprehensive Plan goals and policies, and the city's implementing ordinances.

The code amendment anticipates narrow lot subdivisions in the R-12 zone while maintaining the detached character of the majority of Tigard's neighborhoods. According to the 2011 BLI there are 30 lots over 10,000 square feet in size totaling 35.46 acres. The West Bull Mt. Community Plan designates approximately 70 gross acres as medium density residential, which includes the R-7, 12, and 25 zones, some portion of which will likely be zoned R-12 under the River Terrace planning process.

The Exceptions to Development Standards chapter already allows projections into required yards. However, the proposed amendment would dramatically expand the potential impact of those projections from minor architectural features to up to 30% of the side elevation. Whereas these impacts may be acceptable to buyers of new homes on narrow lots, the impact to existing residents on adjacent properties may be perceived as more adverse. To limit potential adverse impacts, staff recommends projections be limited to yards interior to the subdivision.

The purpose of the Exceptions to Development Standards is to provide more flexible setback standards designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety. The 2011 Oregon Residential Specialty Code requires a minimum fire separation distance of three feet from the property line. The proposed code amendment would limit projections with floor area into required yards to this minimum.

Staff recommends the following amended language (page 6, staff report):

5. In the R-12 Zone, bay windows and ~~pop-outs~~ projections with floor area may project into required interior side and street side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved interior side yard is not reduced to less than 3 feet.

APPLICANT TESTIMONY – Ryan O’Brien – 1862 NE Estate Drive, Hillsboro, OR believes R12 is the zone where it’s really needed; however, he said the City of Hillsboro allows it in all zones. It helps the interior of the houses look much better. Also – the elevations of street side corner lots look a lot better with the pop-outs and bay windows.

O’Brien mentioned that Mark Dane was planning on being there to testify on behalf of this, but his wife became ill and he couldn’t make it. He will submit his testimony of support in writing at a later time.

QUESTIONS/COMMENTS

Would this add sales value to these designs? \$10 or \$15 thousand I’d imagine.

President Walsh added that he believed the application package was outstanding and that it was very helpful to the commissioners.

TESTIMONY IN FAVOR

Katie Patterson, 2005 NW 119th, Portland 97029 – represents two different builders, Sage Built Homes and Greenwood Homes. Ms. Patterson stated that Sage Built has an ownership at the Everett Terrace Subdivision which is 14 lots on 96th and Greenburg – right across from the Everett Homes Subdivision of Solera, and that Solera did build with these popouts even though they were not technically approved - and all of those houses were approved by the City of Tigard. She stated that she thinks the standard has already been set and that this is something that aesthetically looked fine. Ms. Patterson is in favor in large part because she believes that what looks to be a very small change (1 foot) on the outside of the house, can make a huge difference with regard to livability on the inside. She stated that areas like dining rooms may have a 6 – 8 foot table that can’t typically fit a smaller room - so the pop outs can make a big difference in that regard. The interior really makes a difference.

TESTIMONY IN OPPOSITION - None **TESTIMONY CLOSED**

MOTION

The following motion was made by Commissioner Muldoon, seconded by Commissioner Shavey.

“I move that the Planning Commission forward a recommendation of approval to the City Council for application DCA2012-00001 and adoption of the findings and conditions of approval contained in the staff report and based on the testimony received tonight.”

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

AYES:	Commissioner Anderson; Commissioner Doherty; Commissioner Fitzgerald; Commissioner Muldoon; Commissioner Rogers; Commissioner Schmidt; Commissioner Shavey, and President Walsh
NAYS:	None.
ABSTAINERS:	None.
ABSENT:	Commissioner Ryan

PUBLIC HEARING REOPENED AT 9:37pm

Tom McGuire, Sean Farrelly, and Cathy Corliss had been discussing possible solutions to the issues the Commission had wanted them to talk about. Farrelly addressed the Rite-Aid property solution; the solution being a redrawing of the line to be more curved so the property would be affected on one side only.

There was lengthy discussion about the other issues which President Walsh summarized at the end as follows:

- The ADA issue... a no brainer – needs to be addressed as specified by staff.
- Come up with a different concept for the line in front of Rite-Aid and how it finishes off on the far side around the Woodcraft property.
- Staff will draft some language and add it so that it would handle any catastrophic event without creating a need for automatically enacting the “over 60%” threshold.
- Leave the pedestrian/bicycle access alone. Leave as is.

The commissioners agreed and President Walsh said “So now we need a motion.”

At this point, Sean Farrelly reminded the Commission that they would also need to address the things that had come up at the Council workshop that had been outlined in his PowerPoint presentation. Farrelly reminded them of the four suggestions:

- An alley along the park and ride that connects to new street through Public Works (don’t connect to Hall)
- For Tigard/Burnham connection, straighten out. Put into a different classification (desired connection if the viaduct is reconstructed).

- Footnote to allow flexible design standards for the street near Fanno Creek park. Reduced ROW, pervious pavers. (This would have to be fleshed out at Council – the question would be are you, in concept, okay with that suggestion.)
- Curve new street that goes through City Hall and Verizon.

Farrelly said – in concept – if the Commission is comfortable with those suggestions – they would be fleshed out at Council.

None of the Commissioners had issue with those suggestions so they were ready to make a motion.

MOTION

The following motion was made by Commissioner Muldoon, seconded by Commissioner Fitzgerald:

“I move the Planning Commission forward a recommendation of approval to the City Council of application CPA2012-00001 & DCA2012-00002 as amended with four amendments: first, where staff will add catastrophic event language addressing fire and similar issues; second, that the line in the designated property [Woodcraft] be adjusted as projected by staff; third, that the ADA language be addressed as specified by staff; and last, that four adjustments be fleshed out with staff with the Council and that would otherwise be approved as contained in the staff report and based on the testimony provided tonight.”

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

AYES:	Commissioner Anderson; Commissioner Doherty; Commissioner Fitzgerald; Commissioner Muldoon; Commissioner Rogers; Commissioner Ryan; Commissioner Schmidt; Commissioner Shavey, and President Walsh
NAYS:	None.
ABSTAINERS:	None.
ABSENT:	Commissioner Ryan

President Walsh asked staff to send an email out to the Commission when the language is drafted. This will go to City Council on December 11th.

CLOSED PUBLIC HEARING ON DOWNTOWN CONNECTIVITY PLAN CODE AMENDMENT PROJECT

COMMUNICATIONS

There was a brief report by Vice President Anderson on his meeting with the Tigard Population and Housing Review committee. The first meeting included a consultant who talked about what our housing is today in Tigard and what we need to do and address.

Basically, he said “we’re in pretty good shape with zoning and land. We just need to address maybe some lower income housing. We’ll talk about this at the next meeting.”

Commissioner Muldoon had come up with a presentation that he would like to present to Council regarding business clusters and economic development. He asked the Commission to take a look at it. (He’d distributed it to them earlier.) President Walsh said the Planning Commission would need to take a look at it before Commissioner Muldoon presented it – so they could give feedback to him. Muldoon would eventually like to engage council in a workshop format so they can have discussion on it. President Walsh would like to invite Councilor Woodard, as the Planning Commission’s Council liaison, to come in to talk to the Commission about economic development and then have a discussion with Council – perhaps at the meeting when Greater Portland Inc. (the consultant who had to cancel at the last minute but would reschedule to another date) would be there. President Walsh asked that whoever attends the joint Council workshop the next evening would bring back information for the Planning Commission as to what had transpired.

OTHER BUSINESS

Tom McGuire reminded the commissioners that November would be the annual revisiting of development of Council Goals for next year. He reminded the Commissioners to start thinking about that now. It’s on the agenda for the November 5th meeting. He asked that they think about what they’d like to recommend to Council for their suggestions for Council Goals for 2013 and then talk about it at the next meeting in November.

President Walsh asked Doreen Laughlin if she would be responsible to get a simple matrix out to everybody before the next meeting so they’d have something to think about. He wanted the matrix to list the Council’s goals, the Planning Commission’s suggested goals, and show what the progress is on them. She agreed to do that.

ADJOURNMENT

President Walsh adjourned the meeting at 10:10 p.m.

Doreen Laughlin, Planning Commission Secretary

ATTEST: Acting President Tom Anderson

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



SECTION I. APPLICATION SUMMARY

CASE NAME: PROJECTIONS INTO REQUIRED YARDS
CASE NO.: Development Code Amendment (DCA) DCA2012-00001

PROPOSAL: The applicant is requesting an amendment to Chapter 18.730.050.D of the Community Development Code to allow, in the R-12 Zone, bay windows and projections with floor area to extend into required side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved side yard is not reduced to less than 3 feet.

APPLICANT: Ryan O'Brien
1862 NE Estate Drive
Hillsboro, OR 97124

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

LOCATION: City-wide on land zoned R-12.

APPLICABLE REVIEW

CRITERIA: Community Development Code Chapters 18.380, 18.390, 18.510, and 18.730; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission find in favor of the proposed text amendment, as amended by staff, allowing projections with floor area into required interior side yards subject to certain limitations, and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council.

SECTION III. PROPOSAL AND BACKGROUND INFORMATION

The applicant proposes to allow certain projections into required side yards in addition to those already allowed under the Tigard Development Code. Currently, projections such as roof eaves, chimney chases, and porches are allowed to project into required side yards with limited depth while preserving a minimum three-foot clear side yard. The proposed "pop-outs" are distinguished from the projections currently allowed because they include floor area, limited to one foot in depth while also preserving a minimum three-foot clear side yard. The additional projections would be applicable to properties zoned R-12, only.

