



City of Tigard  
**Tigard Business Meeting – Agenda**

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**TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD AND CITY CENTER  
DEVELOPMENT AGENCY MEETING**

**MEETING DATE AND TIME:** August 12, 2014 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

**MEETING LOCATION:** City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

**PUBLIC NOTICE:**

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

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**VIEW LIVE VIDEO STREAMING ONLINE:**

<http://live.tigard-or.gov>

**CABLE VIEWERS:** The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday 6:00 p.m. Sunday 11:00 a.m.

Friday 10:00 p.m. Monday 6:00 a.m.



City of Tigard

## Tigard Business Meeting – Agenda

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### **TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD & CCDA MEETING**

**MEETING DATE AND TIME:** August 12, 2014 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

**MEETING LOCATION:** City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

- **STUDY SESSION**

- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to consider information or records that are exempt by law from public inspection, under ORS 192.660(2) (f). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. **BUSINESS MEETING**

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports
- E. Call to Council and Staff for Non-Agenda Items

2. **CITIZEN COMMUNICATION (Two Minutes or Less, Please)**

- A. Follow-up to Previous Citizen Communication
- B. Tigard Area Chamber of Commerce
- C. Citizen Communication – Sign Up Sheet

3. **CONSENT AGENDA:** (City Council and Local Contract Review Board) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- A. RECEIVE AND FILE;
  - 1. Council Calendar
  - 2. Council Tentative Agenda for Future Meeting Topics
  
- B. APPROVE CITY COUNCIL MINUTES:
  - June 10, 2014
  - June 24, 2014
  
- C. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with PGE for a Back-up Power Source for a Water Partnership Facility

• Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/ City Center Development Agency has voted on those items which do not need discussion.

- 4. RECEIVE UPDATE ON THE TIGARD TRIANGLE STRATEGIC PLAN **7:40 p.m. estimated time**
  
- 5. QUASI-JUDICIAL PUBLIC HEARING - COSTCO APPEAL: CUP2013-00002 **8:10 p.m. estimated time**
  
- 6. LOCAL CONTRACT REVIEW BOARD  
  
CONSIDERATION OF CONTRACT AWARD FOR INFRASTRUCTURE FINANCING **9:10 p.m. estimated time**
  
- 7. CITY CENTER DEVELOPMENT AGENCY (CCDA)  
  
FY 2015 First Quarter Supplemental Budget Amendment-City Center Development Agency **9:15 p.m. estimated time**
  
- 8. COUNCIL LIAISON REPORTS **9:25 p.m. estimated time**
  
- 9. NON AGENDA ITEMS
  
- 10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
  
- 11. ADJOURNMENT **9:30 p.m. estimated time**

**AIS-1872**

**3. A.**

**Business Meeting**

**Meeting Date:** 08/12/2014

**Length (in minutes):** Consent Item

**Agenda Title:** Receive and File: Council Calendar and Council Tentative Agenda

**Submitted By:** Carol Krager, City Management

**Item Type:** Receive and File

**Meeting Type:** Consent -  
Receive and  
File

**Public Hearing:** No

**Publication Date:**

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**Information**

**ISSUE**

Receive and file the Council Calendar and the Tentative Agenda for future council meetings.

**STAFF RECOMMENDATION / ACTION REQUEST**

No action is requested; these are for information purposes.

**KEY FACTS AND INFORMATION SUMMARY**

Attached are the Council Calendar and the Tentative agenda for future Council meetings.

