



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development  
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Salem, OR 97301-2540  
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NOTICE OF ADOPTED AMENDMENT

05/20/2013

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 002-13

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: Thursday, June 06, 2013

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: Cheryl Caines, City of Tigard  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative

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FORM **2**

**DLCD**

# Notice of Adoption

in person  electronic  mailed

**DEPT OF**

MAY 17 2013

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Tigard** Local file number: **DCA2013-00001**

Date of Adoption: **May 14, 2013** Date Mailed: ~~May 15, 2013~~ *May 16, 2013*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: *2/12/13*

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".

Proposed modifications to the Tigard Community Development Code 18.765.030 (D) and Table 18.765.2. The applicant has proposed reductions to the minimum parking standards for restaurant, retail sales, and drive through bank uses (see Table 18.765.2) and modifications to the percentages of required parking per use within mixed use and multi-tenant buildings (18.765.030.D). The changes will impact development within all commercial, industrial, and high density residential zones.

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

Slightly higher parking minimums than proposed were adopted for restaurants. The proposed minimums for drive through banks were not changed.

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: **Citywide** Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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.** 002-13 (19701) [17455]

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

Tualatin Valley Fire & Rescue, Clean Water Services, Metro & Tri-Met.

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Local Contact: **Cheryl Caines**

Phone: **(503) 718-2437** Extension:

Address: **13125 SW Hall Blvd.**

Fax Number: **503-718-2748**

City: **Tigard**

Zip: **97223**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 6, 2012

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 13-07

AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.765, TO REDUCE MINIMUM PARKING RATIOS FOR EATING AND DRINKING ESTABLISHMENTS, SALES-ORIENTED RETAIL AND PERSONAL SERVICES – BANK WITH DRIVE-THROUGH USES AND REDUCE THE MINIMUM PARKING PERCENTAGES WITHIN MIXED USE AND MULTI-TENANT DEVELOPMENTS (DCA2013-00001), AS Amended.\*

WHEREAS, the city received application for the proposed code amendment to amend the text of the Off-Street Parking and Loading Chapter (18.765) of the City of Tigard Community Development Code to reduce minimum parking ratios for the following uses: eating and drinking establishments, sales-oriented retail and personal services – bank with drive-through and lower the required parking percentages within commercial mixed use or multi-tenant developments; and

WHEREAS, the purpose of Chapter 18.765 is to insure adequate parking in close proximity to varying uses for residents, customers and employees, and to establish standards which will maintain the traffic carrying capacity of nearby streets; 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 to the public was provided in conformance with the Tigard Community Development Code Chapter 18.390.060.D; and

WHEREAS, the Tigard Planning Commission held a public hearing on April 1, 2013 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended by staff and Planning Commission; and

WHEREAS, the Tigard City Council held a public hearing on May 14, 2013, to consider the proposed amendment; and

WHEREAS, the Tigard City Council has considered the recommendation of the Planning Commission; and

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

WHEREAS, the Tigard City Council has 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. by a majority \*

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 March 25, 2013 Staff Report to the Planning Commission and the Minutes of the April 1, 2013 Planning Commission hearing are hereby adopted in explanation of the Council's decision. (with the amendments to the Use/Minimums table approved by Council on May 14, 2013; see draft minutes attached.)\*
- 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 majority vote of all Council members present after being read by number and title only, this 14<sup>th</sup> day of May, 2013.

Catherine Wheatley  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 14<sup>th</sup> day of May, 2013.

John L. Cook  
John L. Cook, Mayor

Approved as to form:

Peter O. Witter  
City Attorney

May 14, 2013  
Date

Commentary

The Planning Commission is recommending the addition of the term “commercial” in 18.765.030.D. There is concern that mixed use developments with residential components may be constructed without adequate parking. The addition of “commercial” to the code language means that the percentages will not apply to mixed use developments that include residences.

Staff is proposing to delete the language under 18.765.D.5 stating the maximum parking allowance shall be 150% of the total minimum as calculated in subsections 1-4. The code states that parking requirements for mixed use and multiple tenant developments shall be calculated using the percentages listed in 18.765.D, including the maximum of 150%. There are existing developments that may exceed the 150% and create non-conforming situations. Deleting this language lessens the likelihood of making a site non-conforming and maximums can be calculated by using the maximum parking ratios listed in Table 18.765.2.

Table 18.765.2 lists minimum and maximum ratios for two types of eating and drinking establishments (fast food and other). However, nowhere in the code is there a distinction made between the two types. The applicant has added a footnote (#8) to clarify how to determine if a restaurant is fast food. The applicant’s proposed language is: Fast food designation includes all eating and drinking establishments with a “walk up counter” and/or less than 10 tables. Examples include Subway, Starbucks, Chipotle, etc. Staff is recommending the elimination of the term “and” because it may be interpreted to require fast food restaurants to have less than ten tables, which is not typical of many fast food restaurants. Also the examples were removed because specific restaurant names should not be codified as they can change or are trademarked.



Proposed code as amended by staff and the Planning Commission:

**DCA2013-00001  
OFF-STREET PARKING MODIFICATIONS  
DEVELOPMENT CODE AMENDMENT**

**Explanation of Formatting**

These text amendments employ the following formatting:

~~Strikethrough~~ - Text to be deleted or not added

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

18.765.030 General Provisions

D. Parking in mixed-use and multiple tenant projects. In commercial mixed-use and multiple tenant projects, the required minimum vehicle parking shall be determined using the following formula:

1. Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use in Section 18.765.060;
  2. Secondary use, i.e., that with the second largest percentage of total floor area within the development, at 85 ~~90~~% of the vehicle parking required for that use in Section 18.765.060;
  3. Tertiary ~~Subsequent~~ use ~~or uses~~, at 70 ~~80~~% of the vehicle parking required for that use(s) in Section 18.765.060;
  4. All other uses, at 60% of the vehicle parking required for that use(s) in Section 18.765.060;
54. ~~The maximum parking allowance shall be 150% of the total minimum parking as calculated in Subsection D.1-3 above.~~

Table 18.765.2 (Minimum & Maximum Required Off-street Vehicle & Bicycle Parking Requirements)

Use	Minimums		
	Current	Proposed	Amended by <b>Staff Council</b>
Eating and Drinking Establishments <sup>(9)</sup>	Fast Food: 9.9/1,000 Other: 15.3/1,000	6.0/1,000 8.0/1,000	<del>7.0 8.0/1,000</del> <del>9.0 10.0/1,000</del>
Sales-Oriented Retail	3.7/1,000	<u>3.0/1,000</u>	<u>3.0/1,000</u>
Personal Services (Bank with drive-through)	4.3/1,000	2.7/1,000	<del>3.0 4.3/1,000 (no change)</del>
<sup>(9)</sup> <u>Fast food designation includes all eating and drinking establishments with a "walk up counter" or less than ten (10) tables in the dining area.</u>			



City Recorder's Note: Changes shown in red font above reflect the amendments made by the Tigard City Council on May 14, 2013, when considering this proposed ordinance.