Recent subdivisions (White Oak Village, Solera, and Everett Terrace) have created narrow lots approximately 25 feet wide that meet the 3,050 square foot minimum lot size for the zone. However, narrow lots may create narrow house design problems that can be alleviated when pop-outs expand the width of floor plans at critical areas, such as upstairs baths and downstairs living rooms.

In support of this amendment, the applicant cites market preference for the single-family *detached* housing type on narrow lots and improved aesthetics and functionality of walls that include pop outs. The applicant states that the proposed code amendment would support affordable in-fill housing through efficient use of land in the R-12 zone. The application materials include examples in Tigard and Portland of single family dwellings with pop-outs on narrow lots (Exhibits B through E).

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE

Tigard Development Code Section 18.380.020, Legislative Amendments to this Title and Map, states that legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

The proposed text amendment would apply to all R-12 zoned lands within the City. Therefore, the amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

Section 18.390.060.G establishes standard decision-making procedures for reviewing Type IV applications. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors: 1) The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; 2) Any federal or state statutes or regulations found applicable; 3) Any applicable METRO regulations; 4) Any applicable comprehensive plan policies; and 5) Any applicable provisions of the City's implementing ordinances.

Findings and conclusions are provided below for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based.

♦ The Statewide Planning Goals and Guidelines adopted under ORS Chapter 197

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Statewide Planning Goal 2 – Land Use Planning:

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

Statewide Planning Goal 9 – Economic Development:

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

Statewide Planning Goal 10 -- To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

FINDING: The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The proposed text amendment's consistency with the Comprehensive Plan's Citizen Involvement, Land Use Planning, Economic Development, and Housing goals and policies are discussed in this report, below. Based on the findings below, staff finds that the proposed code amendment is consistent with applicable Statewide Planning Goals.

♦ **Applicable Comprehensive Plan Policies**

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.

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. The City mailed notice of the Planning Commission hearing to interested citizens on September 25, 2012. A notice was published in the Tigard Times newspaper on September 27, 2012 at least 10 days prior to the hearing. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. Two public hearings are held (one before the Planning Commission and the second before the City Council) at which opportunity for public input is provided. This goal is met.

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 proposed amendment to the city's development code is precipitated by changes in the housing market that support affordable single-family detached housing on narrow lots. The proposed amendment would update the implementing regulations of the Tigard Development Code and, as shown in this section, is consistent with the applicable provisions of Tigard's Comprehensive Plan. This policy is met.

Comprehensive Plan Goal 9: Economic Development

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

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

The proposed code amendment would expand the Exceptions to Development Standards section of the code (18.730) to allow pop outs into required yards improving the aesthetics and functionality of the single family detached housing type on narrow lots in the R-12 zone. The applicant suggests there is increased demand for this product type as affordable in-fill housing. The proposal would not affect infrastructure. This policy is met.

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.

The proposed code amendment would apply to all existing housing types permitted in the R-12 zone. However, its greatest utility would be to support infill development on narrow lots with single-family detached

houses. The effect on the development of R-12 zoned properties may be to increase detached housing over attached housing, while not precluding the latter. According to the applicant, detached housing on narrow lots meets the preference in the housing market for detached housing and keeps the housing type affordable. This policy is met.

Goal 10.2: Maintain a high level of residential livability.

Policy 1: The City shall adopt measures to protect and enhance the quality and integrity of its residential neighborhoods.

As shown in the applicant's exhibits B through E, the architectural interest of dwellings with projections could enhance the quality of residential buildings in R-12 zones. However, the reduction of side yards to accommodate projections on narrow lots may adversely affect adjacent established homes. Limiting applicability of the proposed code amendment to interior side yards would ensure protection of existing development. This policy is met.

FINDING: As shown in the analysis above, staff finds that with the suggested staff changes, the proposed code amendment is consistent with the applicable goals and policies in Tigard's Comprehensive Plan.

♦ **Applicable Provisions of the City's Implementing Ordinances**

Chapter 18.510 - Residential Zoning Districts

18.510.010 Purpose

A. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible nonresidential development—schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services—at appropriate locations and at an appropriate scale.

B. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

The applicant anticipates growth of infill housing in the R-12 zone through future subdivisions with the minimum 25 foot frontage (18.810.060.B) creating narrow lots for single family detached housing. The proposed code amendment could support this vision by improving the aesthetics and functionality of detached housing on narrow lots. Tigard is dominated by existing neighborhoods developed with low density detached single family housing. The proposed code amendment supports compatible single family detached development in abutting R-12 zones, consistent with the purposes of the residential zoning district.

18.510.020 List of Zoning Districts

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

According to the city's 2011 Buildable Lands Inventory, there are 30 lots over 10,000 square feet in size totaling 35.46 acres (Exhibit H). According to the applicant, the development potential of these infill properties is sufficient to warrant an application for the proposed additional exception to development standards allowing projections with floor area into required side yards.

Chapter 18.730 - Exceptions to Development Standards

The purpose of this chapter is to present exceptions to the height and setback standards which apply in various zoning districts as detailed in Chapters 18.510, 18.520 and 18.530. Flexible and/or more stringent setback standards are designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety.

The proposed development code amendment provides for added flexibility in building elevation design to improve aesthetics and functionality of narrow house designs for narrow lots in the R-12 zone. A minimum three-foot setback is specified, consistent with the 2011 Oregon Residential Specialty Code which requires a minimum fire separation distance of three feet from the property line.

18.730.050 - Miscellaneous Requirements and Exceptions

This section includes requirements and exceptions for non-conforming front setbacks, storage in front yards, projections into required yards, lot area for flag lots, and front yard determinations. The proposed code amendment would add an additional exception to the Projections into Required Yards subsection, as shown below.

FINDING: As shown in the analysis above, staff finds that the proposed text amendment is consistent with the applicable provisions of the City's implementing ordinances.

PROPOSED TEXT AMENDMENT TO THE TIGARD DEVELOPMENT CODE

DCA2012-00001 PROJECTIONS INTO REQUIRED YARDS DEVELOPMENT CODE AMENDMENT

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ - Text to be deleted

[Bold, Underline and Italic] – Text to be added

Chapter 18.730 EXCEPTIONS TO DEVELOPMENT STANDARDS

18.730.050 Miscellaneous Requirements and Exceptions

D. Projections into required yards.

1. Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.

2. Fireplace chimneys may project into a required front, side or rear yard not more than three feet provided the width of such yard is not reduced to less than three feet.

3. Open porches, decks or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches.

4. Unroofed landings and stairs may project into required front or rear yards only.

5. In the R-12 Zone, bay windows and pop outs with floor area may project into required side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved side yard is not reduced to less than 3 feet.

SECTION V. STAFF ANALYSIS

As demonstrated in the application and the analysis above, the proposed amendment complies with the applicable state planning goals, City Comprehensive Plan goals and policies, and the city's implementing ordinances.

Developers are interested in the proposed code amendment because it would allow a more desirable, affordable and higher quality single-family detached product for infill developments within Tigard. The code amendment anticipates narrow lot subdivisions in the R-12 zone while maintaining the detached character of the majority of Tigard's neighborhoods. Recent subdivisions (Solera and Everett Terrace) located at SW 96th Avenue and SW Greenburg Road are examples of this subdivision type.

Development exceptions allowing projections into required yards is established in the existing code. However, the proposed amendment would dramatically expand the potential impact of those projections from minor architectural features to up to 30% of the side elevation. Whereas these impacts may be acceptable to buyers of new homes on narrow lots, the impact to existing residents on adjacent properties may be perceived as more adverse. To limit potential adverse impacts, pop outs should be limited to yards interior to the subdivision.

The applicant argues that projections improve the aesthetics and functionality of detached dwellings on narrow lots and would support affordable in-fill housing through efficient use of land in the R-12 zone. The purpose of the Exceptions to Development Standards is to provide more flexible setback standards designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety. The 2011 Oregon Residential Specialty Code requires a minimum fire separation distance of three feet from the property line. The proposed code amendment would limit projections with floor area into required yards to this minimum.

Staff Recommendation:

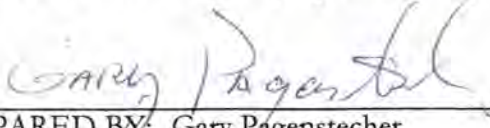
5. In the R-12 Zone, bay windows and ~~pop-outs~~ projections with floor area may project into required interior side and street side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the ~~approved~~ interior side yard is not reduced to less than 3 feet.

SECTION VI. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

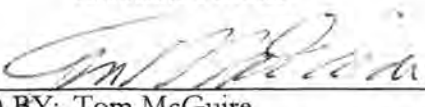
The City of Tigard Development Engineering Division reviewed the proposal and cautioned that potential conflicts with projections that extend into easements would not be supported.

The City of Tigard Building Division reviewed the proposal and identified the UBC provision requiring a minimum 3-foot setback for walls and 2-foot setback for eaves (if constructed with 1-hour rated materials).

DLCD was notified of the proposed code text amendment but provided no comment.