**OTHER ALTERNATIVES**

N/A

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A - Receive and File Items

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**Attachments**

Three-month Council Meeting Calendar

Tentative Agenda

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# MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board

FROM: Carol A. Krager, City Recorder

RE: Three-Month Council/CCDA Meeting Calendar

DATE: August 12, 2014

## August

5 Tuesday **City Center Development Agency Meeting Cancelled due to National Night Out**

12\* Tuesday Council Business Meeting -- 6:30 p.m., Town Hall

19\* Tuesday **Council Workshop Meeting Cancelled**

26\* Tuesday Council Workshop and Business Meeting – 6:30 p.m., Town Hall

## September

2 Tuesday City Center Development Agency Meeting -- 6:30 p.m., Town Hall

9\* Tuesday Council Business Meeting -- 6:30 p.m., Town Hall

16\* Tuesday Council Workshop Meeting -- 6:30 p.m., Town Hall

23\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

## October

7 Tuesday **City Center Development Agency Meeting Cancelled. TOWN HALL, TBA**

14\* Tuesday Council Business Meeting—6:30 p.m., Town Hall

21\* Tuesday **Council Workshop Meeting Cancelled**

28\* Tuesday Council & CCDA Workshop and Business Meeting – 6:30 p.m., Town Hall

Regularly scheduled Council meetings are marked with an asterisk (\*).

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting

**City Council Tentative Agenda  
8/4/2014 3:01 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
1620	08/05/2014	Cathy Wheatley	AAA	August 5, 2014 CCDA Meeting - Cancelled NATIONAL NIGHT OUT		
1621	08/12/2014	Cathy Wheatley	AAA	August 12, 2014 Business and CCDA Meeting		
1840	08/12/2014	Loreen Mills	ACCSTUDY	20 Minutes - Executive Session under ORS 192.660(2)(f)	City Management	07/21/2014
<b>Total Time: 20 of 45 Minutes Scheduled</b>						
1818	08/12/2014	Judy Lawhead	ACONSENT	Consent Item - Adopt a Resolution Authorizing the City Manager to Execute an Agreement with PGE for a Back-up Power Source for a Water Partnership Facility	Public Works	07/31/2014
1803	08/12/2014	Cheryl Caines	CCBSNS	1 30 Minutes - Tigard Triangle Strategic Plan Update	Community Development	MartyW, City Manager
1815	08/12/2014	Agnes Kowacz	CCBSNS	2 60 Minutes - QJPH- Costco Appeal CUP2013-00002	Community Development	MartyW, City Manager
1835	08/12/2014	Joseph Barrett	CCBSNS	3 5 Minutes - Contract Award - Infrastructure Financing	Financial and Information Services	07/31/2014
1802	08/12/2014	Carissa Collins	CCBSNS	4 10 Minutes - FY 2015 First Quarter Supplemental Budget Amendment-City Center Development Agency (CCDA)	Financial and Information Services	07/31/2014
<b>Total Time: 105 of 100 Minutes Scheduled MEETING FULL</b>						
1622	08/19/2014	Cathy Wheatley	AAA	August 19, 2014 Workshop Meeting - Cancelled.		

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting

**City Council Tentative Agenda  
8/4/2014 3:01 PM - Updated**

1623	08/26/2014	Cathy Wheatley	AAA	August 26, 2014 Business Meeting		
1862	08/26/2014	Judy Lawhead	ACCSTUDY	10 Minutes - Executive Session On Real Property Transactions	Public Works	07/31/2014
<b>Total Time: 10 of 45 Minutes Scheduled</b>						
1776	08/26/2014	Debbie Smith-Wagar	ACONSENT	Consent Item - Adopt Stormwater Project List for River Terrace	Financial and Information Services	Smith-Wagar D, Asst Finance Director
1833	08/26/2014	Joseph Barrett	CCBSNS	5 Minutes - Contract Award - Fire/Security Alarm Services	Financial and Information Services	Barrett J, Sr Mgmt Analyst - Finance
1834	08/26/2014	Joseph Barrett	CCBSNS	5 Minutes - Contract Award - Vehicle Repair and Maintenance	Financial and Information Services	Barrett J, Sr Mgmt Analyst - Finance
1854	08/26/2014	Julia Jewett	CCBSNS	15 Minutes - Washington County Consolidated Communications Agency (WCCCA) Intergovernmental Agreement (IGA) Amendment	Police	MartyW, City Manager
<b>Total Time: 25 of 100 Minutes have been scheduled</b>						
1624	09/02/2014	Cathy Wheatley	AAA	September 2, 2014 CCDA Meeting		
1855	09/02/2014	Sean Farrelly	CCDA	1 30 Minutes - Meet with Tigard Downtown Alliance Board of Directors	Community Development	Farrelly S, Redev Project Manager
1847	09/02/2014	Sean Farrelly	CCDA	2 25 Minutes - Ash Ave Housing Development	Community Development	Farrelly S, Redev Project Manager