**Draft Minutes – Agenda Item No. 10**  
**May 14, 2013 Tigard City Council Meeting**



10. LEGISLATIVE PUBLIC HEARING - COMMUNITY DEVELOPMENT CODE  
AMENDMENT FOR PARKING REQUIREMENT MODIFICATIONS

The purpose of the hearing is for the City Council to consider the applicant's request (Killian Pacific) to lower minimum parking ratio requirements for certain uses (Eating and Drinking Establishments, Sale-Oriented Retail and Personal Services – banks with drive through) and lower the minimum percentages required for primary, secondary, etc. uses in mixed-use or multi-tenant developments. This will allow greater opportunities for the leasing or expansion of existing structures and businesses.

- a.  Mayor Cook opened the public hearing.
- b.  Staff Report: Associate Planner Caines and Senior Transportation Planner Gray presented the staff report.

Associate Planner Caines reviewed the staff report and referred to a slide presentation on file in the record copy of the meeting packet. The application for the proposed code amendment came to the City of Tigard from an outside applicant who is requesting to lower the parking minimum ratios for restaurants, sales-oriented retail and banks with drive-through. In addition, the applicant also proposes to lower the minimum percentages for primary, secondary, tertiary uses in mixed-use and multi-tenant development.

Associate Planner Caines explained the proposed amendment would be citywide and would apply to all commercial, industrial and multi-family residential zones in the City of Tigard.

Associate Planner Caines gave background information:

- The city adopted the current minimum ratios in the parking chapter of the Community Development Code based upon the minimum ratios established by Metro in 1998. These minimums are applied to new construction, redevelopment and changes of use.
- The applicant owns property in the City of Tigard and is not the only property owner who has been confronted with the situation of wanting to expand existing businesses/developments and because of the size of the existing property size found it impossible to be successful in applying for a change of use or expansion of their businesses due to their inability to meet the minimum parking standards. This has created an economic development issue for some City of Tigard property owners.
- In 2012 the city received complaints from a residential neighborhood adjacent to a multi-tenant development where uses had changed over a period of time and the mix was such that there was insufficient onsite parking and it began to spill over into the residential neighborhood.
- Staff viewed the issues considering the perspectives of economic development and the interests of the adjacent property owners and endeavored to strike a balance to determine the “right” numbers for parking requirements in the City of Tigard. Metro’s numbers



seemed high and the applicant's proposals seemed a little low. Staff proposed numbers to provide a "bridge" and recommended changes to the code until there could be a comprehensive review of parking standards in the future.

- The Transportation System Plan adopted in 2010 recommends looking at parking ratios to determine if these need to be changed and possibly lowered. The recommendation proposes this review to be done in a comprehensive manner. This comprehensive review is not on the schedule of Community Development Department projects, which is why the staff is proposing the "bridge" to allow economic development to occur in the meantime.
- The information provided by the applicant on parking standards was reviewed.
- Many of the area jurisdictions adopted the Metro minimum parking ratios.
- A chart showing proposed or recommended parking standards was reviewed and included the "ITE Peak," "City of Tigard Minimum," "Applicant's proposal," and the "Staff proposal."
- Staff thought the numbers proposed by the applicant were too low based on the ITE information and requirements in place by other jurisdictions. Staff has proposed minimum parking requirements based on being somewhat "in the middle" and to avoid creating unforeseen problems.




Senior Transportation Planner Gray provided the following information:

- Prior to coming on staff for the City of Tigard, Ms. Gray was a transportation consultant for Kittelson & Associates and her specialty area was parking.
- The application before the City Council is unusual in that it is rare for a private developer/property owner to seek a code change affecting the entire city. Citywide code changes are most often initiated by the city. If the city were proposing changes in parking, the approach would be to have quite a lot of data collection and public outreach.
- The materials provided by the applicant are not as extensive as what the city would like; however, staff appreciates that this proposal moves the city toward a direction it wants to go.
- Ms. Gray reviewed the table showing the proposed or recommended parking standard comparisons. She referred to the abundance of data that is available that could be analyzed and considered when considering this type of code change. There is no "one right number" to select on the chart – there are trade-offs to consider – it is about trying to find the right balance for the community.
- The benefit of the proposal before the City Council is that it provides for some benefit for economic development that cannot occur because of current code constraints.
- While the applicant's proposal does not provide as much data as what is typically preferred, the impacts are relatively minor because it is reducing the minimum and not changing the maximum numbers. The effects resulting with implementation of the staff proposal would be fairly narrow.
- The current situation with the parking standards is not unique to Tigard in that many cities adopted parking requirements in the 60's and 70's; many of these requirements have not been updated regularly.


c. Council/Staff Discussion

- In response to questions from Mayor Cook and Councilor Snider, Senior Transportation Planner Gray reviewed the differences between what the applicant was requesting and the


staff's proposal. She confirmed that the staff recommendation was based more on experience with ramifications of setting certain minimum requirements since the data depth is not available at this time. The nexus of requiring parking spaces in relation to the square area of the building was discussed and questioned since the amount of space devoted to kitchen area and storage was not factored. Ms. Gray said restaurants have a higher demand for parking than many other commercial uses but acknowledged that the current requirements for restaurant parking could pose a hardship especially when there are so many vacant commercial spaces. She said, as an interim step, taking a moderate reduction would be a good idea.

- Councilor Buehner referred to the recent City of Portland negative experiences when it eliminated certain parking requirements. She said she wanted to avoid a similar situation in Tigard.
- In response to a question from Councilor Snider, Associate Planner Caines advised the applicant is aware of and supports the staff recommendation.
- Mayor Cook asked about the triggers for changes in parking requirements. Associate Planner Caines said that, for example, if a retail shop moves out and their parking requirement is 3.7 spaces per 1,000 square feet and then a restaurant moves in, the parking requirement increases to 9.9 spaces per 1,000 square feet. This is a huge difference in the number of parking spaces required and if the property owner cannot show that the spaces are available or can be provided on the site, then staff cannot approve the use change. The reality is that sometimes the amount of parking required is not needed.
-  Councilor Woodard referred to the Nimbus development and the circumstance whereby two commercial spaces are vacant because of the parking requirements. He asked if the staff proposal would make a difference for this development. Associate Planner Caines advised the applicant is the owner of the Nimbus Center. With the reductions recommended by staff, the minimums would not be met; however, the applicant could apply for an adjustment, which would get them to the point where they could go ahead with the mix of uses they were considering. Councilor Woodard referred to numbers contained in the attachments to the Agenda Item Summary for this matter noting that it appears even during peak time; parking lots are only 50-60 percent full. He questioned whether the amendments proposed by staff are adequate, especially with the changes now apparent in how people do business; i.e., online banking. He would like to see the most flexibility possible to assist with economic development, which appears to be supported by the data. While Councilor Woodard acknowledged taking a more cautious approach, he would rather see the requirements support economic development and more flexibility would appear to be closer to doing "it right."
-  Senior Transportation Planner Gray commented that in many cities, if a developer wanted to get an adjustment to the parking requirement for a new fast food restaurant, to support a site-specific adjustment, they would take counts on three to five similar sites. The proposal before the City Council represents a citywide change, which is why she felt the data submitted by the applicant was not quite enough to support a citywide change. She added that the information provided does indicate a direction to ease up on minimum parking requirements. If additional ease is warranted, it can be allowed if a property owner justifies the need.
-  Council President Henderson agreed the data supports the direction proposed by the applicant and staff with regard to helping business. However, he is concerned that a


property owner would still need to go through an expensive review process. He referred to his office complex and the fact that it was too expensive to have a restaurant. He has a fast food establishment at this complex and he rents 20 additional parking spaces at an adjacent church for \$450/month. He said lowering the minimum parking standards would send a signal that Tigard is “open for business.” He acknowledged this type of code change would affect the road maintenance fee calculations. Council President Henderson said he would prefer to get this done correctly the first time; that is, do not settle for mediocre. In response to a question from Councilor Snider, Council President Henderson indicated his preference was for the applicant’s proposal. During his comments he would like to see a review of how the square footage area for businesses is calculated. He said the Papa John’s establishment in his complex is 1,500 square feet and requires 20 parking spots because there is an extra 600 square feet of overhang on the building that is included in the calculation for parking requirements.


