



# 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

## AMENDED NOTICE OF ADOPTED AMENDMENT

December 4, 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 008-07

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.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 19, 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  
Marguerite Nabeta, DLCD Regional Representative  
Ron Bunch, City of Tigard

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NOV 2

# DLCD

## Notice of Adoption



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

Jurisdiction: **Tigard**

Local file number: **CPA2007-00003**

Date of Adoption: **11/27/2007**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **8/27/2007**

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".

The City of Tigard proposes to amend Comprehensive Plan Policy 10.2.1 as directed by City Council to make explicit that annexation is required before property within its Urban Services Area, but outside the City limits, can receive city services. These changes also ensure that all policies in the Comprehensive Plan are consistent with City/County Agreements.

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: **N/A**

Acres Involved: **0**

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

New: **N/A**

Applicable statewide planning goals:

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  19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD # 008-07 (16342)

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

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

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Local Contact: **City of Tigard**

Phone: **(503) 639-4171** Extension:

Address: **13125 SW Hall Boulevard**

Fax Number: **503-598-1960**

City: **Tigard**

Zip: **97223**

E-mail Address: **Ron@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**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-19

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN TEXT AMENDMENT CPA2007-00003 -- TO AMEND COMPREHENSIVE PLAN URBANIZATION POLICY 10.2.1 TO ENSURE: IT IS RELEVANT TO CURRENT CONDITIONS AND CIRCUMSTANCES; MORE PRECISELY STATES THE CITY'S POLICY REGARDING THE REQUIREMENT FOR ANNEXATION PRIOR TO RECEIPT OF CITY SERVICES, AND CORRECTLY REFERENCES THE STATE'S PROCESS OF DECLARATION OF HEALTH HAZARD.

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WHEREAS, Comprehensive Plan Urbanization Policy 10.2.1 was adopted in 1983 and its update is necessary to make it relevant to current conditions and circumstances and to provide a reliable guide for decisions related to annexation of unincorporated lands and associated provision of city services; and

WHEREAS, The Tigard Planning Commission held a public meeting on October 15, 2007, and recommended approval of the proposed CPA 2007-00003 (with minor revisions) by motion and with unanimous vote; and

WHEREAS, On November 27, 2007, the Tigard City Council held a public hearing to consider the Commission's recommendation on CPA 2007-00003, hear public testimony, and apply applicable decision-making criteria.

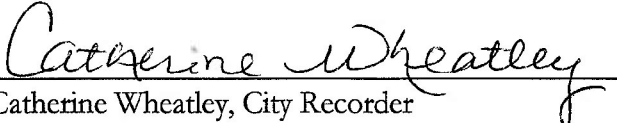
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard Comprehensive Plan is amended to change the text of the Policy as shown in "EXHIBIT A."

SECTION 2: The findings and conclusions contained in the Staff Report dated September 27, 2007, the Planning Commission meeting minutes for October 15, 2007, are adopted by reference ("EXHIBIT B", and "EXHIBIT C" respectively).

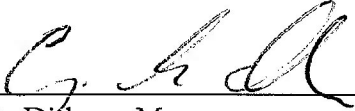
SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 27<sup>th</sup> day of November, 2007.

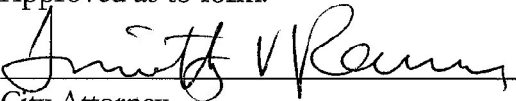
  
Catherine Wheatley, City Recorder



APPROVED: By Tigard City Council this 27<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

November 27, 2007  
Date

CPA 2007-00003

**Exhibit A: Amendments to the Text of Comprehensive Plan Urbanization Policy**


**10.2.1**

10.2.1 The City shall not approve the extension of City ~~or Unified Sewerage Agency Lines~~ **services** except:

- a) Where applications for annexation for those properties have been ~~submitted to the~~ **approved by the** City;
- ~~b) Where a non-remonstrance agreement to annex those properties has been signed and recorded with Washington County and submitted to the City; or~~
- b) In circumstances where applicable state ~~or~~ **and** County health ~~agency~~ **agencies** ~~has~~ **have** declared a potential or eminent health hazard **pursuant to ORS for 431.705 to 431.760 (health hazard annexation or district formation).**

Key: ~~Strike through~~ indicates language to be deleted from the original policy.  
**Bold** indicates language to be added to the original policy.