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting

**City Council Tentative Agenda  
8/4/2014 3:01 PM - Updated**

1846	09/02/2014	Sean Farrelly	CCDA	3 10 Minutes - Main Street Gateway Art Update	Community Development	Farrelly S, Redev Project Manager
1845	09/02/2014	Sean Farrelly	CCDA	4 30 Minutes - Executive Session- Real Property Negotiations	Community Development	07/17/2014
<b>Total Time: 95 of 180 Minutes Scheduled</b>						
1625	09/09/2014	Cathy Wheatley	AAA	September 9, 2014 Business Meeting		
1865	09/09/2014	Steve Martin	ACCSTUDY	20 Minutes - Executive Session Real Property Negotiations	Public Works	Krager C, Deputy City Recorder
<b>Total Time: 20 of 45 Minutes Scheduled</b>						
1863	09/09/2014	Judy Lawhead	ACONSENT	Consent Item - Adopt A Resolution of Necessity to Acquire Easements for the Bonita Pump Station Project	Public Works	Koellermeier D, Public Works Dir
1851	09/09/2014	Lloyd Purdy	ACCSTUDY	25 Minutes - Fields/Hunziker Industrial Core Public Infrastructure Finance Plan Update	Community Development	Purdy, L, Econ Development Mgr
1853	09/09/2014	Lloyd Purdy	ACCSTUDY	20 Minutes - Economic Development Update: Data	Community Development	Purdy, L, Econ Development Mgr
1861	09/09/2014	Doreen Laughlin	CCBSNS	15 Minutes - Update on Community Development Efficiencies Initiatives Project	Community Development	Laughlin D, Conf. Exec. Asst.
<b>Total Time: 60 of 100 Minutes Scheduled</b>						
1626	09/16/2014	Cathy Wheatley	AAA	September 16, 2014 Workshop Meeting		
1816	09/16/2014	Judith Gray	CCWKSHOP	1 30 Minutes - Joint meeting with Transportation Advisory Committee	Community Development	Gray J, Sr Transportation Planner

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting 

**City Council Tentative Agenda  
8/4/2014 3:01 PM - Updated**

1827	09/16/2014	Judith Gray	CCWKSHOP	2 30 Minutes - TriMet presentation: Draft Southwest Service Enhancement Plan	Community Development	Gray J, Sr Transportation Planner
1653	09/16/2014	Greer Gaston	CCWKSHOP	3 15 Minutes - Briefing on Capital Improvement Plan (CIP) Projects	Public Works	Stone Mike, City Engineer
1856	09/16/2014	Julia Jewett	CCWKSHOP	4 15 Minutes - Washington County Consolidated Communications Agency (WCCCA) Intergovernmental Agreement (IGA) Amendment	Police	MartyW, City Manager
1868	09/16/2014	Judy Lawhead	CCWKSHOP	5 15 Minutes - Update on Progress to Develop an Agreement Regarding Water System Ownership and Water Service	Public Works	Lawhead J, Sr Admin Spec
				<b>Total Time: 105 of 180 Minutes have been scheduled</b>		
1627	09/23/2014	Cathy Wheatley	AAA	September 23, 2014 Business Meeting		
1792	09/23/2014	Dana Bennett	ACCSTUDY	30 Minutes - Executive Session Labor Negotiations Update	City Management	05/29/2014
1857	09/23/2014	Greer Gaston	ACCSTUDY	10 Minutes - Briefing on an Amendment to an Agreement with ODOT and Washington County Regarding a Funding Transfer between Two Tigard Projects	Public Works	McMillan K, Engineering Manager
				<b>Total Time: 40 of 45 Minutes have been scheduled</b>		
1848	09/23/2014	Carol Krager	CCBSNS	1 5 Minutes - Heritage Tree Nomination	Community Development	Kowacz A, Associate Planner
1801	09/23/2014	Carissa Collins	CCBSNS	2 20 Minutes - FY 2015 First Quarter Supplemental Budget Amendment	Financial and Information Services	Collins C, Sr Mgmt Analyst (Fin Adm)
1842	09/23/2014	Judy Lawhead	CCBSNS	3 15 Minutes - Consider an Agreement Regarding Cook Park Facility Use With Two Sports Leagues	Public Works	Martin S, Parks Manager

