



# 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

June 25, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment  
DLCD File Number 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was adopted by resolution and submitted without a signed ordinance.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 10, 2007**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Stacy Humphrey, DLCD Metro-Portland Regional Representative  
Cheryl Caines, City of Tigard

<paa> ya/ph

FORM 2

DLCD

# Notice of Adoption

*email rec'd 6/19/07*  
 In person  electronic  mailed  
**DEPT OF**  
**JUN 20 2007**  
**LAND CONSERVATION AND DEVELOPMENT**  
 For DLCD Use Only

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

Jurisdiction: **City of Tigard**

Local file number: **DCA2007-00001**

Date of Adoption: **6/12/2007**

Date Mailed: **6/19/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/23/2007**

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".

An amendment to the City of Tigard Community Development Code (Title 18) chapters 18.330 (Conditional Use) and 18.510 (Residential Zoning Districts), specifically to allow major event entertainment as a conditional use on public school sites within all residential zones and adding additional development standards for the use.

Does the Adoption differ from proposal? No, no explanation is necessary

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

to: **N/A**

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

to: **N/A**

Location: **Citywide**

Acres Involved: **0**

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

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<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 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...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD # 003-07 (15977)**

**DLCD file No.** \_\_\_\_\_

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

City of Tigard

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Local Contact: **Cheryl Caines**

Phone: (503) 718-2437 Extension:

Address: **13125 SW Hall Boulevard**

Fax Number: **503-624-3681**

City: **Tigard**

Zip: **97223-8189**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

120 DAYS = N/A  
DATE OF FILING: 6/12/2007  
DATE MAILED: N/A



**CITY OF TIGARD**  
Washington County, Oregon  
**NOTICE OF FINAL ORDER BY THE CITY COUNCIL**

Case Number:	<u>DEVELOPMENT CODE AMENDMENT (DCA) 2007-00001</u>
Case Name:	<u>ENTERTAINMENT-ORIENTED CODE AMENDMENT</u>
Applicant's Name/ Address:	<u>City of Tigard 13125 SW Hall Boulevard Tigard, OR 97223-8189</u>
Owner's Names/ Addresses:	<u>N/A</u>
Address of Property:	<u>Citywide</u>
Tax Map/Lot Nos.:	<u>N/A</u>

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS APPROVING A REQUEST FOR A DEVELOPMENT CODE AMENDMENT (ORDINANCE NO. 07-12).

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 MAY 7, 2007 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 JUNE 12, 2007 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:** ➤ A Development Code Amendment amending the Residential Zoning Districts Chapter (18.510) and Conditional Use Chapter (18.330) of the Tigard Community Development Code. This amendment specifically allows Major Event Entertainment (athletic, cultural or entertainment events) as a conditional use on public school sites within all residential zones and adds additional development standards for the use.

**ZONE:** All Residential Zones. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.330, 18.330, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, 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 JUNE 12, 2007.**

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. 07-12

AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE (DCA2007-00001) CHAPTERS 18.330 – CONDITIONAL USE AND 18.510 – RESIDENTIAL ZONING DISTRICTS, SPECIFICALLY TO ALLOW MAJOR EVENT ENTERTAINMENT AS A CONDITIONAL USE ON PUBLIC SCHOOL SITES WITHIN ALL RESIDENTIAL ZONES AND ADD ADDITIONAL DEVELOPMENT STANDARDS FOR THE USE AND DECLARING AN EMERGENCY.

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WHEREAS, the Tigard City Council directed Staff to prepare a Development Code Amendment to allow Major Event Entertainment uses such as community theatre on school sites; and

WHEREAS, these uses may have adverse impacts on residential areas and it is therefore necessary to require a Conditional Use permit and additional limitations on school sites; and

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

WHEREAS, the Tigard Planning Commission held a public hearing on May 7, 2007, and recommended approval of the proposed amendment with a 8-0 vote; 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 City Council finds that the individual Major Event Entertainment uses can be further restricted through the Conditional Use process in order to protect livability of residential neighborhoods, while providing cultural opportunities for the citizens of Tigard that may not otherwise be available; 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 18.330, 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2 and 10; and

WHEREAS, the Tigard City Council held a public hearing on June 12, 2007 to consider the proposed amendments; and

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
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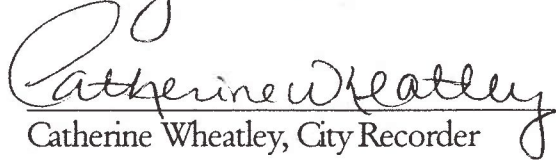
WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

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

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

SECTION 2: In order to encourage the timely development of cultural activities an emergency is declared and this ordinance shall take effect upon passage by the Council, signature by the Mayor, and posting by the City Recorder.