-  Councilor Woodard responded to Council President Henderson’s suggestion that the applicant’s proposal was acceptable and he said he prefer a proposal that would set minimum parking requirements at numbers representing a compromise between the applicant’s proposal and the staff’s recommendation.


d. Public Testimony


 Applicant representative from Killian Pacific, Vice President/Head of Development Noel Johnson, 500 East Broadway, Vancouver Washington offered testimony:


- His company owns several properties in Tigard including the Nimbus Retail Center at Scholls Ferry Road and Nimbus. There are a number of vacancies at this center due solely to the “challenge that is before us.”
- A significant component of his company comprises large and small retail developments.
- For a number of years the Nimbus Center has had problems and after talking to Tigard staff, they decided to attempt to resolve the issues, which are keeping the center from developing to its potential. They decided that rather than to simply to pursue a solution that would only benefit this one center, they would pursue a solution that would benefit other properties in the city; that is spend the money and be a company focused on the community.
- Killian Pacific has spent about \$55,000 on this effort to create the data to support their application from work done by Kittelson & Associates, other firms and experts. While the result is not ideal, it gives a good indication on where to go.
- While the applicant continues to prefer the numbers proposed in their application, they accept staff’s recommendation. He acknowledged the capabilities of Tigard staff and especially noted the expertise in this area possessed by Senior Transportation Planner Gray. He acceded that if Ms. Gray said this was worth more study, then it probably should be studied more. He added the applicant would appreciate the change to happen now so they could work towards getting the Nimbus Center vibrant. They would have an opportunity to apply for an adjustment to meet their business needs.
- Mr. Jolinson said they supported and encouraged continued study of this area of the code to adjust to the changing realities of how business is being conducted.


 Councilor Buehner said she appreciated Mr. Johnson's words of support for the expertise possessed by Senior Transportation Planner Gray in this area of the code.


 In response to a question from Council President Henderson, Mr. Johnson said further study would be enlightening and allow additional consideration of how to address parking demands for parking in different settings including urban development. The proposal tonight represents a first step to strike a balance between more and less urban types of development. His company does not want parking spillover to neighborhoods to become a problem.


 Councilor Snider thanked Mr. Johnson for his company's approach to this matter to take a more global look toward finding solutions. Killian Pacific has done more than its part to analyze this situation and bring the matter forward because of the legitimate concerns adversely affecting Tigard businesses.


 In response to a comment from Councilor Buehner, Mr. Johnson agreed that the proposed code change would make a difference for his company by allowing more flexibility. Once approved, his company will immediately move forward so they can completely fill up the Nimbus Center with tenants.

 Councilor Snider asked about how the staff proposal would be of benefit to the applicant. Mr. Johnson said they would be able to move forward without further process toward filling up vacancies in the center if the applicant's proposal was approved. They would need to apply for an adjustment if the staff's recommendation was approved. He said this has been a multiple month process and no one is certain about "what the right numbers are." While the experts employed by the Killian Pacific firm are in support of what the applicant proposes, Mr. Johnson said he defers to Senior Transportation Planner Gray's (staff's) recommendation.

 Councilor Snider summarized that it appears the council is being asked to make a big change based on a relatively incomplete study. Ms. Gray said the data is very limited to go forward with a citywide code amendment, which is why the staff makes the recommendation before the City Council.

 Mr. Johnson again noted support for the staff's recommendation as well as doing more study at a later date to determine if additional changes are warranted.


 Richard Shavey, 11371 SW Sycamore, Tigard, OR 97223 advised he has been working with downtown landowners. Parking is the biggest issue in the downtown, which he sees is more of a matter of how the existing parking is being used. He said the downtown landowners need to resolve this issue, not the city. Mr. Shavey said he has a great deal of respect for any property owner who initiates the action to make a recommendation to the city. He said economic development is a big issue for him. His concern with the proposal before the City Council is that it is a "bridge approach" to spur economic development based on less than thorough information. He referred to the proposal for a comprehensive study and questioned when such a study could be undertaken and analyzed. In this case "we don't know the answers" and he would prefer having the information before proceeding.


 Senior Transportation Planner Gray responded to Mr. Shavey's comments and noted she would defer response to Assistant Community Development Director McGuire with regard to the Community Development Department work program and budget. Mr. McGuire advised that next month he will brief the City Council and Planning Commission on upcoming legislative projects to update/revise various sections of the code. The parking issue is scheduled for review in the fall of 2014. Mr. Shavey acknowledged the workload of existing staff; however, noted his dismay that it would take this long to review this matter. Discussion followed about whether reprioritization should occur. Councilor Buehner noted the city's priority is to complete the River Terrace Community Planning.

- d. Staff Recommendation: Associate Planner Caines said staff's recommendation is to include the proposed changes recommended by the Planning Commission at its hearing and further amended by staff.
- e. Mayor Cook closed the public hearing.
- f. Council consideration/discussion.


City Attorney Watts addressed Council President Henderson's announcement that he would recuse himself from voting on this matter. Generally advice on conflict issues is handled by the state ethics office. Mr. Watts said he heard Council President Henderson announce earlier that he might be financially impacted by a decision on the City Council on this matter. He said that Council President Henderson has disclosed this to the public and said he tends to advise a cautious approach on these issues of abstaining if there is any question. Mr. Watts said his advice would be for Council President Henderson to abstain on this issue. Council President Henderson said he would "abstain with comment."


Council President Henderson said that, "I really think that if we don't take the most conservative stand on this that we will be looking at problems down the line. I still come back and say this is going to trigger the road maintenance fee and we have been promised every year that we would have thorough investigation of this. I still think that we need to do that in total. I don't think we understand what is actually going to happen to us when we do this."


 Councilor Snider asked Council President Henderson what he means by taking a conservative approach. Council President Henderson said he would rather we "pull this back as far as we can rather than taking a higher level and saying 'well, we're going to cut later when the information finally gets to us.'" Councilor Snider asked if Council President Henderson was recommending that the council adopt the applicant's recommendations. Council President Henderson said, "Correct." He said from an economic development perspective, he thinks the applicant's proposal is the best. Staff admits there is a problem. Councilor Snider said consideration should be given to making a mistake if a decision is made too far the other way.


 Councilor Woodard said he was considering adjusting the proposed numbers lower. He said he did not think the city has ever addressed the policy with "overhang." He said he is unsure whether square footage is a true representation of the facility. He has not reviewed this


policy but said such a review might change his decision-making process. It makes it difficult for him to say the staff recommendation is the best.


 City Manager Wine asked for staff to respond to the question of how square footage is determined in relation to the requirements for parking. Associate Planner Caines said that parking ratios are based on floor area. The definition of floor area includes any area that is under a roof. There were comments from council that this definition is “wrong.” Councilor Woodard said this is a problem for him and because of this, he would lean more toward “the minimum.”