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting

**City Council Tentative Agenda  
8/4/2014 3:01 PM - Updated**

1674	09/23/2014	Debbie Smith-Wagar	CCBSNS	4 60 Minutes - River Terrace Financing Complete Package	Financial and Information Services	Smith-Wagar D, Asst Finance Director
<b>Total Time: 100 of 100 Minutes have been scheduled MEETING FULL</b>						
1628	10/07/2014	Cathy Wheatley	AAA	October 7, 2014 - Town Hall Meeting (CCDA Meeting Cancelled)		
1629	10/14/2014	Cathy Wheatley	AAA	October 14, 2014 Business Meeting		
1866	10/14/2014	John Goodrich	ACCSTUDY	15 Minutes - Participation in Water Treatment Plant Master Plan for Willamette River Supply Project	Public Works	Krager C, Deputy City Recorder
<b>Total Time: 15 of 45 Minutes have been scheduled</b>						
1858	10/14/2014	Greer Gaston	ACONSENT	Consent Item - Authorize the Mayor to Execute an Amendment to an Agreement with ODOT and Washington County Regarding a Funding Transfer between Two Tigard Projects	Public Works	Gaston G, Conf Executive Asst
1812	10/14/2014	John Floyd	CCBSNS	20 Minutes - MEDICAL MARIJUANA UPDATE	Community Development	Floyd J, Associate Planner
<b>Total Time: 20 of 100 Minutes have been scheduled</b>						
1631	10/21/2014	Cathy Wheatley	AAA	October 21, 2014 Workshop Meeting		
1839	10/21/2014	Cheryl Caines	CCWKSHOP	45 Minutes - Tigard Triangle Strategic Plan Update	Community Development	Caines C, Assoc Planner

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting

**City Council Tentative Agenda  
8/4/2014 3:01 PM - Updated**

1859	10/21/2014	Julia Jewett	CCWKSHOP	20 Minutes - Photo Radar	Police	Jewett J, Conf Exec Asst
<b>Total Time: 65 of 180 Minutes have been scheduled</b>						
1632	10/28/2014	Cathy Wheatley	AAA	October 28, 2014 Business Meeting		
1867	10/28/2014	John Goodrich	CCBSNS	Consent Item - Authorization to Sign MOU for Joint Willamette River Water Treatment Plant Master Plan	Public Works	Gaston G, Conf Executive Asst
1643	10/28/2014	Greer Gaston	CCBSNS	15 Minutes - Authorize the Mayor/City Manager to Execute an Intergovernmental Agreement with King City Regarding Water System Ownership and Water Service	Public Works	Gaston G, Conf Executive Asst
1864	10/28/2014	Carol Krager	CCBSNS	15 Minutes - Authorize the Mayor/City Manager to Execute an Intergovernmental Agreement with King City Regarding Water System Ownership and Water Service	City Management	Koellermeier D, Public Works Dir
<b>Total Time: 30 of 100 Minutes have been scheduled</b>						
1633	11/04/2014	Cathy Wheatley	AAA	November 4, 2014 CCDA Meeting – Cancelled - ELECTION DAY		
	11/11/2014	Cathy Wheatley	AAA	November 11, 2014 Business Meeting – Cancelled - VETERANS DAY		
1630	11/18/2014	Cathy Wheatley	AAA	November 18, 2014 Workshop Meeting		
1838	11/18/2014	Steve Martin	CCWKSHOP	1 35 Minutes - Joint Meeting With the Park and Recreation Advisory Board	Public Works	Martin S, Parks Manager