PREPARED BY: Gary Pagenstecher
Associate Planner

October 4, 2012
DATE


APPROVED BY: Tom McGuire
Interim Community Development Director

October 4, 2012
DATE

RECEIVED

AUG 08 2012



City of Tigard Land Use Permit Application

CITY OF TIGARD
PLANNING/ENGINEERING
PRE-APP. HELD BY:

File # Other Case #
Date By Receipt # Fee Date Complete

TYPE OF PERMIT YOU ARE APPLYING FOR

- | | | |
|---|---|---|
| <input type="checkbox"/> Adjustment/Variance (II) | <input type="checkbox"/> Historic Overlay (II or III) | <input type="checkbox"/> Site Development Review (II) |
| <input type="checkbox"/> Comprehensive Plan Amendment (IV) | <input type="checkbox"/> Home Occupation (II) | <input type="checkbox"/> Subdivision (II or III) |
| <input type="checkbox"/> Conditional Use (III) | <input type="checkbox"/> Minor Land Partition (II) | <input type="checkbox"/> Zone Change (III) |
| <input checked="" type="checkbox"/> Development Code Amendment (IV) | <input type="checkbox"/> Planned Development (III) | <input type="checkbox"/> Zone Change Annexation (IV) |
| <input type="checkbox"/> Downtown Design Review (II, III) | <input type="checkbox"/> Sensitive Lands Review (II or III) | |

NOTE: FOR REQUIRED SUBMITTAL ELEMENTS, PLEASE REFER TO YOUR PRE-APPLICATION CONFERENCE NOTES

LOCATION WHERE PROPOSED ACTIVITY WILL OCCUR (Address if available)

N/A

TAX MAPS & TAX LOT NOS.

TOTAL SITE SIZE

ZONING CLASSIFICATION

APPLICANT*

RYAN O'BRIEN

MAILING ADDRESS/CITY/STATE/ZIP

1862 NE ESTATE DRIVE, HILLSBORO, OR 97124

PHONE NO.

503-780-4061

FAX NO.

PRIMARY CONTACT PERSON

PHONE NO.

E-MAIL

RYANOBRIEN1@FRONTIER.COM

PROPERTY OWNER/DEED HOLDER (Attach list if more than one)

N/A

MAILING ADDRESS/CITY/STATE/ZIP

PHONE NO.

FAX NO.

*When the owner and the applicant are different people, the applicant must be the purchaser of record or a lessee in possession with written authorization from the owner or an agent of the owner. The owners must sign this application in the space provided on the back of this form or submit a written authorization with this application.

PROPOSAL SUMMARY (Please be specific)

ADD SECTION 18.730.050.D.5 TO THE TIGARD
DEVELOPMENT CODE TO ALLOW ONE FOOT
BAY WINDOWS AND POP OUTS TO INCREASE FLOOR
AREA WITH 3 FOOT SIDE YARDS.

THE APPLICANT SHALL CERTIFY THAT:

- ◆ If the application is granted, the applicant shall exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- ◆ All the above statements and the statements in the plot plan, attachments, and exhibits transmitted herewith, are true; and the applicants so acknowledge that any permit issued, based on this application, may be revoked if it is found that any such statements are false.
- ◆ The applicant has read the entire contents of the application, including the policies and criteria, and understands the requirements for approving or denying the application(s).

SIGNATURES OF EACH OWNER OF THE SUBJECT PROPERTY ARE REQUIRED.



Owner's Signature

5-19-12

Date

Owner's Signature

Date

Owner's Signature

Date

Owner's Signature

Date

Owner's Signature

Date

Applicant/Agent/Representative's Signature

Date

Applicant/Agent/Representative's Signature

Date



City of Tigard Land Use Permit Application

APPLICATIONS WILL NOT BE ACCEPTED IN PARTIAL SUBMITTALS. ALL ITEMS MUST BE SUBMITTED AT ONE TIME.

- This form is required to complete your submittal. The applicant must check the box next to the item verifying that the information is present. Staff will check off the items at intake.
- Three (3) copies of all materials are required for the initial review process. The balance of the copies will be requested once your submittal is deemed substantially complete.
- Each packet must be collated.
- Plans are required to be a minimum of 24" x 36" or 22" x 34".
- Plans must be FOLDED, rolled plans are not accepted.

Applicant	Staff	Documents, Copies and Fees Required
X		Completed Master "Land Use Permit" Application with property owner's signature or name of agent and letter of authorization
N/A		Title transfer instrument or grant deed
X		Written summary of proposal
X		Narrative demonstrating compliance with <u>all</u> applicable development standards and approval criteria (as specified in the Pre- Application Conference notes)
N/A		Documentary evidence of Neighborhood Meeting: Neighborhood Meeting Affidavits of Posting & Mailing Notice, Minutes, Sign-in Sheets
"		Service Provider Letter
"		Impact Study per Section 18.390.040.B.2(e)
X		Copy of the Pre-Application Conference notes
X		Filing Fee (see fee schedule)
N/A		Preliminary Sight Distance Certification
"		Preliminary Storm Calculations
"		Arborist Report
"		Traffic Report (if Required)
X		Maps or Plans (Plans must be at least 24" x 36")
X		Architectural Drawings (elevations & floor plans)
N/A		Existing Conditions Map
"		Landscape Plan
"		Preliminary Grading/Erosion Control Plan
"		Preliminary Partition/Lot Line Adjustment Plan
"		Preliminary Storm Drainage Plan
"		Preliminary Utilities Plan
"		Public Improvements/Streets Plan
"		Site Development Plan
"		Subdivision Preliminary Plat Map
"		Topography Map
"		Tree Preservation/Mitigation Plan
"		Vicinity Map

- Once your application has been deemed substantially complete you will be notified by the Planning Division in the form of a completeness letter indicating that you will need to provide the following:

Two (2) sets of stamped, addressed #10 envelopes for all owners of property within 500 feet of the subject property (the 2 sets must remain separated for the purpose of 2 mailings). Mailing envelopes shall be standard legal-size (#10), addressed with 1" X 4" labels (**please see envelope submittal requirements**). Property owner mailing lists must be prepared by the City for a minimal fee (**please see request for 500' property owner mailing list form**).

PRE-APPLICATION NOTES

City of Tigard

April 17, 2012

STAFF PRESENT: Gary Pagenstecher

APPLICANT: Ryan O'Brien

PROPERTY LOCATION: NA

TAX MAP/ LOT #: NA

PROPOSAL DESCRIPTION:

To amend the development code text in Chapter 18.730, Exceptions to Development Standards, to allow additional projections into required yards under 18.730.050.D. The proposed text change would be as follows:

"5. In the R-12 zone, prop outs and bay windows with living area may project into side yards by one foot provided the pop outs or bay windows do not exceed 12 feet in length or contain over 30% of that dwelling unit's side elevation square footage and provided the width of such side yard is not reduced to less than 3 feet."

COMP PLAN DESIGNATION: Medium Density Residential

ZONING: R-12

NEIGHBORHOOD MEETING

A neighborhood meeting is not required for a CDC text change.

NARRATIVE

Include a narrative that responds to the applicable review criteria. The narrative must contain the text of the applicable review criteria, findings of fact relative to each criterion, and a conclusion as to whether the criterion has been met.

APPLICABLE REVIEW CRITERIA:

Zoning Map and Text Amendments 18.380.020

A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Type IV Decision Making Procedure 18.390.060

Based on the information provided, the text amendment request will be a Type IV Process, with a public hearing before the Planning Commission. The Planning Commission makes a recommendation to City Council to either approve the request as proposed, modify the request, or deny the request. A subsequent hearing (or hearings) is then held by the City Council for a decision.

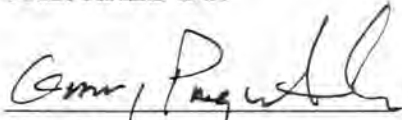
The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; [Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing]
2. Any federal or state statutes or regulations found applicable;
3. Any applicable METRO regulations;
4. Any applicable comprehensive plan policies; [Goal: 1, Public Involvement; Goal 2, Land Use Planning; Goal 9.1, Policy 3, Economic Development; Goals 10.1 and 10.2 Housing]; and
5. Any applicable provisions of the city's implementing ordinances [TDC 18.380, Zoning Map and Text Amendments; 18.390, Decision Making Procedures; 18.510, Residential Zoning Districts; and 18.730, Exceptions to Development Standards].

Application Fees for Zoning Text Amendment (Legislative): \$3,787

Decision timeline is approximately 3 months from receipt of a complete application. The 120-day rule is not applicable to legislative changes.

PREPARED BY:



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Associate Planner

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Email: ryanobrien1@frontier.com

TO: City of Tigard

FROM: Ryan O'Brien, Planning Consultant

DATE: 8-1-12

SUBJECT: **Amendment to the Tigard Community Development Code**

We request an amendment to Section 18.730.050 (Miscellaneous Requirements and Exceptions) to the Tigard Development Code by adding Section 18.730.050.D.5 to allow one foot bay windows and pop outs with living floor area in the side yard, but not less than 3 feet from the side property line. This code addition would only apply to land zoned R-12. If the approved interior side yard is 5 feet, then the bay windows or pop outs would have a 4 foot setback. If the approved interior side yards are 4 feet, the bay windows and pop outs would have a 3 foot setback. Pop outs and bay windows would also be allowed along exterior side yards and street side yards. The existing Tigard code Section 18.730.050 with the proposed Section to be added is attached as Exhibit "A". The added Section 18.730.050.D.5 would read as follows:

In the R-12 zone, pop outs and bay windows with living area may project into side yards by one foot provided the pop outs or bay windows do not exceed 12 feet in length or contain over 30% of the dwelling unit side elevation square footage and provided the width of the approved side yard is not reduced to less than 3 feet.

The houses in the Solera Subdivision north of Greenburg Road, on the east side of 96th Avenue, were developed with one foot pop outs and bay windows which increases the architectural character of the houses and created better interior floor plans. Pop outs and bay windows are necessary for upstairs bathrooms, down stair dining rooms and side elevations of the corner lots to create more attractive elevations and because of the limited width of a 25 foot lot. This amendment is limited to the R-12 zone only in order to encourage in-fill housing. Many future lots in the in the R-12 zone may be 25 feet in width which is the minimum frontage requirement in the R-12 zone. If a 4 foot side yard is proposed with a subdivision, then the pop outs could be 3 feet from the side property line at the interior and 9 feet from the side property line for corner lots. An existing lot in the R-12 zone would have 4 foot setbacks for pop outs without requesting 4 foot interior side yards. The setback of pop outs on a corner lots would be 9 feet. These options are a great advantage for in-fill housing.