Agenda Item:  
Hearing Date: November 27, 2007 Time: 7:00 PM

|  |   |
|--|---|
| <p><b>STAFF REPORT TO THE<br/>PLANNING COMMISSION<br/>FOR THE CITY OF TIGARD, OREGON</b></p> |  |
|--|---|

120 DAYS = N/A

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** COMPREHENSIVE PLAN AMENDMENT TO UPDATE ANNEXATION POLICIES

**FILE NO.:** **Comprehensive Plan Amendment (CPA) CPA2007-00003**

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

**OWNER:** N/A

**PROPOSAL:** The City of Tigard proposes to amend Comprehensive Plan Policy 10.2.1 to: 1) Be clear that for property to receive City Services, annexation applications must be approved by the City; 2) That non-remonstrance agreements are not viable substitutes for annexation when City services are required; 3) Accurately reflect that state and County health agencies have a role in declaring potential or imminent health hazards; and 4) Ensure the City's Comprehensive Plan policies are consistent with City and County Agreements.

**LOCATION:** Citywide (City of Tigard)

**ZONING and  
COMP PLAN**

**DESIGNATION:** The proposal is a Comprehensive Plan Text Amendment. It is not applicable to a specific property or group of properties. It is a statement of policy intended to update the City's position that property within the unincorporated urban services area is required to annex in order to receive City Services.

**APPLICABLE  
REVIEW**

**CRITERIA:** Tigard Community Development Code Chapter 18.390, Type IV Procedure. Tigard Comprehensive Plan Policies: General Policies 1.1.1, Citizen Involvement 2.1.1; Public Facilities and Services 7.4.1., Metro Functional Plan Not Applicable., Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning) and 11 (Public Facilities and Services).

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Tigard City Council amend the Tigard Comprehensive Plan by adopting the proposed amendments to Policy 10.2.1 as determined through the public hearing process.



### SECTION III. BACKGROUND INFORMATION

#### **Project History**

During City Council's consideration of the City's annexation policies and practices in January, February and March 2007 it was noted that Comprehensive Plan Policy 10.2.1 pertaining to annexation and the provision of City services required amendment. This amendment is necessary to make the policy consistent with current City-County Agreements and practices. Also, the current policy contained language inconsistent with current circumstances such as referencing the Unified Sewerage Agency, non-remonstrance agreements and outdated health hazard declaration processes.

#### **Proposal Description**

The City of Tigard proposes to amend Comprehensive Plan Policy 10.2.1 as directed by City Council to make explicit that annexation approval is required before property within Tigard's Urban Services Area but outside the City limits can receive City Services. These changes also ensure that all policies in the Comprehensive Plan are consistent with City and County Agreements. The proposed policy amendments are as follows:

Proposed Policy 10.2.1 (**Bold** indicates proposed new language and ~~strike through~~ indicates language proposed to be deleted.)

*The City shall not approve the extension of City ~~or Unified Sewerage Agency lines~~ **services** except:*

- a) *Where applications for annexation for those properties have been submitted to the **approved by the City**; or*
- ~~b) *Where a non-remonstrance agreement to annex those properties has been signed and recorded with Washington County and submitted to the City; or*~~
- e) b) *In circumstances where applicable state ~~or~~ **and** county health ~~agency~~ **agencies** has **have** declared a potential or imminent health hazard pursuant to ORS 431.705 to 431.760 (Health Hazard Annexations or District Formation).*

### SECTION IV. SUMMARY OF REPORT

#### **4. Applicable criteria findings and conclusions**

- a) Tigard Community Development Code
  - i) Chapter 18.390
- b) Applicable Comprehensive Plan Policies
  - i) 1 General Policies
  - ii) 2 Citizen Involvement
  - iii) 7 Public Facilities and Services
- c) Applicable Metro Standards
  - i) None Applicable
- d) Statewide Planning Goals
  - i) 1 Citizen Involvement
  - ii) 2 Land Use Planning
  - iii) 11 Public Facilities and Services