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting

**City Council Tentative Agenda  
 8/4/2014 3:01 PM - Updated**

1836	11/18/2014	Steve Martin	CCWKSHOP	2 45 Minutes - Discussion of Recreation Programming in Tigard	Public Works	Martin S, Parks Manager
1787	11/18/2014	Liz Lutz	CCWKSHOP	3 40 Minutes - Review Results of Water Rate Survey	Financial and Information Services	
<b>Total Time: 120 of 180 Minutes have been scheduled</b>						
1634	11/25/2014	Cathy Wheatley	AAA	November 25, 2014 Business Meeting		
1849	11/25/2014	Carol Krager	CCBSNS	Consent Item - Receive and File: Election Results, Council Calendar and Council Tentative Agenda	City Management	Krager C, Deputy City Recorder
1758	11/25/2014	Carol Krager	CCBSNS	15 Minutes - PLACEHOLDER - Google Franchise Agreement	City Management	Mills L, Asst to City Manager
<b>Total Time: 15 of 100 Minutes have been scheduled</b>						
1635	12/02/2014	Cathy Wheatley	AAA	December 2, 2014 CCDA Meeting		
1636	12/09/2014	Cathy Wheatley	AAA	December 9, 2014 Business Meeting		
1788	12/09/2014	Liz Lutz	CCBSNS	20 Minutes - Adopt the new Water Rate	Financial and Information Services	
<b>Total Time: 20 of 100 Minutes have been scheduled</b>						
1637	12/16/2014	Cathy Wheatley	AAA	December 16, 2014 Workshop and Business Meeting <b>COUNCILOR BUEHNER'S LAST MEETING</b>		

Meeting Banner  Business Meeting   
 Study Session  Special Meeting   
 Consent Agenda  Meeting is Full   
 Workshop Meeting  CCDA Meeting

**City Council Tentative Agenda  
 8/4/2014 3:01 PM - Updated**

1654	12/16/2014	Greer Gaston	CCBSNS	15 Minutes - Briefing on Capital Improvement Plan (CIP) Projects	Public Works	Stone Mike, City Engineer
1850	12/16/2014	Debbie Smith-Wagar	CCBSNS	45 Minutes - Adopt the River Terrace Community Plan	Community Development	
<b>Total Time: 60 of 180 Minutes have been scheduled</b>						
1638	12/23/2014	Cathy Wheatley	AAA	December 23, 2014 Business Meeting		

**AIS-1870**

**3. B.**

**Business Meeting**

**Meeting Date:** 08/12/2014

**Length (in minutes):** Consent Item

**Agenda Title:** Approve City Council Meeting Minutes

**Submitted By:** Carol Krager, City Management

**Item Type:** Motion Requested

**Meeting Type:** Consent  
Agenda

**Public Hearing:**

**Publication Date:**

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**Information**

**ISSUE**

Approve City Council meeting minutes.

**STAFF RECOMMENDATION / ACTION REQUEST**

Approve minutes as submitted.