Many of the older lots in the City of Portland are zoned R-2 with dimensions of 25 by 100 feet. In order to provide architectural variety and to increase the living area of the units, the City of Portland allows pop outs and bay windows on 30% of the square footage of the side elevations. Portland also allows 3 foot interior side yards when lots are created by a subdivision or partition. These code requirements have been very effective. Pop outs are allowed to project one foot into the side yards, including the street side yards. This allows architectural variety and eliminates the long blank walls along corner lots. It also creates architectural variety for interior side elevations and more interesting interior house floor plans. The Washington County code allows 8 street side yards and 3 foot interior side yards in the R-15 zone. The building code is used for the interior side yards.

This proposed amendment to the Tigard Development Code will increase infill on land zoned R-12 zone and allow construction of more efficient detached houses. Home builders want to develop infill lots and home owners prefer to buy narrow detached houses compared to attached houses. As mentioned above, these codes have been very successful in the City of Portland and Washington County which has produced a significant amount of affordable and attractive housing units. This proposed addition to the City of Tigard code will create better housing opportunities and encourage in-fill housing construction on vacant R-12 zoned land.

Exhibits attached to this application are as follows:

- "A"** - Existing code and the proposed addition to Section 18.730.050 for the City of Tigard Development Code
- "B"** - Elevations and site plans for 2 story houses with bay windows and pop outs on 24 to 25 foot wide lots without garages in a 5 lot subdivision located on a street corner in the City of Portland
- "C"** - Elevations, floor plans and a site plan for a 3 story house with 2 master bedrooms, bay widows and pop outs on a 25 foot wide lot in the City of Portland.
- "D"** - Photos of houses shown by Exhibit "C"
- "E"** - Elevations, floor plans and a site plan for a 3 story house with 3 bedrooms, bay widows and pop outs on a 25 foot wide lot in the Solera Subdivision located in the City of Tigard on north of SW Greenberg Road and east of SW 96th Avenue.
- "F"** - Photos of houses shown by Exhibit "E"
- "G"** - City of Hillsboro Guidelines for projections into required yards
- "H"** - City of Tigard buildable lands inventory for R-12 zoning

APPLICABLE REQUIREMENTS

TIGARD DEVELOPMENT CODE

Chapter 18.380 - ZONING MAP AND TEXT AMENDMENTS

Sections:

- 18.380.010 Purpose
- 18.380.020 Legislative Amendments to this Title and Map
- 18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map
- 18.380.040 Record of Amendments

Chapter 18.390 - DECISION MAKING PROCEDURES

Sections:

- 18.390.010 Purpose
- 18.390.020 Description of Decision-Making Procedures
- 18.390.060 Type IV Procedure
- 18.390.070 Special Procedures
- 18.390.080 General Provisions
- 18.390.010 Purpose

Chapter 18.510 - RESIDENTIAL ZONING DISTRICTS

Sections:

- 18.510.010 Purpose
- 18.510.020 List of Zoning Districts
- 18.510.030 Uses
- 18.510.040 Minimum and Maximum Densities
- 18.510.050 Development Standards
- 18.510.060 Accessory Structures
- 18.510.010 Purpose

Chapter 18.730 - EXCEPTIONS TO DEVELOPMENT STANDARDS

Sections:

- 18.730.010 Purpose
- 18.730.020 Exceptions to Building Height Limitations
- 18.730.030 Zero Lot Line Setback Standards
- 18.730.040 Additional Setback Requirements
- 18.730.050 Miscellaneous Requirements and Exceptions
- 18.730.010 Purpose

TIGARD COMPREHENSIVE PLAN

- GOAL 1 - CITIZEN INVOLVEMENT
- GOAL 2 - LAND USE PLANNING
- GOAL 9 - ECONOMIC DEVELOPMENT
- GOAL 10 - HOUSING

METRO TITLE 7: HOUSING CHOICE

LCDC GOALS

- GOAL 1 - CITIZEN INVOLVEMENT
- GOAL 2 - LAND USE PLANNING
- GOAL 9 - ECONOMIC DEVELOPMENT
- GOAL 10 - HOUSING

TIGARD DEVELOPMENT CODE

18.380.010 Purpose

A. Purpose. The purpose of this chapter is to set forth the standards and process governing legislative and quasi-judicial amendments to this title and the zoning district map. These will be referred to as zoning map and text amendments. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs and desires; to correct mistakes; and/or to address changes in the law.

18.380.020 Legislative Amendments to this Title and Map

A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

COMMENT: This application will be processed as a Type IV amendment.

Chapter 18.390

DECISION-MAKING PROCEDURES

Sections:

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 have been assigned a specific procedure type.

COMMENT: Public hearing will occur at the Planning Commission and the City Council to allow all interested parties to participate in the decision making process.

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.

B. Types defined.

There are four types of decision-making procedures, as follows:

- 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.

COMMENT: Since this is a proposed amendment to the Tigard development code, it will be processed as a Type IV application even though it is proposed by an individual and not Tigard staff, the Planning Commission or the City Council.

18.390.060 Type IV Procedure

A. Pre-Application conference. A pre-application conference is required for all Type IV actions. The requirements and procedures for a preapplication conference are described in Section 18.390.080.C.

COMMENT: A pre-application was conducted by the City staff and the notes are attached.

B. Timing of requests. The Director shall receive proposed Type IV actions twice yearly. A completed application shall be submitted not more than 75 days and not less than 45 days before the first commission meeting in April and October. The Director may waive any of the above periods.

COMMENT: The Director has waived this 6 month limitation because it only involves one specific issue with an addition to the code for the R-12 zone.

C. Application requirements.

1. Application forms. Type IV applications shall be made on forms provided by the Director as provided by Section 18.390.080.E.1.

2. Submittal information. The application shall:

- a.** Contain the information requested on the form;
- b.** Address the appropriate criteria in sufficient detail for review and action;
- c.** Be accompanied by the required fee; and
- d.** Be accompanied by 18 copies of the narrative.

COMMENT: All of the above information has been provided with this application.

D. Notice of hearing.

1. Required hearings. Two hearings, one before the Commission and one before the Council, are required for all Type IV actions, except annexations where only a hearing by the City Council is required.

2. Notification requirements. Notice of the public hearings for the request shall be given by the Director in the following manner:

- a.** At least 10 days prior to the scheduled hearing date, notice shall be sent to:

- (1)** The applicant;

(2) Any affected governmental agency;

(3) Any City-recognized neighborhood group whose boundaries include the site; and

(4) Any person who requests notice in writing and pays a fee established by Council resolution.

b. At least 10 business days prior to the scheduled public hearing date, notice shall be given in a newspaper of general circulation in the City.

c. The Director shall:

(1) For each mailing of notice, cause an affidavit of mailing to be filed and made a part of the record as provided by Subsection D.2.a; and

(2) For each published notice, cause an affidavit of publication to be filed and made part of the record as provided by Subsection D.2.b.

3. Content of notice. The notice given to persons entitled to mailed or published notice pursuant to this section shall include the following information:

a. The number and title of the file containing the application and the address and telephone number of the Director's office where additional information can be obtained;

b. A description of the location of the proposal reasonably calculated to give notice as to the location of the affected geographic area;

c. A description of the substance of the proposal in sufficient detail for people to determine that a change is contemplated and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall or the rules of procedure set forth in Section 18.390.060.E;

COMMENT: The required hearings will be schedule and the notices prepare and mailed in accordance with the above requirements.

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

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

COMMENT: All of these code are addressed with this application

Chapter 18.510 - RESIDENTIAL ZONING DISTRICTS

Sections:

18.510.010 Purpose

A. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible nonresidential development—schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services—at appropriate locations and at an appropriate scale.

B. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

COMMENT: This addition to the code will have a positive effect on existing neighborhoods. It will help provide affordable housing and more usable living area for narrow houses on 25 foot wide lots, the minimum street frontage requirement for lots in the R-12 Zone. More creative and attractive housing will be developed in the R-12 Zone and this addition to the code will encourage single family detached, owner occupied housing. The limited impact from reduced setbacks will be significantly less compared to development of attached housing in neighborhoods where only single family detached houses exist.

The attached Exhibit "G" are the design guideline for the city of Hillsboro which allows 4 foot projections of bay windows and alcoves into all yards up to 25% of the length of the wall, but the yard cannot be less than 3 feet.

**TABLE 18.510.2 - (Cont'd.)
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES**

STANDARD	R-12	
	MF DU*	SF DU**
Minimum Lot Size - Detached unit - Attached unit - Duplexes - Boarding, lodging, rooming house	3,050 sq.ft.per unit	3,050 sq.ft. per unit
Average Lot Width	None	None
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and garage entrance	20 ft. 20 ft. 10 ft. 20 ft. 30 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 30 ft. 20 ft.
Maximum Height	35 ft.	35 ft.
Maximum Lot Coverage [2]	80%	80%
Minimum Landscape Requirement	20%	20%

[1] Except this shall not apply to attached units on the lot line on which the units are attached.

[2] Lot coverage includes all buildings and impervious surfaces.

* Multiple-family dwelling unit

** Single-family dwelling unit

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

COMMENT: As indicated by Table 18.510.2 above, the one foot pop outs and bay windows will benefit both single family attached and detached housing. The side yard is 10 feet for attached housing and 5 feet for detached housing in the R-12 zone. Section 18.510.020.F indicates the R-12 zone is intended to provide a full range of housing types which implies flexibility in design and appearance. The architectural and livability benefits for the house owner of lots in the R-12 zone are described on pages 1 and 2 of this report.