#### **5. City Department and outside agency comments**

- a) Clean Water Services comments

## **SECTION V. APPLICABLE CRITERIA AND FINDINGS**

### **APPLICABLE PROVISIONS OF THE CITY'S IMPLEMENTING ORDINANCES.**

#### **Tigard Community Development Code Chapter 18.390.060, Type IV Procedure.**

18.390.020.B.4 Types Defined. *Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.*

**Findings:** This chapter establishes standard decision-making procedures for reviewing applications. Section 18.390.060.E states that the recommendation by the Commission, and the decision by the Council, shall be based on consideration of the following factors including: 1) Statewide Planning Goals, 2) applicable federal or state statutes or regulations, 3) applicable Metro regulations, 4) applicable comprehensive plan policies, and 5) applicable provisions of the City's implementing ordinances. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter. Therefore, the relevant procedures are satisfied and this criterion is met.

**Conclusion(s):** Based on the analysis above, staff finds that the proposed amendment satisfies the applicable review criteria within the Tigard Community Development Code.

### **APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES:**

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

*1.1.1 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;*

**Findings:** This policy states that all future legislative changes shall be consistent with the Statewide Planning Goals and the Regional Plan adopted by Metro. The existing Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission. Furthermore the City has adopted specific Community Development Code amendments to comply with the applicable land use titles of the Metro Functional Plan, specifically: Title 1, Requirements for Housing and Employment and Housing Accommodations; Title 2, Regional Parking Policy; Title 3 (Metro Code Sections 3.07.310 - 3.07.370) - Water Quality, Flood Management and Fish and Wildlife Conservation; Title 4 (Metro Code Sections 3.-07.410 - 3.07.440) - Industrial and Other Employment Areas.

The proposed amendment language does not alter the Comprehensive Plan in a manner that compromises the Comprehensive Plan's compliance with the Statewide Planning Goals or the Metro Functional Plan. The amendment does not compromise the City's current acknowledged status of the City's Plan with the Statewide Planning goals. Neither does this amendment affect the City's compliance with Metro Titles. It does not affect or have bearing on housing or employment capacity; parking standards; water quality, flood management or wildlife conservation or industrial or employment areas.

Changes to the policy are essentially house-keeping items intended to accomplish the following:

1. Reflect the current condition that Tigard controls sewer collection lines and local storm water management facilities instead of Clean Water Services (previously Unified Sewerage Agency). Thus the proposed policy references services in general instead of just "Unified Sewerage Agency"

- lines”;
2. Be clear that for property to receive City Services, annexation applications must be approved by the City;
  3. That non-remonstrance agreements are not viable substitutes for annexation when City services are required;
  4. Accurately reflect that state and County health agencies have a role in declaring potential or imminent health hazards, and
  5. Ensure the City’s Comprehensive Plan policies are consistent with current City and County Agreements.

**Conclusion(s):** Based upon the above findings it is concluded that the proposal is consistent with Comprehensive Plan Policy 1.1.1 (A).

*C. The Tigard Comprehensive Plan and Community Development Code are kept current with the needs of the community.*

**Findings:** This policy section requires the Comprehensive Plan and Community Development Code to be kept current to address the needs of the Community. The findings enumerated 1 – 5 above illustrate the conditions that require the policy to be “modernized.” Changing the policy as proposed addresses all five of the above factors that changed since the policy was adopted in the mid 1980s.

**Conclusion(s):** Based upon the above findings it is concluded that the proposal is consistent with Comprehensive Plan Policy 1.1.1 (C).

### ***Policy 2 - 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.*

**Findings:** These policies state that the City shall maintain an ongoing citizen involvement program, provide opportunities for citizen involvement appropriate to the scale of the planning effort, and that information on land use planning issues shall be available in understandable form for all interested citizens.