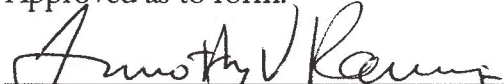
PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 12<sup>th</sup> day of June, 2007.

  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 12<sup>th</sup> day of June, 2007.

  
Craig Dirksen, Mayor

Approved as to form:

  
City Attorney

June 12, 2007  
Date

Certified to be a true copy of the Original on file at City of Tigard, City Hall.

By Catherine Wheatley 6.13.07  
City Recorder, City of Tigard Date



CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
May 7, 2007

DRAFT

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Anderson, Caffall, Doherty, Hasman, Muldoon, Vermilyea, and Walsh

Commissioners Absent: Commissioner Fishel

Staff Present: Dick Bewersdorff, Planning Manager; Gary Pagenstecher, Associate Planner; Cheryl Caines, Assistant Planner; Kim McMillan, Development Review Engineer; Jerree Lewis, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS

Commissioner Caffall reported on the Committee for Citizen Involvement. They met with a representative from the Oregonian to discuss how communities like Tigard get information into the Southwest section of the paper. They also discussed the Pacific Islander group. There is an outreach program to other advocate groups. The CCI would like to incorporate them into the CCI or at least meet with them on a monthly or quarterly basis.

Commissioner Caffall also reported that the Citizen Advisory Committee met to discuss the 99W Corridor. They will send their comments to City Council saying that they are not in favor of expanding 99W into 7 lanes.

Commissioner Walsh advised that the Tree Board met to review the renewed charge statement that was accepted by Council. Ron Bunch reviewed the framework with the Board and started laying out the Municipal Code and how it would work with the Comprehensive Plan. Staff will return with an outline detailing the process. The Board will meet twice a month for awhile to move the project along.

4. APPROVE MEETING MINUTES

It was moved and seconded to approve the April 16, 2007 meeting minutes as submitted. The motion passed by a vote of 6-0. Commissioners Inman and Vermilyea abstained.



## 5. PUBLIC HEARINGS

### 5.1 DEVELOPMENT CODE AMENDMENT (DCA) 2007-00001 ENTERTAINMENT-ORIENTED USE CODE AMENDMENT

**REQUEST:** A Development Code Amendment to amend the Residential Zoning Districts Chapter (18.510) and Conditional Use Chapter (18.330) of the Tigard Development Code. The proposed amendment would allow Major Event Entertainment (athletic, cultural or entertainment events, such as Broadway Rose Community Theatre) as a conditional use on public school sites within residential zones. **LOCATION:** Citywide. **ZONE:** All Residential Zones. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.330, 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, and 10.

#### STAFF REPORT

Assistant Planner Cheryl Caines provided details of the proposed amendment. The amendment would modify the current code to allow major event entertainment uses in residential zones only on public school sites. Currently, there are 9 public school sites within the City of Tigard.

This amendment was brought about by a request from the Broadway Rose Theatre. They would like to use the cafetorium at the C.F. Tigard Elementary School for small-size performances. Caines advised that the amendment would not be limited to Broadway Rose. It would include any use that falls under the Major Event Entertainment classification in the code.

Prior to going into any of the school sites, an applicant would have to apply for a Conditional Use Permit which requires a second public hearing that would be heard before the Hearings Officer. Through that process, further restrictions could be placed on the specific use (e.g., limiting the hours of operation).

Currently, major entertainment uses are only permitted within certain commercial zones as a Conditional Use. Allowing major entertainment event uses on school sites could create new uses for under-utilized buildings. These uses may have undesirable impacts on surrounding areas. To alleviate some of these possible problems, Caines reviewed new restrictions that staff has proposed in the Conditional Use code section. She also referred to optional code language for the Planning Commission's consideration to permit these uses only at the Tigard High School and C.F. Tigard Elementary School sites.