Chapter 18.730 - EXCEPTIONS TO DEVELOPMENT STANDARDS

Section:

18.730.010 Purpose

A. Purpose. The purpose of this chapter is to present exceptions to the height and setback standards which apply in various zoning districts as detailed in Chapters 18.510, 18.520 and 18.530. Flexible and/or more stringent setback standards are designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety.

COMMENT: The city provides for exceptions to allow 4 foot interior side yards in the R-12 zone. The code amendment will allow the pop outs and bay windows on both interior and exterior side yards. This will greatly help house construction and provide architectural variety which will benefit both the owners of the house to be constructed and the neighborhood.

TIGARD COMPREHENSIVE PLAN

GOAL 1 - CITIZEN INVOLVEMENT

"To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

Goal 1 requires the local citizen involvement program "clearly define procedures by which the general public will be involved in the ongoing land-use process." These actions include methods to involve citizens in land use issues; promoting successful two-way communication and feedback between the City and its citizens; means by which citizens may affect outcomes; clarity and availability of technical information; and financial support and other resources for citizen involvement efforts. All of these actions align with the community's vision where citizens are informed about how to access public services and understand their responsibility to participate as members of the community.

GOAL 1.1

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

COMMENT: This will occur with the public hearing process.

GOAL 2 - LAND USE PLANNING

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

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.

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.

COMMENT: The public hearing and Tigard staff review of this code addition will comply with Goal 2. In accordance with Policy 6, this code addition will encourage more owner occupied and attractive single family detached housing with higher economic values compared to the current code. Higher values and additional in-fill housing will help pay for city services. Small scale in-fill housing will generally be developed on improved streets with existing utilities. This code addition also provides regulatory flexibility as indicted in Sub-Section "E" above.

GOAL 9 - ECONOMIC DEVELOPMENT

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

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

COMMENT: This code amendment provides flexibility in accordance with the above Policy 3. The benefit to the Tigard economic vitality has already been explained in this report.

GOAL 10 - HOUSING

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

Some of the factors that local governments can influence are the supply of available residential land; the availability of public services; development regulations (density and design), and support for low and moderate income housing. In the Portland metropolitan region, only land included in the Metro Urban Growth Boundary (UGB), an invisible line that separates rural areas from suburban, can be developed at residential densities requiring urban services. At the local level, each state and regional jurisdiction must inventory its buildable land, which is defined as vacant and re-developable land suitable for residential use, to determine housing capacity. Tigard maintains a buildable lands inventory (BLI) that tracks available residential land. Two state and Metro requirements help determine housing capacities on buildable land within the Portland Metropolitan Area – the state Metropolitan Housing Rule and Title 1 of Metro's Urban Growth Management Functional Plan (Functional Plan). Both focus on increasing jurisdictions' housing capacity in order to use land within the UGB efficiently.

COMMENT: This code amendment will help provide more housing opportunities in the City of Tigard and increase the supply of land for development of R-12 zoned property by providing more flexible housing design and low and moderate income housing opportunities. The supply of buildable land in the Metro UGB is limited and every city should attempt to maximize land already included in the UGB and especially in-fill property where public infrastructure already exist, such as roads, utilities, schools and parks.

Exhibit "H" is a map showing the Tigard Buildable Lands Inventory date 1-1-12. The R-12 zoned Land is highlighted in red. A total of 58 lots and 38.57 acres are identified as buildable. However, additional land will be available from small partitions, removal of older houses on larger lots combinations of lots which are not identified on this map. With this code change, additional buildable land will become available for infill development.

GOAL 10.1:

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

Policies:

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.
2. The City's land use program shall be consistent with applicable state and federal laws.

3. The City shall support housing affordability, special-needs housing, ownership opportunities, and housing rehabilitation through programs administered by the state, Washington County, nonprofit agencies, and Metro.

4. The City shall adopt and maintain land use regulations that provide opportunities to develop housing for persons with special needs. The scale, design, intensity, and operation of these housing types shall be compatible with other land uses and located in proximity to supporting community services and activities.

RECOMMENDED ACTION MEASURES:

i. Update the City's Buildable Land Inventory regularly to monitor the rate of development and the availability of residential land.

ii. Monitor regional and local housing trends and periodically review and update the City's land use policies and regulations accordingly to provide the range of housing development opportunities needed by Tigard's residents.

COMMENT: This code addition will provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents as already mentioned in this report. The attached Exhibits "B", "C" and "D" are floor plans, site plans, building elevations and photos of actual projects already built in the City of Portland. These plans and photos show significant architectural variety. This type of house design has been used extensively in the City of Portland and it has been very successful. The lots are 24 to 25 feet in width and generally 100 feet in depth. Because of the architectural variety, the house values have increased and the sales rate is much higher compared to other areas in the Portland metropolitan area. Exhibits "E" and "F" are floor plans, building elevation and photos of houses in the Solera Subdivision located in the City of Tigard on the north side of Greenburg Road on the east side of 96th Avenue. This project has been very successful and the home owners are very happy with the interior floor plans and the exterior elevations.

GOAL10.2:

Maintain a high level of residential livability

Policy 5. The City shall encourage housing that supports sustainable development patterns by promoting the efficient use of land.

COMMENTS: This code addition will promote more efficient use of land in the R-12 zone and maintain a high level of residential livability. The interior floor plans and the exterior elevations of the houses will be better as demonstrated by Exhibits "B" to "F". In fact, the city should probably promote this type of house design. This code addition will make it much easier for home builders to have certainty with their house plans rather than requesting setback adjustments for every project. Home builders really appreciate certainty and clear development standards.

RECOMMENDED MEASURES:

- i. Encourage future housing development on designated buildable lands in areas where public facilities and services can be most readily provided.
- ii. Develop infill design standards to ensure that new housing constructed within existing residential neighborhoods complements and is compatible with existing development .

COMMENT: This code addition will promote more in-fill housing in compliance with the above Recommended Measures. One foot pop outs and bay windows will provide more compatibility with existing housing in the area and help offset the interior and exterior appearance of narrow houses 15 feet in width.

METRO CODES**METRO TITLE 7: HOUSING CHOICE****3.07.710 Intent**

The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

COMMENT: Affordable housing will be encouraged with this code addition and help increase the supply of affordable and attractive housing.

LCDC GOALS**GOAL 1: CITIZEN INVOLVEMENT****OAR 660-015-0000(1)**

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

GOAL 2: LAND USE PLANNING**OAR 660-015-0000(2)****PART I -- PLANNING**

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

GOAL 9: ECONOMIC DEVELOPMENT

OAR 660-015-0000(9)

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

GOAL 10: HOUSING

OAR 660-015-0000(10)

To provide for the housing needs of citizens of the state.

COMMENT: All of these goals were addressed with the Goals and Policies of the City of Tigard Comprehensive Plan.