 City Manager Wine reiterated Assistant Community Development Director McGuire’s earlier comments to the City Council that through an upcoming regulatory reform process, the Community Development Department staff regularly collects issues regarding problems with the code to address. When the City Council reviews the projects on the work plan, this issue being discussed by the council will be included. Issues can be addressed at the time code sections are reviewed; i.e., the point about the street maintenance fee or council’s concerns regarding square footage calculation methodology.


 Discussion followed on how these code adjustments can be made.


 City Manager Wine explained how the street maintenance fees are calculated. While exact predictions of the magnitude on the overall fees cannot be made, if the council reduces the minimum requirements for parking spaces, then those spaces would be removed from the street maintenance fee calculations. It appears that the proposed changes are not so radical that it would greatly affect the total street maintenance fee revenue. Every five years the city reviews the street maintenance fee calculations. These issues are not before the City Council tonight; however, if council wants to review the street maintenance fee, then staff can bring this forward. Given the number of properties that would be affected by the proposed amendment, City Manager Wine said the impact to the street maintenance fee should not be significant. Staff was bringing this information to the council so it would understand that parking spaces are included in the street maintenance fee as a proxy for vehicle trips and as soon as you start taking parking spaces out of the calculation, it can affect the fee level.


 Councilor Buehner said she thinks the council should defer to the point that a major overhaul of the code is coming and the code should not be rewritten in total this evening. Councilor Buehner made a motion to approve Ordinance No. 13-07 using the recommendation of staff, particularly since “we have the parking guru on staff” and it would be foolish to ignore her recommendation. She said she would add to the motion that “these items be included in the review as we move forward.” This change is going to make a big difference to businesses. Councilor Buehner said “I don’t want to be trying to make citywide major changes without having all of the data.”

 Councilor Snider asked for an opportunity to ask some additional questions and was not ready for a second to the motion. Councilor Woodard said he also was not ready for a second to the motion.



 Councilor Snider said he did not like to make big changes on short notice. He said it appears the council has struck upon an issue as they are struggling with the staff recommendation and balancing it with economic development and the applicant's testimony. He referred to the calculations and the issues brought up with how square footage is considered. His question on the table is whether it is written in code with regard to how the calculations are done or is it prescribed in administrative rules. A code change takes 18 months while an administrative rule could be more easily amended. Councilor Snider said he has not heard testimony regarding the confidence in any of the proposed options for parking; therefore, it appears that council can draw its own conclusions about how to address this matter.

 Assistant Community Development Director McGuire responded to Councilor Snider that the calculations are prescribed in the code; that is, the calculations are not subject to interpretation. He said he was not making a recommendation one way or another, but reminded the City Council about frequent complaints that the code is too complex. If the decision is made to calculate some things one way and other things another way, errors and omissions can be the result and/or the code has become more complex.


 Councilor Woodard said he sees three options available to the City Council:


- Option 1 – The proposed amendments as recommended by staff.
- Option 2 – A median approach (between Option 1 and 2).
- Option 3 – The proposed amendments submitted by the applicant.


Councilor Woodard proposed Option 2, which would mean the proposed code numbers would appear as follows:


Use	Minimums		
	Current	Proposed	Amended by Staff Council
Eating and Drinking Establishments <sup>181</sup>	Fast Food: 9.9/1,000 Other: 15.3/1,000	6.0/1,000 8.0/1,000	<del>7.0 8.0/1,000</del> <del>9.0 10.0/1,000</del>
Sales-Oriented Retail	3.7/1,000	<u>3.0/1,000</u>	<b>3.0/1,000</b>
Personal Services (Bank with drive-through)	4.3/1,000	2.7/1,000	<b>3.0 4.3/1,000 (no change)</b>
<i><sup>181</sup> Fast food designation includes all eating and drinking establishments with a "walk up counter" or less than ten (10) tables in the dining area.</i>			


In response to a question from Councilor Snider, City Attorney Watts said the council has the ability to choose the staff's proposal, the applicant's request or for the council to "make your own path." He said there has been public notice on the parking requirements, there has been no notice regarding the calculation of the square footage nor has there been a notice about changes to the calculation of the street maintenance fees. These two topics would likely be of great interest to many business owners and individuals in the city and cautioned the council not to take positions on these topics tonight.

 Councilor Woodard said his changes only relate to the numbers per 1,000 square feet.

 Council President Henderson said he would like to have staff look into the two topics referred to by City Attorney Watts.


 Mayor Cook noted that the proposed amendments only affect a few establishments now. The entire code will need to be reviewed at a later date after further study.

 Councilor Snider proposed the council go forward with Councilor Woodard's recommendations of "7, 9, 3 and 3." After confirmation of these numbers by Councilor Woodard, Councilor Snider said his proposal as stated above is a motion.

 Councilor Woodard seconded the motion.

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

Mayor Cook	Yes
Council President Henderson	Abstain
Councilor Buehner	No
Councilor Snider	Yes
Councilor Woodard	Yes

 Later in the meeting proceedings Mayor Cook asked for the City Recorder to read the number and title of the proposed ordinance:

City Recorder Wheatley read the following:

ORDINANCE NO. 13-07 - AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.765, TO REDUCE MINIMUM PARKING RATIOS FOR EATING AND DRINKING ESTABLISHMENTS, SALES-ORIENTED RETAIL AND PERSONAL SERVICES – BANK WITH DRIVE-THROUGH USES AND REDUCE THE MINIMUM PARKING PERCENTAGES WITHIN MIXED USE AND MULTI-TENANT DEVELOPMENTS (DCA2013-00001) AS AMENDED.

A roll call vote was taken and the ordinance was adopted by a majority vote of the City Council:

Mayor Cook	Yes
Council President Henderson	Abstain
Councilor Buehner	No
Councilor Snider	Yes
Councilor Woodard	Yes

Draft prepared by Catherine Wheatley, Tigard City Recorder  
May 16, 2013

**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
April 1, 2013**

**CALL TO ORDER**

President Anderson 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.

**ROLL CALL**

**Present:** President Anderson  
Commissioner Feeney  
Commissioner Fitzgerald  
Commissioner Gaschke  
Commissioner Muldoon  
Vice President Rogers

**Absent:** Commissioner Doherty; Commissioner Schmidt; Commissioner Shavey

**Staff Present:** Kenny Asher, Community Development Director; Tom McGuire, Assistant Community Development Director; Doreen Laughlin, Executive Assistant; Cheryl Caines, Associate Planner; Judith Gray, Sr. Transportation Planner

**COMMUNICATIONS**

Commissioner Fitzgerald reported that she and Commissioner Shavey had attended the Downtown Public Art Visioning on the 27<sup>th</sup> of March. She found it very interesting to see what guidance the artist got to work on the new key entrances to Downtown Tigard. She said the artist will come back with some sketches, models, to get the next round of ideas through the committee. She thinks this is a very talented artist and she believes it will be something good. She reported about 20 people showed up; a good turnout.

**CONSIDER MINUTES**

**March 18<sup>th</sup> Meeting Minutes:** President Anderson asked if there were any additions, deletions, or corrections to the March 18<sup>th</sup> minutes; there being none, Anderson declared the minutes approved as submitted.