**KEY FACTS AND INFORMATION SUMMARY**

Attached council minutes are submitted for City Council approval:

- June 10, 2014
- June 24, 2014

**OTHER ALTERNATIVES**

N/A

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

Placeholder

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Placeholder for June 10 and June 24, 2014, Minutes

Minutes will be attached in packet on Wednesday,  
August 6, 2014

**AIS-1818**

**3. C.**

**Business Meeting**

**Meeting Date:** 08/12/2014

**Length (in minutes):** Consent Item

**Agenda Title:** Adopt a Resolution Authorizing the City Manager to Execute an Agreement with PGE for a Back-up Power Source for a Water Partnership Facility

**Prepared For:** Dennis Koellermeier      **Submitted By:** Judy Lawhead,  
Public Works

**Item Type:** Motion Requested      **Meeting Type:** Consent  
Agenda

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Shall the council adopt a resolution authorizing the city manager to execute an agreement with Portland General Electric Company (PGE) for a back-up power source for the water partnership's River Intake Pump Station (RIPS)?

**STAFF RECOMMENDATION / ACTION REQUEST**

Adopt the resolution.

**KEY FACTS AND INFORMATION SUMMARY**

The council was briefed on this agreement at its July 22, 2014, meeting.

The Lake Oswego Tigard Water Partnership is undertaking a renewal and replacement of Lake Oswego's existing water supply system ("Program"). In the early planning phase for the Program, the partner cities established design criteria and performance objectives that the new supply system must achieve, on a facility specific basis and on a Program-wide basis. Arguably, the single most important performance objective for the new system was that it be designed to be resilient against a variety of potential human-caused and "act of God" events that could disrupt the water supply.

The local provider of electrical service, PGE, works hard to make sure it can reliably provide electrical power to homes, businesses and other public utilities, like Lake Oswego and Tigard. Despite these efforts, their systems are vulnerable to windstorms, equipment failure, and human-caused events (e.g., car crashes into utility poles). To achieve its supply system

resiliency objectives, the partnership identified the need to provide a back-up source of electrical power to the system's major pumping facilities – the Water Treatment Plant (WTP) and the River Intake Pump Station (RIPS). (The back-up power source for the WTP will be addressed at a later time.)

During design of the RIPS, an evaluation of alternatives to provide a back-up supply of power to this facility was undertaken. Alternatives included:

- Do nothing – no alternate source of back-up power supply.
- On-site, permanent, engine driven generator (fueled by diesel, propane, or natural gas).
- Connection to a second, electrical feeder sub-station separate from the primary PGE feeder sub-station.

The do nothing alternative was dismissed for obvious reasons, leaving the back-up generator and alternate electrical supply as viable options for further evaluation. In the end, the alternate electrical service at the RIPS site was selected as the preferred option for the following reasons:

- The need to acquire additional property to site the large one-megawatt (1MW) engine generator is avoided.
- The need for a large on-site fuel storage tank (propane/diesel fuel) is avoided.
- Noise and additional traffic associated with refueling the tank, maintenance and monthly testing of the generator under load is avoided.
- The conditional use and design review approvals needed from Gladstone for the RIPS facility were easier to secure.
- Is more “carbon friendly” than the engine generator option.
- Is less expensive on a net present value basis when considering the 75-year design life of the RIPS facility.

The agreement (Attachment 1 to the resolution) was developed jointly by partnership staff and PGE and contains terms and conditions agreeable to the parties. In brief, the agreement stipulates that:

- In exchange for a one-time lump sum payment of \$273,168, PGE commits to making 1MW of alternate electrical service available to operate the RIPS on demand and in perpetuity, unless the agreement is terminated.
- The agreement cannot be terminated by PGE.

## **OTHER ALTERNATIVES**

The council could:

- Choose not to adopt the resolution; this would not achieve the partnership's “resiliency in performance” objectives for the new water system.
- Direct staff to re-negotiate the terms of the agreement.

## **COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

*Lake Oswego-Tigard Water Partnership (LOTWP)*

- *Monitor progress of construction and budget; LOTWP projects operational*

**DATES OF PREVIOUS CONSIDERATION**

The council was briefed on this agreement at its July 22, 2014, meeting.