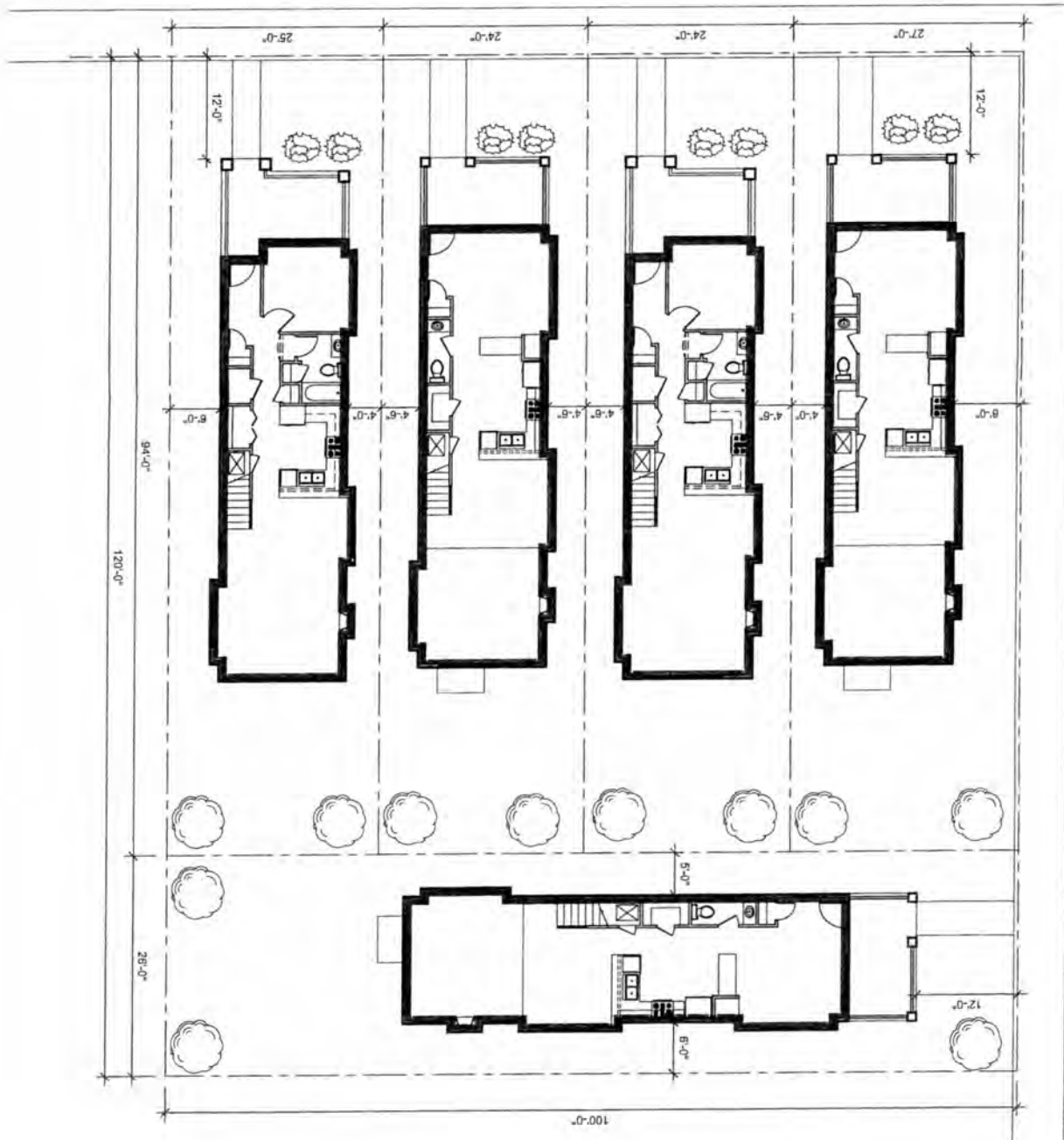
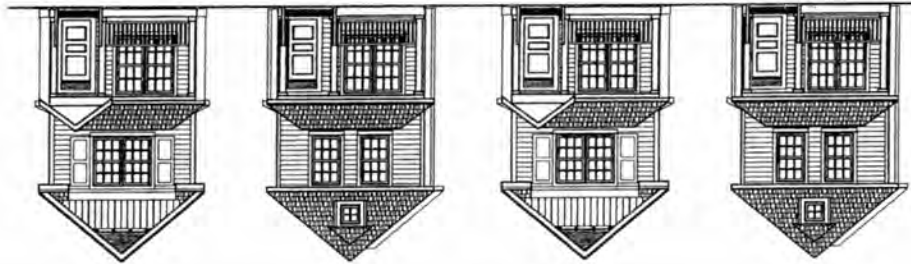
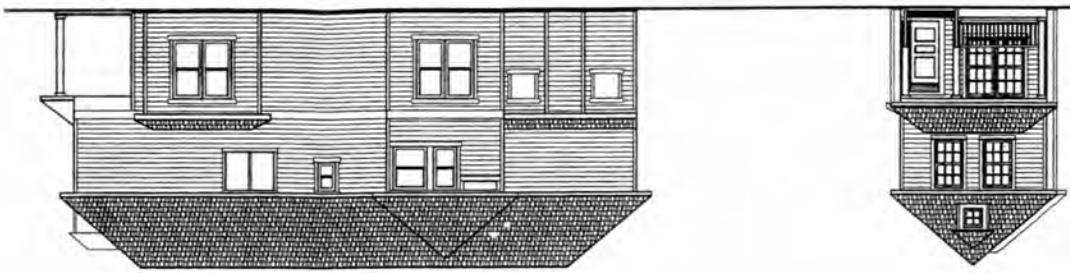
CITY of TIGARD DEVELOPMENT CODE

18.730.050 Miscellaneous Requirements and Exceptions

- A. When abutting properties have non-conforming front setbacks. If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- B. When one abutting property has a nonconforming front setback. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
- C. Storage in front yard. Boats, trailers, campers, camper bodies, house trailers, recreation vehicles or commercial vehicles in excess of 3/4 ton capacity may be stored in a required front yard in a residential zone subject to the following:
 - 1. No such unit shall be parked in a visual clearance area of a corner lot or in the visual clearance area of a driveway which would obstruct vision from an adjacent driveway or street;
 - 2. No such unit shall be used for dwelling purposes except that one camper, house trailer or recreational vehicle may be used for sleeping purposes only by friends, relatives or visitors on land entirely owned by or leased to the host person for a period not to exceed 14 days in one calendar year, provided that such unit shall not be connected to any utility, other than temporary electricity hookups and provided that the host person shall receive no compensation for such occupancy or use;
 - 3. Any such unit parked in the front yard shall have current state license plates or registration and must be kept in mobile condition.
- D. Projections into required yards.
 - 1. Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.
 - 2. Fireplace chimneys may project into a required front, side or rear yard not more than three feet provided the width of such yard is not reduced to less than three feet.
 - 3. Open porches, decks or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches.
 - 4. Unroofed landings and stairs may project into required front or rear yards only.

5. Add this sub-section.

In the R-12 zone, pop outs and bay windows with living area may project into side yards by one foot provided the pop outs or bay windows do not exceed 12 feet in length or contain over 30% of the dwelling unit side elevation square footage and provided the width of the approved side yard is not reduced to less than 3 feet.



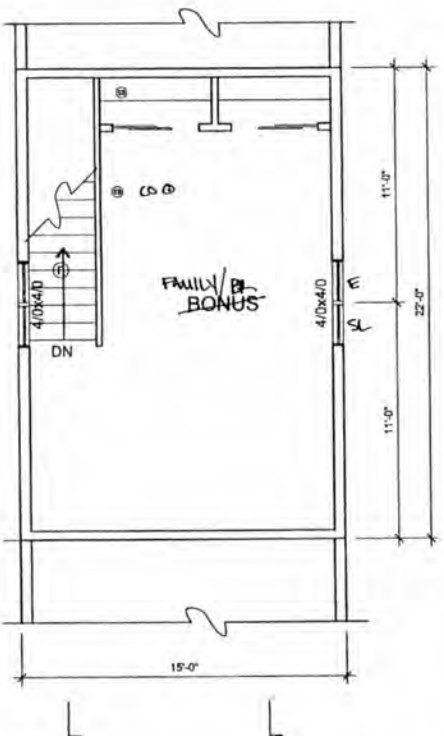
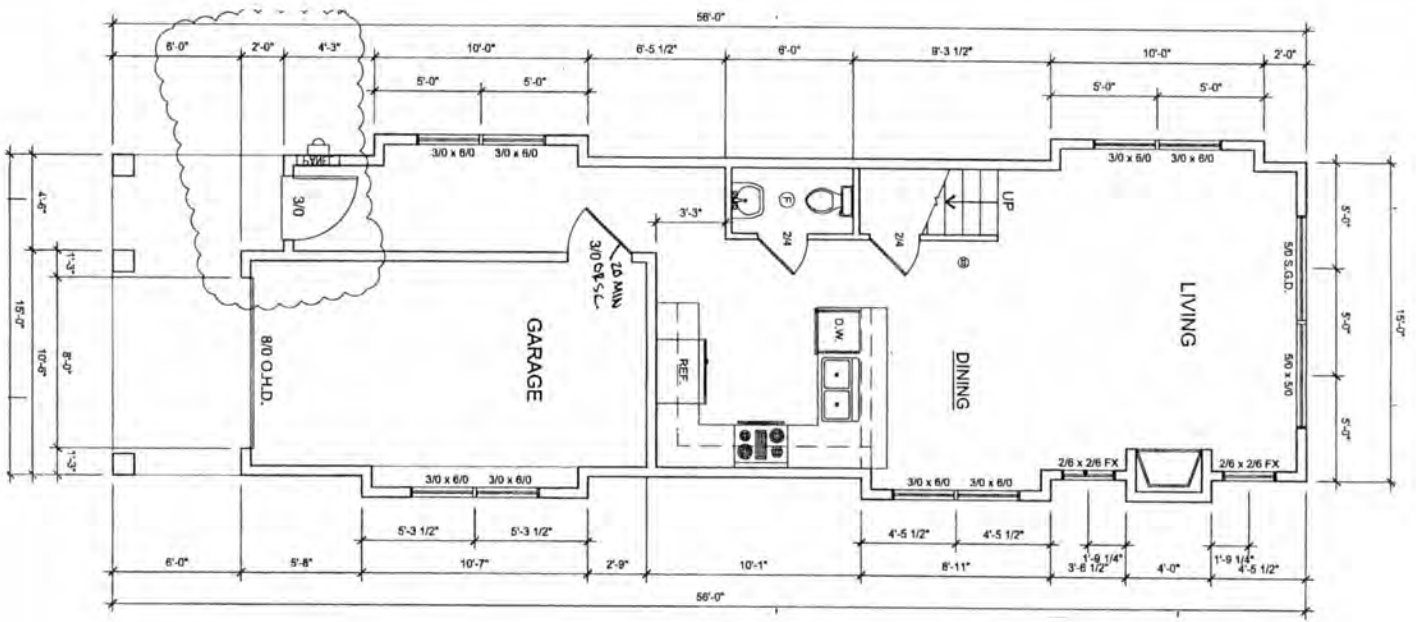
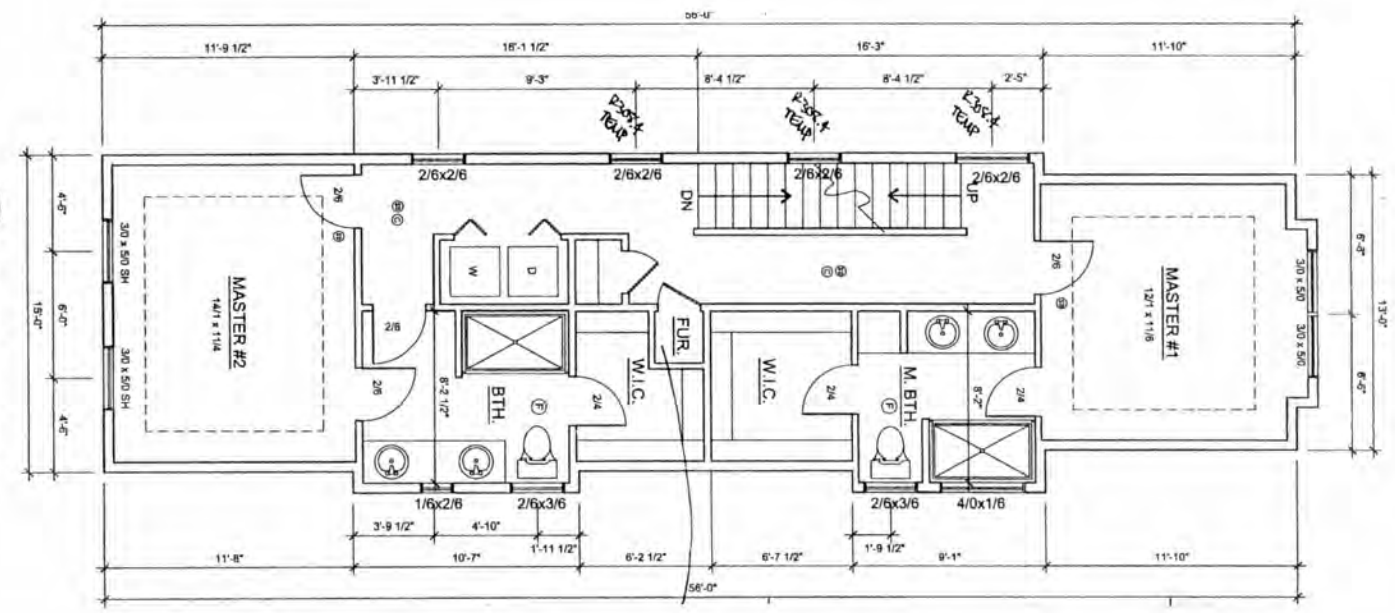