**PUBLIC HEARING - OPENED**

**DEVELOPMENT CODE AMENDMENT (DCA) 2013-00001 - OFF STREET PARKING MODIFICATIONS**

**REQUEST:** The applicant has proposed amendments to chapter 18.765 - Off Street Parking and Loading Requirements of the Tigard Community Development Code. These modifications include reducing the minimum parking requirements for specific uses listed in Table 18.765.2 (Eating and Drinking Establishments, Sales-Oriented Retail, and Personal Services – bank with drive through) and modifying the minimum parking requirement percentages for mixed-use developments. (18.765.030.D). **LOCATION:** Citywide. **ZONE:** R-25 & R-40 residential zones, all commercial zones and all industrial zones. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 6, Environmental Quality; Goal 9, Economic Development; and Statewide Planning Goals 1, 2, 6 and 9.

President Anderson read some required statements. No commissioners wished to abstain or declare a conflict of interest. No one in the audience wished to challenge any member of the Planning Commission for bias or conflict of interest. It was noted that Commissioners Tim Gaschke and Matt Muldoon had both received public notices on this case as they live within the affected area. Vice President Jason Rogers had made a site visit. No one in the audience wished to challenge the jurisdiction of the commission.

## STAFF REPORT

Associate Planner Cheryl Caines introduced herself and went over the staff report. [Staff reports are available one week before the meeting.] She noted that this is a citywide proposal for reduction in minimum parking ratios for restaurants, retail shops and banks with drive-thru. The other part of the proposed code amendment is lowering the percentages for mixed-use or multi-tenant developments such as shopping strip malls and mixed-use development.

Cheryl went over a PowerPoint presentation (**Exhibit A**). She gave some background information regarding the establishment of the minimum parking ratios in table 18.765.2; she noted they were established by Metro in 1998 as regional highest minimums recommended for cities to apply. Tigard adopted those ratios straight from Metro's Regional Transportation Plan. There's been no modification to them since that time.

Cheryl turned the microphone over to Judith Gray, Sr. Transportation Planner to speak about parking ratios. She referred to a slide to help in her explanation (**Exhibit B**). She pointed out that the "Shopping Center" portion of the slide was incorrect. It showed staff's recommendation at 3.7 when, in fact, they are at 3 – which means they are recommending accepting the applicant's proposal in that area. She said the City appreciates the initiative that the applicant is taking to improve City code. It helps the City move in the general direction they would like to go, and also provides flexibility for other developers. She gave reasons why this is a good thing: She noted this is a minimum ratio – developers would still be able to provide more – they just won't be required to provide this as a minimum; that's important and that helps. She said there are a few mitigating factors in this case that give some flexibility, some protection; one is that it is a minimum ratio, another is that it's fairly limited to just a few land uses. With that in mind – that's why the staff recommendation moves pretty far and in the right direction. Cheryl added that, as stated in the staff report, this may not be the ideal way of looking at the ratios, as Judith pointed out, but it is the direction that the City has been going and so in the recommendation and the analysis, the thought was that this could be

possibly a bridge to where we want to go. It will alleviate some issues and it will encourage some economic development.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor of the proposed text amendment as amended by staff and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council. This recommended approval is contingent upon the applicant's submittal of parking counts showing the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

## **QUESTIONS OF STAFF**

**Commissioner Muldoon:** *Is there any assumption that there will be improved mass transit? No, it's strictly looking at the ratios and the percentages for the mixed-use developments.*

**Commissioner Feeney:** *I understand the recommendations of the City adjusting it; why no change to the drive-in bank? I'm just wondering why we want to keep that in the current City code. It was based upon Exhibit E of the applicant's materials, the review of parking proposed minimums relative to ITE parking generation. In looking at the range that was shown in that information, we didn't feel that that data supported lowering the number; that's why we recommended no change.*

**APPLICANT'S PRESENTATION – Noel Johnson, Killian Pacific, 500 East Broadway St., Vancouver, WA** introduced himself and his colleague, Phil Bretsch, also of Killian Pacific.

Mr. Johnson explained why they were bringing this forward. He noted that he realizes it's somewhat unusual for an applicant to bring forward a text amendment that is a citywide proposal. He explained the genesis of this decision; essentially it came out of a realization that a retail property they own "Nimbus Center" – is having some challenges and is unable to actually fill up with businesses. Problems occur when people want to locate businesses that may want to expand, or restaurants - and they simply aren't able to because of the parking problem. They realized it would be worth Killian, partnering with the City, to try to fix this small problem for them (just a few thousand square feet of space) that they'd like to fill up. They recognized that as opposed to spending their money and time on a variance for this property specifically, they'd spend that same money and time to try to fix, not only their problem, but a problem that exists in every other retail, restaurant, or bank establishment in Tigard.

He said they looked at four pieces of data:

1. Other cities – Killian develops throughout the whole Portland Metropolitan area. They asked themselves – "What is working there? What's successful there?"

2. See what other good developers that build well have done in the suburban communities that have a similar parking dynamic and transit need.
3. They looked at the ITE averages and data.
4. They looked at specific local parking counts and did a study as to the amount of parking needed during peak times.

Mr. Johnson said they don't completely agree with staff – he believes there is too much conservatism there - they still like their numbers but are willing to be flexible. They just want a good result that they hope helps the City as well. He said they spent a total of \$50,000 on this effort – far more than it's worth just to fill up a few thousand square feet of retail, but he said it seemed like the right thing to do, Killian Pacific is a community focused business, having been here 40 years as a company, and planning to be here a lot longer; that's their MO and that's why they're doing it.

**TESTIMONY IN FAVOR – Gerald Kolve – his business, Canterbury Square Shopping Center, is located at 14389 SW Pacific Hwy, Tigard 97214.** He thanked them for hearing this. He spoke about an older commercial property that he owned and developed in 1972. He used that as a demonstration of how excessive the parking requirements of today are. He said if they applied the parking requirements of today and applied them back then, they would have had a requirement of 374 parking spaces. There isn't enough land there, with the buildings, to be able to even come close to being able to provide 374 parking spaces. They've had retail tenants and have rarely exceeded 80% of the available parking at the center. He spoke about a vacancy he has at the center now of 7,400 square feet. He's had several inquiries by people who would like to go in, spend money, improve the place... but they can't because they'd like to use it as a restaurant. As a restaurant use for that space, it would require 115 parking places. The space in question is about 9% of the square feet of the total feet of the total shopping center but that 9% would, under the present rules, take out almost 40% of the existing parking – so you have 91% of the tenants left to use what's available of 60% and, obviously, it doesn't even come close to being enough.

He encouraged the commission to please carefully examine the existing requirements. He hopes they will approve what the applicant is requesting, as it is indeed much more in line with common sense.

**TESTIMONY IN OPPOSITION – Julie Blume, 6875 SW Pine Street, Tigard 97223** just wanted them to look carefully at the parking – make sure there's enough parking so there's not a bunch of problematic overflow parking from the bar there on weekends.

Cheryl Caines mentioned that there was an email that had been submitted by Marvin Gerr who's the liaison of the Tigard Summerfield Civic Association. He'd asked that the email be passed out and considered by the commissioners (**Exhibit C**). Basically it spoke about what kind of impact this might have on parking at the clubhouse at Summerfield. Cheryl said she'd spoken to him on the telephone that afternoon and told him she wasn't foreseeing any significant impact on Summerfield due to the distance. Mr. Gerr was present, and there weren't any questions by the commissioners.