Considering the new restrictions, Caines advised that staff is recommending approval of the code amendment.

Caines clarified that applicants would have to obtain a standing Conditional Use Permit through the Hearings Officer. The amendment does not restrict school-related uses. If an event is not for the benefit of the school, the applicant would have to obtain a Conditional Use Permit. Issues such as parking and hours of operation would be addressed during this process.

Caines advised that major event uses are held in auditoriums, stadiums, convention centers, or race tracks and they provide athletic, cultural, or entertainment events or exhibits for large groups. She noted that event schedules are not monitored by the City.

Caines said that applicants have to use existing buildings for events. To allow for flexibility, they will be allowed the option of expanding the existing building by a maximum of 50%.

### **PUBLIC TESTIMONY - IN FAVOR**

Sharon Marony, 14070 SW Hall Blvd., Tigard, OR 97224, artistic director of the Broadway Rose Theatre Company, testified that they are working with the School District to renovate the C.F. Tigard multi-purpose room. They will be able to seat about 260 people in that particular facility. They will still perform at Deb Fennell Auditorium (a 600 seat facility) in the summer. The school will be able to use the facility Mondays-Thursdays from 7:00 a.m. to 4:00 p.m.

Marony advised that the parking lot will be extended around the building and they will add 100 more parking spaces.

Sondra Carroll, 11330 SW 97<sup>th</sup> Court, Tigard, OR 97223, said she is neither for nor against the proposal. With impacts to City facilities and streets, she wonders if any money will come back to the City. She would like to see a return to the City. President Inman said that the School District and the private enterprise will work out those details. It was noted that Broadway Rose will be putting a great deal of capital improvement into the school building and the parking lot.

Greg Sorenson, 16260 SW Copper Creek Dr., Tigard, OR 97224, testified that he enjoys Broadway Rose in the summer and believes it adds to the neighborhood and the City. He noted that schools charge for using their facilities. He does not believe that the School District will be taken advantage of in this situation. He speaks very highly in favor of allowing this use.

### **PUBLIC TESTIMONY - IN OPPOSITION**

None

### **PUBLIC HEARING CLOSED**

The Commissioners discussed possible scheduling conflicts for different events. Commissioner Vermilyea said he doesn't see how that would relate to the land use decision. Commissioner Doherty advised that every school district has a building use policy that governs all groups using a school facility. She noted that school activities get the first nod for building use.

President Inman asked the Commissioners how they felt about alternative code language to limit the school site or limit the use. Since applicants have to apply for a Conditional Use Permit and additional conditions could be placed at that time, Commissioner Walsh believes it is a sufficient element of control.

Commissioner Doherty brought up the issue of parking. She noted that it doesn't matter what event is going on at the high school, there are always cars parked on the street all around the school. She understands the concerns about parking, but believes it's one of the things you have to live with when you live close to a high school. She would like to see more enforcement of parking in front of mail boxes and fire hydrants.

Commissioner Muldoon asked if other Commissioners saw any need for restrictions in the language. It was recommended to leave the language as is. The Hearings Officer can look at the circumstances and make a decision based on the individual Conditional Use applications.

Commissioner Walsh moved that the Planning Commission make a recommendation to amend Chapters 18.510 Residential Zoning Districts and 18.330 Conditional Use of the Tigard Development Code to allow Major Event Entertainment as a conditional use on public school sites within all residential zones, as proposed. Commissioner Vermilyea seconded the motion. The motion passed unanimously.

## **5.2 SUBDIVISION (SUB) 2006-00011/PLANNED DEVELOPMENT REVIEW (PDR) 2006-00002/SENSITIVE LANDS REVIEW (SLR) 2006-00011 FERN HOLLOW SUBDIVISION**

**REQUEST:** The applicant requests approval of a 7-lot Subdivision and Planned Development (PD) on 1.59 acres. The lots are proposed to be developed with detached single-family homes. Lot sizes within the development are proposed to be between 3,496 and 5,964 square feet. Sensitive Lands Review is required for slopes greater than 25%.