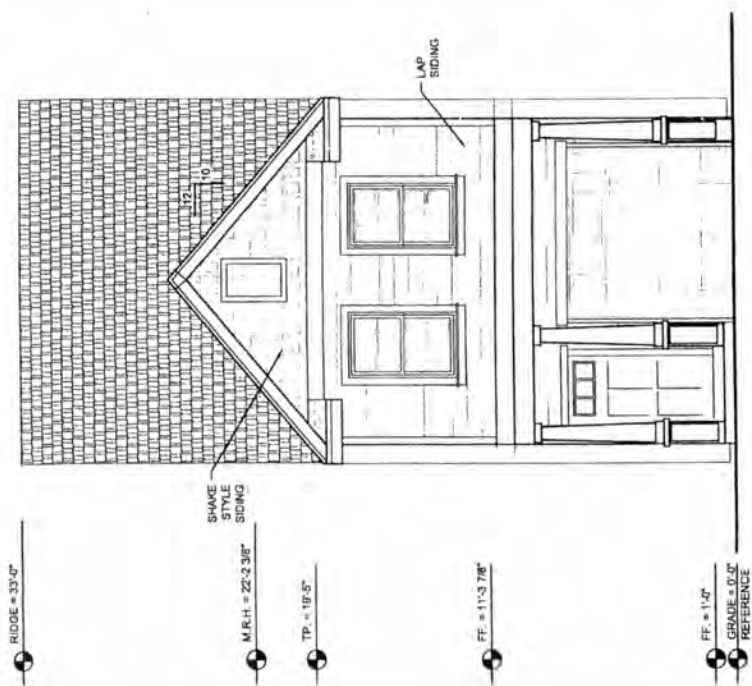
EXHIBIT "C"

1 MAIN FLOOR PLAN
D2 1/4" = 1'-0"

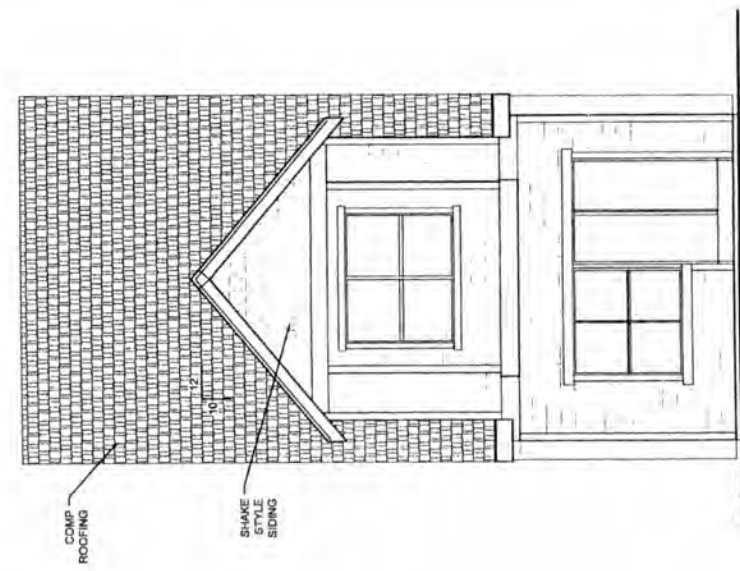


2 UPPER FLOOR PLAN
D2 1/4" = 1'-0"

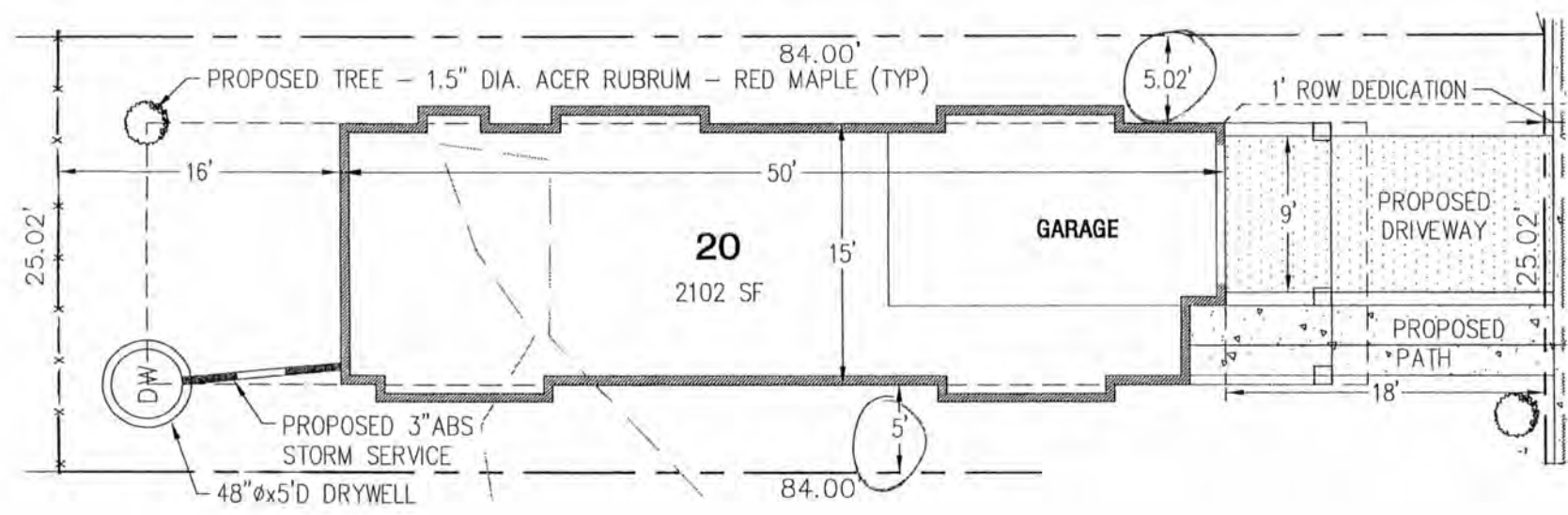




1 FRONT ELEVATION
1/4" = 1'-0"



3 REAR ELEVATION
1/4" = 1'-0"





2 LEFT ELEVATION
D1 1/4" = 1'-0"



4 RIGHT ELEVATION
D1 1/4" = 1'-0"

5/30/2012



EXHIBIT "D"

5/30/2012



5/30/2012





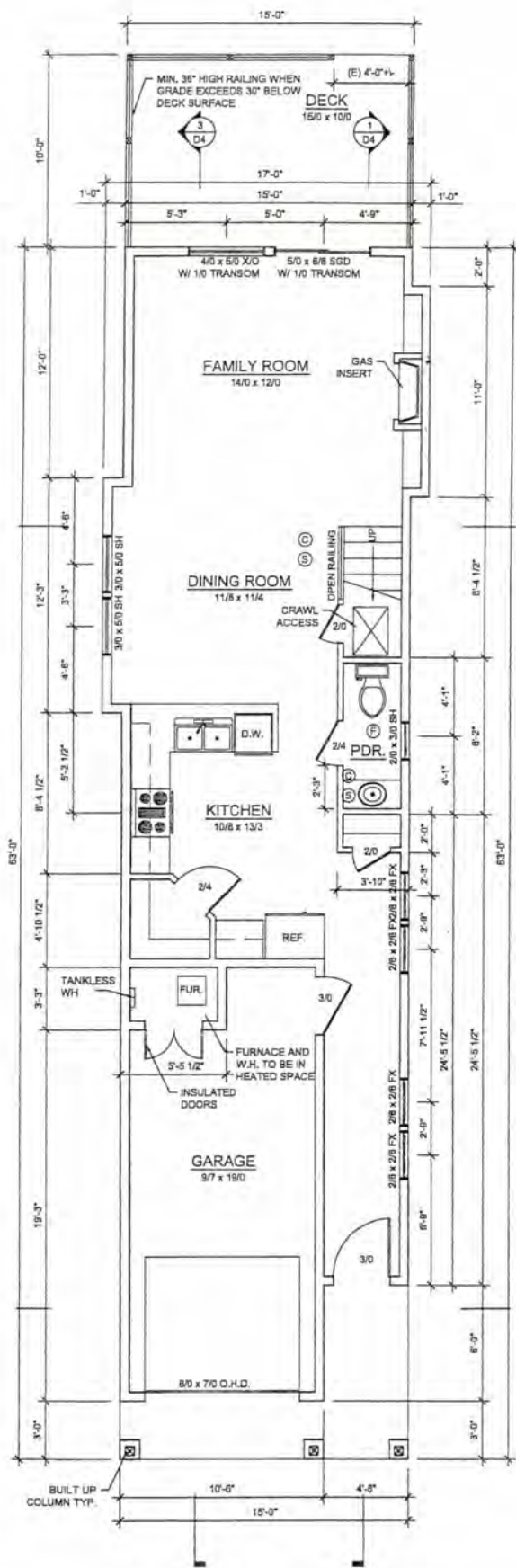
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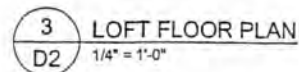
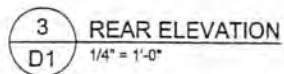
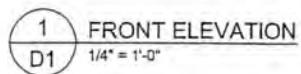