## QUESTIONS/COMMENTS

Commissioner Feeney asked if this would be an interim move. Is the City still doing a full study? *Yes – we feel this shouldn't be the end of that discussion because the TSP says look at the ratios but it also says look at the other items that make up that whole parking management system. So this is just one piece of that.*

Commissioner Fitzgerald said she didn't have a problem with the staff ratios, but she didn't like the language above that. She wanted them to pull the term "residential" out of the equation. Sr. Transportation Planner said she believed this was beyond the scope of this particular study at this time. She thought they could clarify a bit better such as "This is for mixed commercial uses" so it wouldn't be confused with residential.

## APPLICANT REBUTTAL

Mr. Johnson said "We're more locally focused on where we're driving our numbers. We put less weight, rightly or wrongly, on the ITE numbers which are a national average. They can be adjusted but you're taking into consideration cities like Houston or Phoenix, which operate very differently than our Metropolitan area."

## PUBLIC HEARING - CLOSED

## DELIBERATIONS

President Anderson asked all the commissioners present to give their ideas on this.

- Commissioner Rogers – I was a bit apprehensive originally but I do like what staff presented. More of a slower approach rather than jumping into it and changing it completely. It's probably better to adopt this slowly.
- Commissioner Feeney concurs with this. He thanked the applicant for bringing this forward. He agrees with staff's recommendations... and would like a "meet in the middle" type of thing.
- Commissioner Gaschke – agrees and likes the direction they're going in. He agrees the parking ratios are extremely conservative and appreciates the applicant "greasing the skids" for Tigard to go in the right direction.
- Commissioner Fitzgerald – Would like to go with the staff recommendations.
- Commissioner Muldoon – any really big revitalization is dependent on improved mass transit.
- Commissioner Anderson – appreciates the applicant bringing this forward. He likes the meet you halfway type of thing.

## MOTION

Commissioner Fitzgerald made the following motion, seconded by Commissioner Feeney:

“I move for approval of application DCA2013-00001 and the findings and conditions approved and contained in the staff report except for modification adding commercial to the language of multi-tenant.”

A vote was taken and the motion passed unanimously.

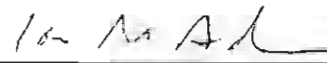
### OTHER BUSINESS

Commissioner Muldoon suggested that a public interest talk to the water partnership folks with Lake Oswego, and a possible joint meeting with the Planning Commission be looked into. Assistant Community Development Director, Tom McGuire, said he would look into it.

### ADJOURNMENT

President Anderson adjourned the meeting at 8:30 p.m.

  
\_\_\_\_\_  
Doreen Laughlin, Planning Commission Secretary

  
\_\_\_\_\_  
ATTEST: President Tom Anderson

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



**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** OFF STREET PARKING MODIFICATIONS  
**CASE NO.:** Development Code Amendment (DCA) DCA2013-00001

**PROPOSAL:** The applicant has proposed amendments to chapter 18.765 - Off Street Parking and Loading Requirements of the Tigard Community Development Code. These modifications include reducing the minimum parking requirements for specific uses listed in Table 18.765.2 (Eating and Drinking Establishments, Sales-Oriented Retail, and Personal Services – bank with drive through) and modifying the minimum parking requirement percentages for mixed-use developments (18.765.030.D).

**APPLICANT:** Killian Pacific  
500 E Broadway St., Suite 110  
Vancouver, WA 98660

**APPLICANT'S REP:** Cardno WRG  
5415 SW Westgate Dr., Ste 100  
Portland, OR 97221

**ZONES:** R-25 and R-40 residential zones and all commercial and industrial zones.

**LOCATION:** Citywide.

**APPLICABLE REVIEW**

**CRITERIA:** Community Development Code section 18.380.030.B and; Comprehensive Plan Goal 1, Public Involvement; Goal 2, Land Use Planning; Goal 4, Environmental Quality; Goal 9, Economic Development; Goal 12, Transportation; and Statewide Planning Goals 1, 2, 4 9, and 12.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor of the proposed text amendment as amended by staff and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council. This recommended approval is contingent upon the applicant's submittal of parking counts showing the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

### SECTION III. PROPOSAL AND BACKGROUND INFORMATION

The applicant proposes to lower the minimum parking ratio requirements for certain uses (Eating and Drinking Establishments, Sales-Oriented Retail and Personal Services – banks with drive through) and lower the minimum percentages required for primary, secondary, etc. uses in mixed-use or multi-tenant developments. Current Tigard minimum parking ratios were adopted in 1998 and are based upon upper limit minimum ratios found in Metro's 2035 Regional Transportation Plan. Metro established minimum and maximum parking ratios to prevent an over-supply of parking, encourage compact development and more efficient use of land, promote non-auto trips, and protect air quality. The ratios adopted by the City were the highest "not to exceed" minimums established by Metro. Lower ratios could have been adopted.

Tigard parking code regulations are imposed for new construction, expansion of existing uses, and changes of use. The applicant states that the current minimum parking ratios are preventing some existing structures from being occupied and some existing businesses from expanding, within particular multi-tenant or mixed-use developments. Therefore, the applicant is proposing code modifications that require less parking for future developments and allow for the lease/expansion of existing storefronts. For example, the applicant owns a multi-tenant development at the corner of Scholl's Ferry Road and Nimbus Avenue (10105 – 11105 SW Nimbus Avenue). There is an existing restaurant within the center that would like to expand, but there is not enough on-site parking to meet the current parking minimums with the mix of tenants, even with a parking adjustment.

Business expansions or changes of use cannot be permitted within some existing developments due to inadequate parking to meet minimum standards; this does negatively impact economic development. At the same time, in 2010 the City received a complaint from residents abutting a commercial area that employees were being instructed to park in the neighborhood to vacate parking spaces for customers. Over time, the mix of uses had changed without City review and the parking demand had increased. This lack of parking spilled-over into the adjacent residential areas.

In 2010, the City adopted the 2035 Transportation System Plan (TSP) that guides future transportation policies, strategies, and projects to meet expected growth. The TSP also provides the transportation goals and policies of the Tigard Comprehensive Plan (Goal 12). Goal 1 of the TSP is to develop mutually supportive land use and transportation plans to enhance the livability of the community. One of the recommended actions to implement Goal 1 is to review and update development code requirements for on-site parking.

The TSP states that on-site parking is provided to protect surrounding land uses (such as neighboring residential areas and other commercial developments) from overflow parking impacts. Further, inadequate parking can contribute to traffic congestion at driveways, which can have impacts on the adjacent streets. However, too much available parking encourages single-occupancy vehicle (SOV) travel. Parking also requires large paved areas, which negatively impact pedestrian travel, increase stormwater runoff, reduce development opportunities and increase development costs. Therefore, it is important to strive for a balance that prevents or reduces all of the potential negative impacts associated with parking while still ensuring an adequate supply.

City staff are aware of the concerns of property owners, businesses and residents but also recognize that the minimum parking requirements adopted in 1998 may not still be appropriate for Tigard. For these reasons, and to implement TSP Goal 1, a comprehensive review and amendment of the Development Code Off-Street Parking chapter has been scheduled when time and budgets permit (likely 2014). The TSP states that it is appropriate to reduce the parking minimums in some areas of the City as part of an overall transportation demand management strategy. This strategy should also include improved connectivity, transit and bike/pedestrian services, carpool services, and shared or public parking. A comprehensive review of the code and policies is ideal, but that does not meet the immediate needs of the applicant and other business and property owners in Tigard. Therefore, the applicant has proposed this code amendment.