**LOCATION:** The project is located south of SW Durham Road at the terminus of SW Copper Creek Drive; WCTM 2S114BA, Tax Lot 15300. **ZONING/COMPREHENSIVE PLAN DESIGNATIONS:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and

Agenda Item: 5.1

Hearing Date: May 7, 2007 Time: 7:00 PM

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



**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** CODE AMENDMENT TO ALLOW MAJOR EVENT ENTERTAINMENT  
USES IN RESIDENTIAL ZONES ON PUBLIC SCHOOL SITES

**CASE NO.:** Development Code Amendment (DCA) DCA2007-00001

**PROPOSAL:** To amend Chapters 18.510 (Residential Zoning Districts) and 18.330 (Conditional Uses) of the Tigard Development Code to allow Major Event Entertainment as a conditional use on public school sites within all residential zones.

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

**ZONE:** All Residential Zones.

**LOCATION:** Citywide.

**APPLICABLE  
REVIEW**

**CRITERIA:** Tigard Community Development Code Chapters 18.330, 18.380, 18.390, and 18.510; Tigard Comprehensive Plan Policies 1, 2, and 6; The Metro Urban Growth Management Plan Titles 1, 8, and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, and 10.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor to amend the Residential Zoning District regulations as proposed, with any alterations as determined through the public hearing process and make a final recommendation to the Tigard City Council.

### SECTION III. BACKGROUND INFORMATION

The proposal is to amend the residential zoning districts code to permit Major Event Entertainment uses on public school sites as a Conditional Use. The City Council directed staff to prepare a proposed amendment in response to a request by the Broadway Rose Theatre group to utilize the auditorium building at the C.F. Tigard Elementary School. The Broadway Rose use falls under the land use category Major Event Entertainment. Similar activities that have been previously held at Tigard High School would also be clarified as permitted under this amendment.

Currently these types of uses are only permitted within the General Commercial (C-G), Central Business District (CBD), Mixed Use Commercial (MUC), Mixed Use Commercial – 1 (MUC-1) zones as a Conditional Use. There are nine public school sites currently within the Tigard city limits. All are within residential zones. The City's residential zoning districts code does not permit Major Event Entertainment uses. This amendment proposes that the use be allowed in all residential zones, but also gives the option to limit the use to only the Tigard High and C.F. Tigard Elementary sites.

The Tigard Comprehensive Plan states that the City shall encourage the use of schools as an integral part of the community. Allowing some entertainment uses on school sites, including those for cultural events, provides opportunities for residents to experience a wide range of activities close to home. In addition, the school district can enter into agreements for these types of uses, to allow the use of existing facilities that may be currently underutilized.

#### ISSUE SUMMARY

- ◆ This amendment was initiated by City Council upon request by the Broadway Rose Theatre Company.
- ◆ Theater activities can be cultural experiences and can allow more utilization of school facilities.
- ◆ Theater activities in residential zones may have undesirable impacts upon the surrounding area.
- ◆ Imposed conditions of approval for Conditional Uses may or may not reduce these adverse impacts.

### SECTION IV. SUMMARY OF APPLICABLE CRITERIA

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

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

- ◆ The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

Forty-five day advance notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on March 23, 2007, 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code (TCD) and Comprehensive Plan have been acknowledged by DLCD. The following are the applicable Statewide Planning Goals that are applicable to this proposal:

#### **Statewide Planning Goal 1 – Citizen Involvement:**

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the

Tigard Times Newspaper prior to the public hearing. In addition a notice was mailed to all property owners within 500 feet of all school sites to ensure notice of potential property impacts.

### **Statewide Planning Goal 2 – Land Use Planning:**

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for, and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

### **Statewide Planning Goal 10 – Housing**

This goal outlines provisions to insure state housing needs are met. The Tigard Development Code allows schools within residential zones as a conditional use, which is consistent with the Comprehensive Plan. The Major Event Entertainment uses will only be allowed within existing buildings on school sites. These school sites are not used for housing.

- ♦ Any applicable Metro regulations;

### **Metro Urban Growth Management Plan**

#### **Title 1 – Requirements for Housing and Employment**

Accommodation of this section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment that serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro. This amendment allows Major Event Entertainment uses only on public school sites. These sites are not used for residential homes. This text amendment does not reduce the City's housing capacity.