This matter was discussed in a public forum at noticed Council Meetings as noted above. This discussion was broadcast on public access cable television accessible by the general public.

Public hearings to consider this matter are required before the Planning Commission and City Council. Notice of the Planning Commission’s public hearing was posted in the Tigard Times pursuant to Tigard Community Development Code (TCDC) Article 18.390.060.D on September 27, 2007. Required notice will again be published per the TCDC prior to the City Council public hearing.

The published public notice invites public input and includes the phone number of staff to answer questions. The notice also included the address of the City’s webpage where the entire draft of the text changes could be viewed. Letters were also sent to individuals on the City-maintained interested parties list. There has been no public comment up to the time of staff report composition.

The public hearings will be conducted pursuant to Oregon statutory requirements to ensure testimony pertaining to this matter is presented in a manner that allows it to be included as part of the evidentiary record.



**Conclusion(s):** Based on the above findings that this matter was discussed first in a public forum, and that various media, television, print and internet, provided access to relevant information and opportunity to comment, it is concluded that the application is consistent with Policy 2.1.1. It is further concluded that the proposal conforms to Policy 2.1.1 because the City has followed all its requirements to provide notice and comply with public hearing requirements to ensure public access to the decision-making process.

### ***Policy 7 - Public Facilities and Services***

#### ***7.4.1 The City shall:***

***B. Require that future extensions of collector sewer lines shall be consistent with all City ordinances and agreements between the City of Tigard, Washington County and the Unified Sewerage Agency (USA); and***

**Findings:** This policy requires service extensions to be consistent with City ordinances, and agreements with Washington County and Clean Water Services. The current policy contained language inconsistent with current circumstances such as referencing the Unified Sewerage Agency (which is now Clean Water Services) non-remonstrance agreements and outdated health hazard declaration processes. Therefore it is found that the policy needs to be modernized to be consistent with the more recent City-County Agreements.

It is important to note a key difference in the proposed policy's wording and the previous policy is that "annexation must be approved" before needed City services can be provided. This language clears up any ambiguity, to ensure that timely and logical service provision can be made by the City.

It is found that the proposal better implements the City-County Tigard Urban Planning Agreement (UPAA) and the Tigard Urban Services Area Agreement (TUSA). In the most basic sense the Urban Planning Area Agreement states that the City is the ultimate urban service provider for all territory within the delineated Tigard Urban Service Area as required by state law (ORS 195).

**Conclusion(s):** It is concluded that the proposed amendment is consistent with City ordinances and applicable City-County intergovernmental agreements.

### **APPLICABLE METRO REGULATIONS:**

#### ***Metro Functional Plan:***

**Findings:** The Metro Functional Plan is not applicable to this application. The application does not affect those Titles that pertain to Tigard. The proposal does not have bearing or amend the City's housing or employment targets per Title 1. It does not affect regional mobility or traffic issues per Title 2. It is not relevant to water quality, flood management or fish and wildlife per Title 3. The application does not specifically affect industrial or employment areas per Title 4. Neighboring cities and/or rural reserves in Title 5 will not be affected by this proposal. The application is not relevant to designated centers per Title 6. The proposal does not affect housing affordability per Title 7. No compliance procedures per Title 8 are relevant to this proposal. Performance measures per Title 9 are not affected by this amendment proposal. The proposal does not change any definitions per Title 10. The proposal is not planning for a new urban area per Title 11. The application does not alter residential neighborhoods per Title 12. Therefore, these criteria are not applicable.

**Conclusion(s):** Based on the analysis above, staff finds that the Metro Functional Plan is not applicable to the proposed amendment.

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

**Statewide Planning Goals**

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

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

**Findings:** This matter was discussed in a public forum at noticed Council Meetings as noted above. At this time the discussion was broadcast on public access cable television accessible by the general public.

Public hearings to consider this matter are required before the Planning Commission and City Council. Notice of the Tigard Planning Commission's public hearing was posted in the Tigard Times pursuant to Community Development Code (TCDC) Article 18.390.060.D on September 27, 2007. Required notice will again be published per the TCDC prior to the City Council public hearing.