## SECTION IV. STAFF RECOMMENDATION & ANALYSIS

### Staff Recommendation:

Staff recommends that the Planning Commission find in favor of the proposed text amendment as amended by staff and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council. This recommended approval is contingent upon the applicant's submittal of parking counts showing the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

### Staff Analysis:

The applicant has proposed a Citywide reduction of the minimum parking requirements for certain uses and for multi-use or multi-tenant developments. Information provided by the applicant compares the number of required parking spaces for several multi-tenant developments under the current, and applicant's proposed ratios. In addition, the applicant compared Tigard parking ratios with several other Metro area jurisdictions and national average parking demand ratios from the Institute of Transportation Engineers (ITE) Manual.

Like Tigard, many of the other jurisdictions adopted the highest minimum parking ratios recommended by Metro. Those that have different ratios fall within the following ranges. All are based on spaces per 1,000 square feet of gross floor area (gfa).

Use	Tigard	Minimums
Retail	3.7 spaces per 1,000 gfa	2 - 4 spaces per 1,000 gfa
Banks w/drive through	4.3 per 1,000 gfa	2 - 4.1 per 1,000 gfa
Fast Food	9.9 per 1,000 gfa	4 - 10 per 1,000 gfa
Other Restaurants	15.3 per 1,000 gfa	4 - 13.3 per 1,000 gfa

Some cities have even lower ratios for specific areas such as downtowns and multiple use zones. Similarly, parking ratios within Downtown Tigard are reduced by 25% and no minimums are required for developments along Main Street and near the Tigard Transit Center. These reductions are not considered in this analysis since the development patterns and alternative travel modes are not similar to those in other parts of a suburban city.

Staff contacted planners/directors in other jurisdictions to ask what analysis was done to determine these lower minimum parking ratios; due to staff changes or the time that had passed, some did not know. Hillsboro is currently undertaking a major code rewrite that includes amendments to the minimum parking ratios where staff experience indicates the ratios are too high or too low. None of the cities contacted reported major parking issues, and the comparison seems to show that parking ratios lower than Metro's minimums are working in suburban areas.

However, parking codes do not address parking demands for the affected uses. To address this issue, the applicant provided data from the ITE manual (Exhibit E). ITE data is based upon national averages. This data supports the proposed retail ratio, but does not support the proposed bank ratio, and indicates that the proposed restaurant ratios are too low. Again, these numbers are national averages and may not reflect specific demands for these uses in Tigard. Therefore, staff is recommending that no amendments be approved prior to parking count data from the Tigard area being provided by the applicant that shows the minimum ratios are adequate to meet Tigard development parking demands.

Based upon ITE information, professional opinion, ratios from other jurisdictions, loss of economic opportunities, and TSP goals, staff agrees that the Tigard minimum parking ratios may be too high. However, the applicant has failed to provide documentation that the proposed numbers are adequate to meet parking demands in Tigard. Likewise, little information has been provided to support lowering parking percentages in multi-tenant developments. The City of Beaverton has a shopping center use category with a minimum parking ratio of 3.0/1,000 gfa. This lower standard for a shopping center is supported by the ITE manual information regarding shopping centers (Table 2 of Exhibit E), but it is unclear if these lower percentages meet parking demands.

If the City were undertaking the Development Code amendment, then several issues and solutions would be

considered as part of a transportation and parking management plan as recommended in the TSP. However, the proposed parking reductions could be a bridge to a future review and amendment of the code and would support economic growth in the meantime.

Information provided by the applicant does not support all of the proposed reductions. Staff has amended the proposed code amendments as shown in Attachment 1. These lower ratios are less likely to create negative impacts on adjacent streets and property owners. Staff is recommending approval of the proposed retail ratio reduction, denial of the proposed bank ratio reduction, and a slightly higher ratio for restaurants than what the applicant proposed. The staff recommendation is contingent on the applicant providing parking demand data to support these amendments.

## **SECTION V. 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 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 4 – Environmental Quality:**

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

##### **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 12 – Transportation:**

**This goal outlines how to provide and encourage a safe, convenient and economic transportation system.**

#### **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, Environmental Quality, Economic Development, and Transportation goals and policies are discussed in this report, below.



**CONCLUSION:** Based on the findings below regarding Comprehensive Plan goals 2, 9 & 12, staff finds that the proposed code amendments are not consistent with applicable Statewide Planning Goals. However, both local and statewide goals can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

♦ **Any applicable Metro regulations;**

**FINDING:** The Tigard TSP is consistent with the policies of Metro's 2035 Regional Transportation Plan (RTP) and the Tigard Comprehensive Plan goals and policies were developed based on TSP goals. The proposed amendments are not consistent with the Tigard Comprehensive Plan as outlined below; therefore the amendments are not consistent with Metro's 2035 RTP. If documentation supporting the amendments is provided by the applicant, then the Comprehensive Plan goals and Metro's 2035 RTP regulations can be met.

The minimum parking ratios developed by Metro are upper limits. The proposed lower ratios are less than the upper limits developed by Metro. There are no other Metro regulations regarding local parking requirements.

**CONCLUSION:** Based on the findings above, staff finds that the proposed code amendments are not consistent with applicable Metro regulations. However, Metro's 2035 RTP regulations can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

♦ **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.**

**FINDING:** This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. On March 6, 2013 the city mailed a Measure 56 notice of the Planning Commission hearing to all affected property owners in accordance with Oregon Revised Statutes (ORS) 227.186. In addition, public hearing notices were mailed on March 18, 2013 to interested citizens and all property owners within a 500 foot radius of all commercial zones. A notice was published in The Oregonian newspaper on March 13, 2013, at least 10 days prior to the hearing. Two public hearings will be held (one before the Planning Commission and the second before the City Council) where opportunity for public input is provided.

**CONCLUSION:** Based on the above findings, Goal 1.1 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.**

**FINDING:** The Tigard Community Development Code implements the Comprehensive Plan. The proposed code amendment is not completely consistent with the applicable provisions of Tigard's Comprehensive Plan as shown in the findings under Goals 9 & 12 below.

However if documentation meeting goals 9 & 12 are provided by the applicant, then the code amendment will be consistent with the Comprehensive Plan.

**Policy 20: The City shall periodically review and, if necessary, update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.**

**FINDING:** The proposed amendment to the City's development code is precipitated by the applicant's inability to fully tenant existing developments due to minimum parking requirements. The proposed amendment is requested to increase economic development opportunities for Tigard businesses/property owners and allow efficient use of land for future developments. The applicant states that the proposed change to the Tigard Community Development Code is responsive to a current community need.

**CONCLUSION:** Based on the above findings, Goal 2.1 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

### **Comprehensive Plan Goal 6: Environmental Quality**

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

**Policy 3: The City shall promote land use patterns which reduce dependency on the automobile, are compatible with existing neighborhoods and increase opportunities for walking, biking, and/or public transit.**

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

**Policy 7: The City shall investigate and use, to the extent practical, measures that limit the community's effective impervious area.**

**FINDING:** The applicant states that the proposed reductions in parking represent a more efficient use of land resources. Reducing the amount of area dedicated for parking provides more land for landscaping, storm water processing, and denser development. If more landscaping or on-site stormwater facilities are provided, this promotes the City's goals of decreasing impervious area and enhancing water quality. If denser development is constructed, then more people may walk or bike to these developments, reducing the number of vehicle trips and improving air quality. The proposed parking reductions support the goals and policies for improving air and water quality, reducing dependency on automobiles, and limiting effective impervious surface area. This goal is met.