#### **Title 8 – Compliance Procedures**

This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements. This title is not applicable.

#### **Title 12 – Protection of Residential Neighborhood**

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services. In particular the title addresses making public schools more accessible to neighborhood residents through walking/biking paths and transient facilities. Adding a major event entertainment use to public school sites will not hinder accessibility from neighboring residences. It could, however, create unanticipated impacts for traffic and congestion at hours that might not be typically associated with school uses.

## Metro Regional Framework Plan

### Policy 1.14 School and Local Government Plan and Policy Coordination

1.14.1: Coordinate plans among local governments, including cities, counties, special districts and school districts for adequate school facilities for already developed and urbanizing areas.

1.14.2: Consider school facilities to be “public facilities” in the review of city and county comprehensive plans for compliance with the Regional Framework Plan.

### Policy 8.3 Schools

8.3.8: Encourage local jurisdictions to partner (including funding) with school districts to jointly use school sites for the public good (such as combined libraries, parks, connections with local services such as police, neighborhood centers, senior centers, etc.).

These policies have been addressed by the implementation strategies of the Tigard Comprehensive Plan. One of these implementation strategies is to encourage the use of schools as an integral part of the community by making joint agreements with the school districts to allow community uses of school facilities for recreation, open space and meeting rooms. By allowing some entertainment events it could be said that this strategy is being implemented. These uses can operate within existing school facilities that may be underutilized and provide cultural/entertainment opportunities to the Tigard community that may not be available without these joint agreements. Major Event Entertainment uses on school sites will not adversely affect coordination between local governments and the school districts to insure adequate school facilities are being provided. Roy Burling, Chief Financial Officer with the Tigard-Tualatin School District confirmed that the lease agreements for such uses would be short or mid-term in order to accommodate any change in school capacity needs.

#### ♦ **Applicable Comprehensive Plan Policies:**

##### **Comprehensive Plan Policy 1.1.1: General Policies**

The city shall ensure that:

- A. This comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the land conservation and development commission, the regional plan adopted by the metropolitan service district;
- B. Any neighborhood planning organization plans and implementation measures adopted by the City of Tigard after the effective date of this comprehensive plan are designed to be consistent with this plan; and
- C. The Tigard Comprehensive Plan and Community Development Code are kept current with the needs of the community. In order to do this:
  1. This plan shall be reviewed and updated at least every five years.

As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

##### **Comprehensive Plan Policy 2.1.1, 2.1.2 and 2.1.3: Citizen Involvement**

2.1.1 : The city shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

2.1.2: The opportunities for citizen involvement provided by the city shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community: The citizen involvement teams shall be the primary means for carrying out the program;

2.1.3: The city shall ensure that information on land use planning issues is available in an understandable form for all interested citizens.

This policy is satisfied because notice of the proposed amendment was mailed to all property owners within 500 feet of all public schools within the city limits of Tigard. In addition, notice of the public hearing was published in the Tigard Times and notice will be published again prior to the City Council public hearing. Public input has been invited in the notice.

### **Comprehensive Policy 6.6.1: Housing**

#### **6.6.1: The city shall require:**

A. **Buffering between different types of land uses (for example between single family residential and multiple family residential, and residential and commercial uses, and residential and industrial uses) and the following factors shall be considered in determining the type and extent of the required buffer:**

1. **The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust or to provide a visual barrier;**
2. **The size of the buffer needed in terms of width and height to achieve the purpose;**
3. **The direction(s) from which buffering is needed;**
4. **The required density of the buffering; and**
5. **Whether the viewer is stationary or mobile. Vol. Ii, policy 6-5**

B. **On-site screening of such things as service areas and facilities, storage areas and parking lots, and the following factors, shall be considered in determining the type and extent of the screening:**

1. **What needs to be screened;**
2. **The direction from which it is needed;**
3. **How dense the screen needs to be; and**
4. **Whether the viewer is stationary or mobile.**
5. **Whether the screening needs to be year round.**

Policy 6.6.1 requires buffering between different types of land uses. The Tigard Development Code does not require a buffer between schools and residential homes, but buffers are required between residential and commercial uses. Major Event Entertainment is listed under commercial uses in the TDC. These required buffers range from a 20-foot landscape buffer with a 6-foot evergreen hedge to a 10-foot landscape buffer with a 6-foot solid wall. In addition, Major Event Entertainment uses can only be located on sites of at least two acres and setbacks are increased to provide an additional buffer for surrounding properties. These setbacks are as follows:

Front	30 feet
Corner Street	25 feet
Side	25 feet
Rear	30 feet

Setbacks are increased five feet for every 10 feet of building height over 45 feet.