The published public notice invites public input and includes the phone number of staff to answer questions. The notice also included the address of the City's webpage where the entire draft of the text changes could be viewed. Letters were also sent to individuals on the City maintained interested parties list. There has been no public comment up to this time.

The public hearings will be conducted pursuant to Oregon statutory requirements to ensure testimony pertaining to this matter is presented in a manner that allows it to be included as part of the evidentiary record. Therefore, citizen involvement requirements for the proposed Comprehensive Plan amendment have been met.

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

**This goal outlines Oregon's land use planning process and policy framework. Land use decisions are to be made in accordance with a Comprehensive Plan and implementing ordinances. These Plans should be based on factual information and be periodically updated.**

**Findings:** The proposed amendment to the Tigard Comprehensive Plan is being processed as a Type IV procedure, which requires that it be consistent with any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations, comprehensive plan policies, and City implementing ordinances. Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. As proven above all applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

***Statewide Planning Goal 11 – Public Facilities and Services***

**This goal calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.**

**Findings:** The proposed amendment makes explicit that annexation is required before property within Tigard's Urban Services Area, but outside the City limits, can receive City Services. This proposal will assure that properties annexed by the City of Tigard have sufficient access to City services. In this way an orderly and efficient arrangement of public facilities and services can be provided. Therefore, this amendment makes for more efficient planning of public services, and this goal is met.



## **SECTION VI. ADDITIONAL CITY STAFF COMMENTS**

The **City of Tigard Police Department** has had an opportunity to review this proposal and has no objections. The **City of Tigard's Building Division** and **City of Tigard's Public Works** had an opportunity to review this proposal and did not respond.

## **SECTION VII. OUTSIDE AGENCY COMMENTS**

**Oregon Department of Land Conservation and Development** and **Metro** were notified of the proposed amendments and did not respond.

**Tualatin Valley Fire & Rescue** and the **Tualatin Valley Water District** were notified of the proposed amendments and did not respond.

**Clean Water Services** responded to the request for comments as follows:

- “We recommend following the provisions of the current Design and Construction Standards (currently R&O 07-20, available on line at: <http://cleanwater.org/PermitCenter/DesignConstruction/Update/default.aspx>) for all issues relating to development, vegetated quarterlies, erosion control, and preservation of wetlands, natural drainage ways, and enhancements thereof.
- We recommend following all applicable sections of the January 2005 Intergovernmental Agreement between the City of Tigard and Clean Water Services.”

**Staff Response:** Clean Water Services is aware that the City is the designated service provider within this area and that if City Services are needed, annexation is required. The agency's first comments are applicable to the actual design and construction of city sanitary sewer facilities that would be needed to serve development within the Tigard Urban Services Area. They are not applicable to the actual policy changes being proposed.

Clean Water Services and the City entered into an intergovernmental agreement in 2005 that specifies the responsibilities of the District and the City for the performance of specific functions relating to operation and maintenance of the sanitary and storm sewer and surface water systems. These matters do not address the policy matters associated with the proposed Comprehensive Plan Amendment. The Clean Water Services-City of Tigard Intergovernmental Agreement focuses on engineering, design, maintenance, funding and operational issues. It applies both to the incorporated, and unincorporated, portions of the Tigard Urban Services. Therefore, the District's second comments are not applicable to the proposed policy amendment.

## **SECTION VIII. CONCLUSION**

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

Therefore, it is recommended that the Planning Commission recommend to City Council that it adopt the proposed Comprehensive Plan Text amendment as determined through the public hearing process.