**CONCLUSION:** Based on the above findings, Goals 6.1 and 6.2 are 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.**

**FINDING:** Current regulatory practices in the form of the City's minimum parking requirements may be hindering economic development in the city. The applicant has provided information that indicates lower parking ratios will remove these barriers and promote economic development opportunities. However, the information provided is either anecdotal or is generalized across the entire country. The applicant has not provided documentation that shows these proposed minimum parking ratios meet Tigard's local parking demands.

**CONCLUSION:** The proposed changes are likely to encourage the growth of existing businesses; however, no evidence has been submitted that shows the proposed minimum parking ratios will meet parking demands for the affected uses within the City of Tigard. Based on the above findings, Goal 9.1 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

### **Comprehensive Plan Goal 12: Transportation**

**Goal 12.1: Develop mutually supportive land use and transportation plans to enhance the livability of the community.**

**Policy 6: The City shall support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system.**

**FINDING:** Reduced parking supports a land use pattern that encourages less travel by automobile, which in turn reduces greenhouse gas emissions. This policy is met.

**Policy 9: The City shall coordinate with private and public developers to provide access via a safe, efficient, and balanced transportation system.**

**FINDING:** The City is working with the applicant ( a private developer) to make adjustments to the code required parking minimums that best balance parking demand and for certain uses with site design and circulation to minimize off-site impacts. The City Engineer and Senior Transportation Planner both expressed concern that the proposed reductions in parking minimums may impact traffic by causing back-ups onto adjacent street systems as customers search for parking. No information was provided to address this concern. However, the applicant is preparing traffic counts for sites in and near Tigard that may address this concern. This policy is not met with the information so far received.

**CONCLUSION:** Based on the above findings, Goal 12.1 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

**Goal 12.2: Develop and maintain a transportation system for the efficient movement of people and goods.**

**Policy 9: The City shall require the provision of appropriate parking in balance with other transportation modes.**

**FINDING:** The applicant proposes to lower the minimum parking ratio requirements for certain uses and lower the minimum percentages required for primary, secondary, etc. uses in mixed use or multi-tenant developments. Current Tigard minimum parking ratios were adopted in 1998 and are based upon upper limit minimum ratios found in Metro's 2035 Regional Transportation Plan. Metro established minimum and maximum parking ratios for a number of reasons, including promoting non-auto trips.

In 2010, the City adopted the 2035 Transportation System Plan (TSP) that guides future transportation projects and strategies to meet expected growth. The TSP states that it is appropriate to reduce the parking minimums in some areas of the City as part of an overall transportation demand management strategy. One purpose of the demand management strategy is to balance appropriate parking with other transportation modes

such as, improved transit and bike/pedestrian services as well as connectivity, carpool services, and shared or public parking. A comprehensive review of the code and policies is ideal, but that does not meet the immediate needs of the applicant and other business and property owners in Tigard. Therefore the applicant has proposed this code amendment.

The key question is: what is the appropriate level of parking? The applicant has so far provided anecdotal information on what other neighboring jurisdictions require and ITE data that is generalized across the entire country. What's needed to determine the appropriate balance is parking count information for sites in and near Tigard. The applicant indicates that this information is forthcoming but a final determination cannot be made on this criterion until that information is received and analyzed.

**CONCLUSION:** Based on the above findings, Goal 12.2 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

♦ **Any applicable provision of the City's implementing ordinances.**

**FINDING:** The only applicable provision of the City's implementing ordinances is TCDC 18.390.060.G, which is addressed here. All of the factors listed in this code section have not been fully satisfied because the applicant's proposal does not satisfy all applicable Comprehensive Plans goals. However, supplemental information regarding Tigard parking demands may show that a modification to the parking minimums is supported.

**CONCLUSION:** Based on the above findings, the City's applicable implementing ordinances have not been met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

(Continued on Next Page)

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

**City of Tigard:**

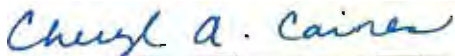
**City Engineer, Mike Stone**, reviewed the proposal and cautioned that reductions in parking may lead to complaints from adjacent residential neighborhoods and vehicles backing-up onto City streets while drivers search for a parking space.

**Senior Transportation Planner, Judith Gray**, reviewed the proposal and states that Tigard should not just follow the actions of other jurisdictions. Parking demand studies and parking counts should be provided to demonstrate and support the proposed amendments. Other approaches could be to develop variance/adjustment procedures that address site specific situations.

**Redevelopment Project Manager, Sean Farrelly**, reviewed the proposal and supports the proposal because it will be positive for economic development and brings us more in line with neighboring cities.

**Other Agencies:**

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



PREPARED BY: Cheryl Caines  
Associate Planner

March 25, 2013  
DATE



APPROVED BY: Tom McGuire  
Assistant Community Development Director

March 25, 2013  
DATE

## Proposed code with staff amendments in red:

**DCA2013-00001**  
**OFF-STREET PARKING MODIFICATIONS**  
**DEVELOPMENT CODE AMENDMENT**

**Explanation of Formatting**  
 These text amendments employ the following formatting:  
~~Strikethrough~~ - Text to be deleted or not added  
***[Bold, Underline and Italic]*** - Text to be added (proposed by applicant)  
***[Bold, Underline and Italic, Red]*** - Text to be added (recommended by staff)

## 18.765.030 General Provisions

D. Parking in mixed-use *and multiple tenant* projects. In mixed-use *and multiple tenant* projects, the required minimum vehicle parking shall be determined using the following formula:

1. Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use in Section 18.765.060;
2. Secondary use, i.e., that with the second largest percentage of total floor area within the development, at *85* 90% of the vehicle parking required for that use in Section 18.765.060;
3. *Tertiary* ~~Subsequent use or uses~~, at *70* 80% of the vehicle parking required for that use(s) in Section 18.765.060;
4. ~~Subsequent use or~~ *All other uses*, at *60%* of the vehicle parking required for that use(s) in Section 18.765.060;
5. The maximum parking allowance shall be 150% of the total minimum parking as calculated in Subsection D.1—3 above.

Table 18.765.2 (Minimum & Maximum Required Off-street Vehicle & Bicycle Parking Requirements)

Use	Minimums		
	Current	Proposed	Amended by Staff
Eating and Drinking Establishments <sup>(8)</sup>	Fast Food: 9.9/1,000 Other: 15.3/1,000	<u><i>6.0/1,000</i></u> <u><i>8.0/1,000</i></u>	<u><i>8.0/1,000</i></u> <u><i>10.0/1,000</i></u>
Sales-Oriented Retail	3.7/1,000	<u><i>3.0/1,000</i></u>	--
Personal Services (Bank with drive-through)	4.3/1,000	<u><i>2.7/1,000</i></u>	4.3/1,000 (no change)

<sup>(8)</sup> *Fast food designation includes all eating and drinking establishments with a "walk up counter" and/or less than 10 tables. Examples include Subway, Starbucks, Chipotle, etc.*



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CURRENT PLANNING  
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