- ◆ Any applicable provision of the City's implementing ordinances.

#### **Code Section 18.330 Conditional Use:**

This section of the code provides standards and procedures under which a conditional use may be permitted, enlarged or altered. The amendment outlines additional standards for Major Event Entertainment uses on public school sites. Because schools are generally located within or near residential zoning districts, additional requirements have been introduced to restrict the size of buildings for these uses on school sites. The new code language proposes that the uses only be allowed within existing buildings of at least 10,000 square feet. Additions are limited to only 50% of the original square footage size. The Conditional Use process allows for public input regarding the compatibility of the proposed use and potential conditions of approval.

#### **Code Section 18.380 Zoning Map and Text Amendments:**

This section regulates amendments. It outlines the process for reviewing Development Code Text Amendments. The present 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.

#### **Code Section 18.390 Decision-Making Procedures:**

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter.

#### **Code Section 18.510 Residential Zoning Districts:**

This chapter establishes procedures and criteria for development within residential zoning districts. The purposes of these regulations are:

1. 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 non-residential development -- schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services -- at appropriate locations and at an appropriate scale; and
2. 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 proposed amendment includes provisions to protect the residences surrounding the school sites by requiring that the buildings meet setbacks which are much wider than those typically met in residential zones. The minimum setbacks for buildings with an entertainment use are either 25 or 30 feet. The use is also restricted to only existing buildings of at least 10,000 square feet. Expansions are limited to 50% of the original square footage. In addition, the TDC requires landscape buffering between the entertainment uses and residential uses.

In contrast, Major Event Entertainment uses are presently only permitted as a conditional use within commercial zones that allow a wide range of commercial uses. Many of these uses serve not only Tigard, but the communities beyond and typically have higher traffic volumes. It seems reasonable that because Major Event Entertainment uses may attract a large number of visitors and there may be noise or traffic associated with these uses. These uses are typically limited to the more dense commercial areas to accommodate these factors. Staff can see the benefits of allowing certain types of community-oriented or cultural activities within residential zones, but is also concerned that these uses may have an adverse impact on livability.

DCA2007-00001  
ENTERTAINMENT – ORIENTED USE CODE AMENDMENT  
April 2007

**Explanation of Formatting**

These text amendments employ the following formatting:

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

Proposed code language is as follows:

TABLE 18.510.1  
USE TABLE

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Schools	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>

*<sup>13</sup>Permitted as a conditional use on public school sites.*

**CHAPTER 18.330  
CONDITIONAL USE**

13. Major Event Entertainment:

- a. The minimum lot size shall be two acres;
- b. Setbacks:

- (1) The front yard setback shall be a minimum of 30 feet;
- (2) On corner lots and through lots, the setback shall be a minimum of 25 feet on any side facing a street, plus meets visual clearance areas, Chapter 18.795;
- (3) The side yard setback shall be a minimum of 25 feet;
- (4) The rear yard setback shall be a minimum of 30 feet; and
- (5) Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

c. With regard to off-street parking: Exempt, if constructed with a school use *for school activities only*. Otherwise, requirements shall comply with Section 18.765;

*d. On school sites the use must be entirely within existing buildings of 10,000 square feet or greater. Expansions based on the original square footage, up to a maximum of 50% may be allowed.*

Optional code language:

*e. These uses are only permitted at the Tigard High School and the C.F. Tigard Elementary School sites.*

## SECTION V. STAFF ANALYSIS

Restrictions on usage within the residential zones are an important aspect of ensuring neighborhood quality is preserved. Although the primary use in such zones is residential, certain compatible non-residential uses are allowed. The City needs to balance these types of uses, and may do so through restrictions on placement, size, screening and buffering of the non-residential development.