**ATTACHMENT:**

**EXHIBIT A: PROPOSED AMENDMENTS TO THE TIGARD COMPREHENSIVE PLAN.**

\_\_\_\_\_  
PREPARED BY: Markus Mead  
Long Range Planning Intern

\_\_\_\_\_  
September 27, 2007  
DATE

\_\_\_\_\_  
APPROVED BY: Ron Bunch  
Assistant Community Development Manager

\_\_\_\_\_  
September 27, 2007  
DATE

File: I:\LRPLN\COMPPLAN\VolumeII\CPA\2007-00003\Staff Report\CPA2007-00003 Staff Report\_\_09.26.2007\_Final.doc

**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
October 15, 2007**

**1. CALL TO ORDER**

President Inman called the meeting to order at 7:00 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, Fishel, Hasman, Muldoon (arrived at 7:30), Vermilyea, and Walsh

Commissioners Absent:

Staff Present: Ron Bunch, Assistant Community Development Director; Sean Farrelly, Associate Planner; Jerree Lewis, Planning Commission Secretary

**3. PLANNING COMMISSION COMMUNICATIONS**

Commissioner Caffall reported that the Committee for Citizen Involvement is currently seeking new members for the committee.

Commissioner Walsh advised that the Tree Board would be meeting Wednesday night. He is hoping staff will sum up the issues from the last joint Tree Board/Planning Commission workshop. They will work on the issues and come back to the Planning Commission at a future date.

**4. APPROVE MEETING MINUTES**

Motion by Commissioner Doherty, seconded by Commissioner Hasman, to approve the October 1, 2007 meeting minutes as submitted. The motion was approved as follows:

AYES: Anderson, Doherty, Fishel, Hasman, Inman, Walsh

NAYS: None

ABSTENTIONS: Caffall, Vermilyea

EXCUSED: Muldoon

**5. PUBLIC HEARING**

**5.1 COMPREHENSIVE PLAN AMENDMENT (CPA) 2007-00003  
LEGISLATIVE UPDATE: ANNEXATION POLICY**



**REQUEST:** The City of Tigard proposes to amend Comprehensive Plan Policy 10.2.1 as directed by City Council to make explicit that annexation is required before property within its Urban Services Area, but outside the City limits, can receive city services. These changes also ensure that all policies in the Comprehensive Plan are consistent with City/County Agreements. **LOCATION:** Citywide. **ZONE:** The proposal is a Comprehensive Plan text amendment it is not applicable to a specific property or group of properties. **APPLICABLE REVIEW CRITERIA:** Tigard Community Development Code Chapter 18.390, Type IV Procedure; Tigard Comprehensive Plan Policies: General Policies 1.1.1; Citizen Involvement 2.1.1; Public Facilities and Services 7.4.1, 7.4.2; Urbanization 10.1.1 Metro Functional Plan. Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 10 (Housing), 11 (Public Facilities and Services) and 14 (Urbanization).

## STAFF REPORT

Assistant Community Development Director Ron Bunch presented the staff report on behalf of the City. He advised this application is a result of Council's desire to make sure it is absolutely explicit for properties located within the City's designated Urban Services Area and wishing to receive services, that they must first annex to the City to receive services. This policy will be included with the new Comprehensive Plan update, but since there are current pending annexation applications, the City wants to do this amendment early so property owners and developers know that they must annex before receiving City services.

Bunch noted that in the past, homeowners weren't required to actually annex before receiving City services if they signed a non-remonstrance agreement for future annexation. In the City's experience, people successfully fought the non-remonstrance agreements in court and never annexed. Bunch said the proposed application complies with all applicable criteria and statewide planning goals and recommends the Planning Commission forward a recommendation of approval to the City Council.

Bunch advised that City services primarily include sewer and storm drainage lines. The term "services" is defined broadly, because we don't know what services could be included in the future.

If the City does not approve the proposed amendment, it would make it difficult for developing properties in the Urban Services Area. We would argue that they cannot receive City services unless they annex to the City first. We would like the policy to be clear and straightforward.

Bunch said the City would work with developers to see that annexation applications and land use applications would run concurrently.

## **PUBLIC TESTIMONY**

John Frewing, 7110 Lola Lane, Tigard 97223, believes some of the proposed language is vague and should be clearer. He asked what a potential health hazard would be. Could that include police or unsafe sidewalks? Ron Bunch advised that the health hazard is defined by statute as a situation where there is a failing septic tank, contaminated ground water, or contaminated drinking water that requires the Oregon Environmental Quality Commission to declare an eminent health hazard to the public. We can reference the statute and the administrative rules in the amendment.