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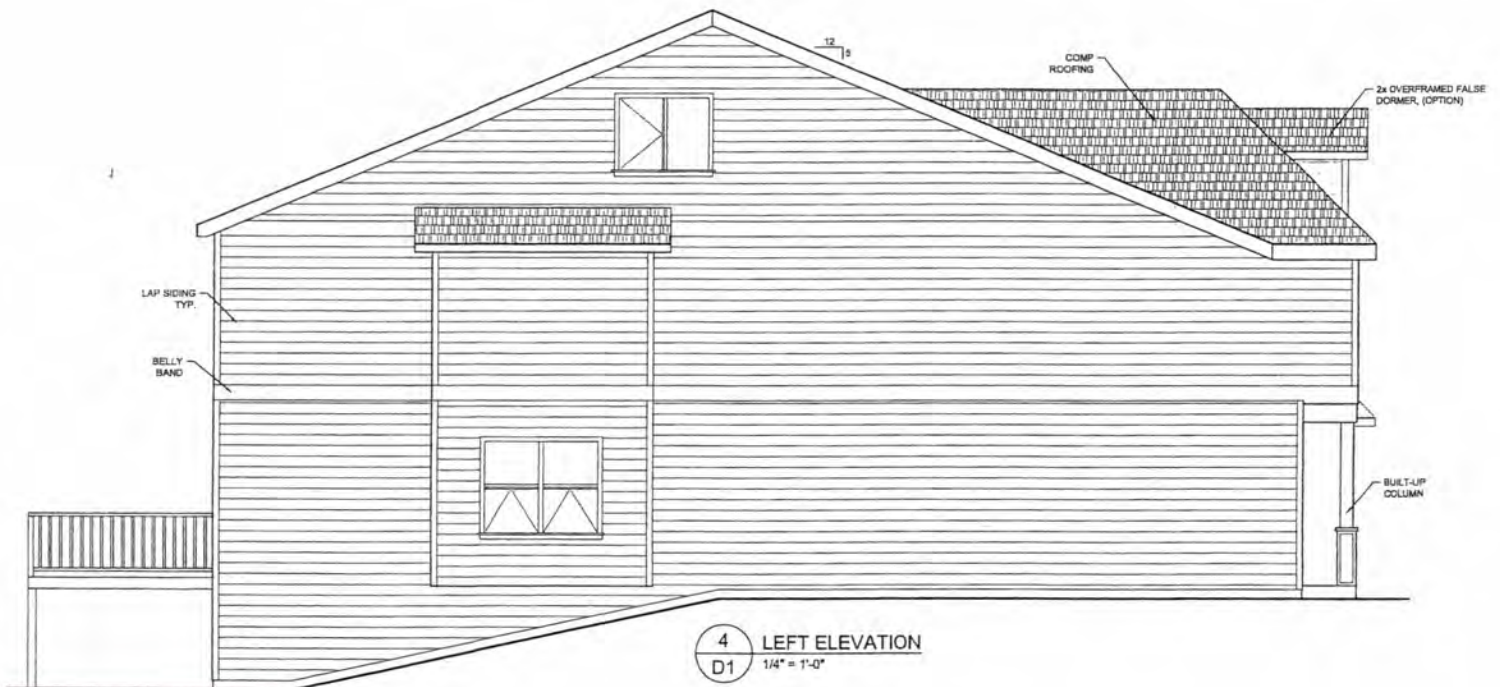
5/30/2012







ELEVATION NOTE:
ELEVATIONS ARE FOR REFERENCE ONLY TO SHOW
TYPICAL SIDING OPTIONS. ACTUAL SIDING AND TRIM
OPTIONS PER BUILDER OPTION.









Hillsboro Planning Department

DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

Adopted by the City Council and the Planning Commission pursuant to
Subdivision Ordinance No. 2808 Article VI

Adopted by the City Council through Resolution No. 2219 July 16, 2007

Effective: August 16, 2007

- C. **Setback Variation Standards.** The setback variation requirements of this section are intended to encourage a wider range of structural design, setbacks, and housing choices within new development, and provide developers with flexibility in response to varying site conditions. The following standards shall apply on single family residential subdivisions or Planned Unit Developments of eight or more lots, outside areas designated Station Community Planning Area on the Comprehensive Plan Map. These requirements are not intended to apply to townhouse or multi-family residential development.
1. At least 40 percent of the lots in the subdivision or PUD shall have front yard setbacks less than the specified distance in the applicable zone. This reduced setback shall apply only to the residence portion of the structure which may not be reduced below 75% of the specified setback. Application of the reduction is restricted as follows:
 - a. Side street setbacks on corner lots in subdivisions which allow reduced setbacks shall not be further reduced;
 - b. Front yard setback of the garage portion of the structure shall not be reduced below 19 feet;
 - c. Adequate angles of repose are maintained for public and private utilities.
 2. Side yard setbacks in all zones may be reduced to allow ***load-bearing*** architectural projections such as, but not limited to: bay windows; oriel windows; and alcoves. Such projections may extend up to four feet into the required setback, provided that:
 - a. A minimum three-foot setback is provided from the projection to the property line;
 - b. Architectural projections on adjacent structures are not aligned opposite one another;
 - c. The length of the architectural projection is not more than 25 percent of the length of the wall from which it projects; and
 - d. Adequate angles of repose are maintained for public and private utilities.

BLI January 1, 2011		
Zoning	Lots	Acres
C-C	0	0
C-G	24	39.45
C-N	0	0
C-P	9	8.89
I-H	0	0
I-L	10	7.86
I-P	9	45.08
MU-CBD	3	0.64
MUC	3	2.47
MUE	39	19.93
MUE-1	11	10.81
MUE-2	1	1.24
MUR-1	9	3.17
MUR-2	2	0.76
R-1	2	2.39
R-2	2	0.99
R-3.5	30	22.66
R-4.5	239	152.83
R-7	178	77.82
R-12	58	38.57
R-25	142	43.84
R-40	0	0
Total	771	479.40

Buildable Lands Inventory January 1, 2011

City of Tigard
Oregon

R-12
ZONED
PROPERTY

Legend

- 2011 Buildable Lands
- Tigard Local Wetland Inventory
- CWS Vegetated Corridor
- FEMA 100 yr Floodplain
- Slope of 25% or Greater
- Water
- Stream
- Tigard City Limits

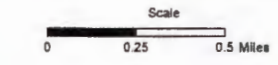
Zoning Classifications

- C-C Community Commercial
- C-G General Commercial
- C-N Neighborhood Commercial
- C-P Professional Commercial
- I-H Heavy Industrial
- I-L Light Industrial
- I-P Industrial Park
- MUC Mixed Use Commercial
- MUC-1 Mixed Use Commercial 1
- MU-CBD Mixed Use Central Business District
- 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 Min Sq Ft Min Lot Size
- R-25 1,480 Sq Ft Min Lot Size
- R-40 40 Units Per Acre
- (PD) Planned Development Overlay
- (HD) Historic District Overlay
- WA-CNTY Washington County

The inventory presented is based on specific assumptions and was formulated over a four year period. The inventory should not be considered an exhaustive list of what is/is not available for development, but a static representation based on the available data. Inclusion does not mean a property will develop or confers a mandate to do so, as exclusion does not prevent a property from developing in the future. For purposes of this inventory, buildable lands were identified as property outside of Title 3 lands that are:

1. Fully vacant: undeveloped, privately-owned parcels
2. Partially vacant: developed, privately-owned parcels with 1/4 acre or more of the parcel vacant

** The information represented on this map is current as of January 1, 2011. Revisions will be made as new decisions or amendments occur to alter the content of the map.



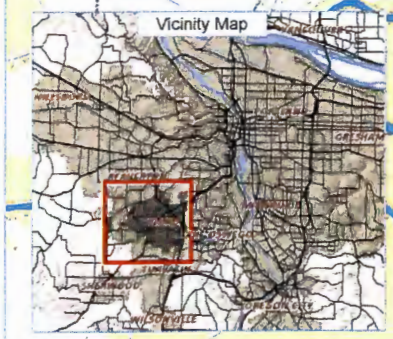
DATA SOURCES:
City of Tigard
Metro
Washington County



DISCLAIMER:

This map was derived from several databases. The City cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, any notification of errors is appreciated.

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City of Tigard
Planning Division
3125 SW Hall Boulevard
Tigard, Oregon 97223

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NOV 30 2012

**LAND CONSERVATION
AND DEVELOPMENT**

ATTN PLAN AMENDMENT SPECIALIST
DEPT OF LAND USE & CONSERVATION
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540

**RETURN RECEIPT
REQUESTED**