Restrictions, such as limiting hours, time, place and/or manner of operation, increased setbacks, and limits on building location can be placed on specific entertainment uses through the Conditional Use process. In addition with this code amendment, the entertainment use would only be allowed within existing buildings of 10,000 square feet or more. Additions up to 50% of the building's original square footage may be permitted. Any specific entertainment use must be approved through a Type III Conditional Use process that includes a public hearing. Additions or other site changes would require either a minor or major modification to the approved conditional use depending on the specific changes proposed.

The potential negative impacts of allowing these types of events include noise from the events and traffic to and from the site. Noise impacts can be lessened by only permitting these uses within enclosed buildings. Traffic congestion within residential areas can be limited by only allowing specific access points to be utilized for events. Although limiting the access allows some control, the traffic to and from the site cannot be eliminated. The Community Development Code lists additional conditions of approval that can be imposed by the hearing body when specific uses are approved. The hearing body can take into consideration the details of the proposed use and the surrounding neighborhoods and appropriately restrict the development.

Phone calls were received from neighbors of a few school sites. One caller was in favor of the code amendment. Two others had questions about the proposal. Does this proposal mean there will be lights installed on the athletic fields so games can be played later at night? Is the school benefiting somehow by allowing these types of uses? If not, then the caller is opposed to the code amendment. The proposed code amendment does not address specifics such as lights for athletic fields. It is only to allow Major Event Entertainment uses on public school sites as a Conditional Use. As for the benefits to the school district, the Development Code cannot regulate agreements between private parties.

A fourth phone call was received from a neighbor of the Tigard High School who is apprehensive about the allowance of such entertainment uses within a residential neighborhood and fears that the livability will be adversely affected. He understands that school activities will happen during the week and on some weekends, but also enjoys the fact that there is typically no activity on weekends. This sort of issue is why staff has concern whether such an intense use should be allowed within residential zones. The Planning Commission and Council will determine whether the proposed amendment strikes the proper balance between residential and non-residential uses or if the proposed amendment should be further modified or even denied.

**SECTION VI. OTHER ALTERNATIVES**

No Action – The code would remain unchanged, and Major Event Entertainment would continue to be prohibited in residential zones.

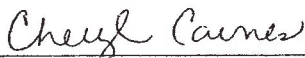
Expanded Action – Allow Major Event Entertainment on public school sites within residential zones with no additional restrictions. Only the existing additional standards found in TDC 18.330.050.B.13 would apply.

Alternate Actions – Further restrict the maximum building size or allow enclosed buildings only. Allow only certain types of events like Community Theatre.

**SECTION VII. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS**

The City of Tigard Police Department, Building Division, Long Range Planning Division and the Current Planning Code Enforcement Officer were given copies of the proposed code amendment. Only Code Enforcement responded and the comments have been considered.

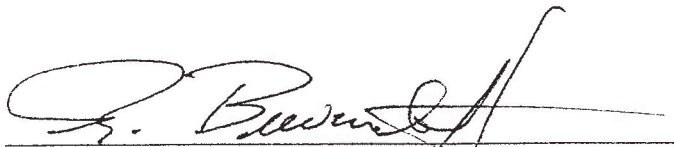
The City of Tigard Engineering Department, Tualatin Valley Fire and Rescue, Clean Water Services (CWS), and the Oregon Department of Land Conservation and Development (DLCD) were notified of the proposed amendment. Stacey Humphrey with DLCD called to ask a few questions about the proposed language. Because the use is proposed within residential zones, she recommended placing limits on the hours of operation. Hours of operation can be imposed as a condition of approval through the Conditional Use Process (TDC 18.330.030.B).