## **PUBLIC HEARING CLOSED**

Motion by Commissioner Walsh, seconded by Commissioner Caffall, to move forward a recommendation of approval to City Council of application CPA 1007-00003 as amended to include specific reference to the legislative references in the ORS, including the staff report and the testimony tonight. The motion was approved as follows:

AYES: Anderson, Caffall, Doherty, Fishel, Hasman, Inman, Vermilyea, Walsh

NAYS: None

ABSTENTIONS: None

EXCUSED: Muldoon

## **6. COMPREHENSIVE PLAN – HOUSING, ECONOMY WORKSHOP**

Commissioner Muldoon arrived at 7:30 p.m.

Associate Planner Sean Farrelly presented the draft policy language on housing and economy. The Commissioners reviewed the proposed policy and suggested the following changes to the language (responses are written in italics):

- It was suggested adding an action measure to develop a branded marketing effort and brand elements to preserve their value to Tigard. It's hard to tell one community from the next. *This idea could be encompassed in developing a formal economic development program and strategy or we could add another action measure.*
- Should we elevate 9.1.iv to a policy level? *We can do that. The idea that we should grow what we have is reflected in the "economic gardening idea" to develop what we already have here.* It was suggested taking the theme of action measures #iv and #v and re-working them into a policy statement for encouraging growing businesses.
- Commissioner Vermilyea believes that, instead of letting traffic dictate what we can do in the Tigard Triangle, the City should envision a goal for the area (what we want it to look like, what do we want the character of the neighborhood to be) and then figure out the transportation needs for serving that goal. It was decided to "park" this idea and come back at a later date for discussion.

- In Goals 9.1 and 9.3, there's not a lot of integration of residential, retail, and commercial uses (mixed use) and how housing integrates with economic development. *Maybe we can reemphasize/beef-up the language.* Can we carry the language in 10.1.v forward to the economic development section and blend the two?
- Add the term business clusters to the economic development definitions. It was suggested drawing the definition from the State Economist's definition. Also, add a possible action measure to prioritize support for businesses identified as able to develop into regional clusters. The definition could include some examples.
- Under 9.3.xv, it was suggested to modify the focus to monitoring emerging technology to ensure competitive priced access. Some Commissioners, on the other hand, do not believe the City should be involved in being the leader on this.
- It was suggested to add an action measure to add an Economic Development Director for the City.
- Goal 9.2 could use more details.
- Under 9.2.1, it looks like we're giving land away.
- Under 9.3, can we elevate action measure #v to a clearer policy statement? *Staff will look at it. Possibly it could be expanded to include all transportation infrastructure, etc., and maybe mention Hwy. 99W.* Maybe 9.1 would be a better place for it. *Transportation can be included in both 9.1 and 9.3.*
- The definition for work force housing should be added to the Economic Development section.
- 10.2.6 – maybe we could apply this to multi-family housing instead of single family.
- 10.2.9 – the language seems strong and may be inconsistent with the other sections that we've had on this topic. Suggested language: The City shall require infill development to be designed to address compatibility with existing neighborhoods. Action measure #ii might give us the means by which it could be addressed. We may have to break it down to more action measures.
- 10.2.10 – change the wording to: “home business occupations” or otherwise clarify that it pertains to home-based businesses.

John Frewing offered the following comments:

- He expressed concern about wording which could make one particular goal appear more important than another. The language should be comparable throughout the entire Comp Plan, so that all goals would be weighed and considered the same. For example, the strong language in 9.1.3 does not exist in the current Comp Plan. Using words like seek, balance, and coordinate efforts would be the right way to do it throughout.
- Under 9.3.1, he would like to see the Tigard Triangle added to the list.
- He would like to see map 3-3 in the Resource Document updated in the final document.

## 7. OTHER BUSINESS

None

**8. ADJOURNMENT**

The meeting adjourned at 8:57 p.m.

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Jerree Lewis, Planning Commission Secretary

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ATTEST: President Jodie Inman