PREPARED BY: Cheryl Caines  
Assistant Planner

April 27, 2007

DATE



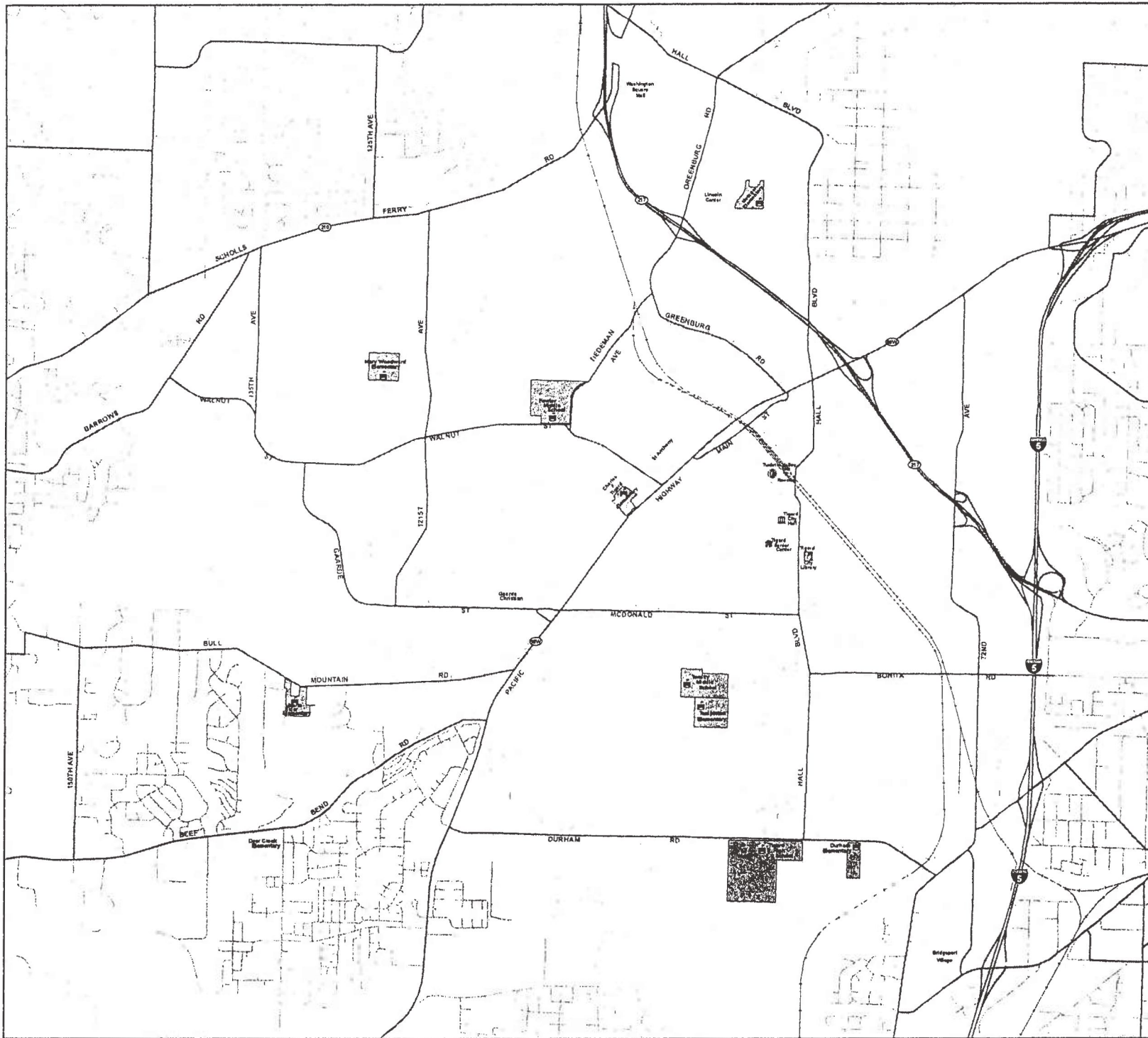
APPROVED BY: Dick Bewersdorff  
Planning Manager







April 27, 2007

DATE

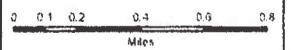
# Public School Locations

## City of Tigid Oregon



-  School
-  School Property
-  Major Street
-  Street
-  Railroad
-  City of Tigid

\*\* The information represented on this map is current as of April 27, 2007. Revisions will be made as new decisions or administrative occur to alter the content of the map.



Source: City of Tigid  
Map Data: Remora Center  
City of Tigid  
April 2007

Cartography: Community Development Dept  
City of Tigid

This map was derived from aerial photographs. The City cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, any modification of errors need to be reported.

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