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**Fiscal Impact**

**Cost:** \$186,301

**Budgeted (yes or no):** Yes

**Where Budgeted (department/program):** Capital Improvement Plan project # 96018

**Additional Fiscal Notes:**

Tigard's share of the lump payment—based on the recently revised capacity allocation ratio between Lake Oswego and Tigard—is \$186,301. This expenditure is included in the city's \$79-million water partnership budget for fiscal year 2014-2015.

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**Attachments**

Resolution

Agreement—Attachment 1 to Resolution

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 14-

A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING AN AGREEMENT FOR ALTERNATE SERVICE BETWEEN PORTLAND GENERAL ELECTRIC COMPANY, THE CITY OF LAKE OSWEGO AND THE CITY OF TIGARD RELATING TO CONSTRUCTION OF THE NEW RIVER INTAKE PUMP STATION, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

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WHEREAS, on August 6, 2008, the cities of Lake Oswego and Tigard (the "cities") executed an Intergovernmental Agreement Regarding Water Supply Facilities, Design, Construction, and Operation; and

WHEREAS, the cities have determined that that it is in the best interests of both that the design and construction of certain water supply facilities include a back-up source of electrical power for planned and emergency interruptions of the primary electrical power over the operating life of such facilities; and

WHEREAS, through analysis of alternatives for providing a back-up source of electrical power, the cities have determined that entering into an agreement for alternate power service (Agreement) with Portland General Electric (PGE) best meets the cities' objective of providing an reliable supply of water to their citizens for public health, fire suppression, sanitation and economic development; and

WHEREAS, the Agreement with PGE is providing the cities on-demand access to a second power source of electrical power from its supply system in perpetuity, in exchange for a one-time lump sum payment of \$273,168.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The city manager is authorized to sign the Agreement substantially in the form attached hereto as Attachment 1.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

CITY OF LAKE OSWEGO; CITY OF TIGARD  
AND  
PORTLAND GENERAL ELECTRIC COMPANY

AGREEMENT FOR ALTERNATE SERVICE  
(River Intake Pump Station in Gladstone)

2014

This Agreement for Alternate Electric Service (“Agreement”) is between the City of Lake Oswego, an Oregon municipal corporation; the City of Tigard, an Oregon municipal corporation; both hereinafter referred to as “Customer” and PORTLAND GENERAL ELECTRIC (“PGE”), an Oregon corporation, hereinafter the “Parties”.

The parties agree as follows:

1. Term of Agreement

This Agreement shall commence on the date of execution and remain in effect for as long as the Customer requires alternate electric service at the location described below or until Customer provides written notice to PGE in accordance with paragraph 10a) herein, whichever is earlier.

2. Conditions of Service

PGE reserves the right to test, operate, and maintain the PGE equipment involved. The Customer will be notified in writing or by using another mutually agreeable method of communications in advance, to the extent practicable, if the alternate service will be unavailable for more than 24 hours. This Agreement does not provide for increases in PGE’s alternate service capacity and may therefore be interrupted if actual kVA demand by the Customer on the alternate service facilities exceeds the contracted maximum kVA demand.

3. Location to be Served and Point of Delivery

a) No later than five business days after receipt of payment from Customer pursuant to section 4(a) of this Agreement, PGE shall install and maintain for the Customer’s emergency use, sufficient alternate electric service capacity as contracted by the Customer at Customer’s premises located at:

105 E. Clackamas Blvd, Gladstone, Oregon 97027

b) The point of delivery of alternate electric service is specifically described as:

Termination lugs for #2 AL XLP cable contained within the EUSERC-compliant (section 400 of the 2012 Electric Utility Service Equipment Requirements Committee standards manual) 15 kV-rated revenue metering cabinet and located at Lake Oswego/Tigard Water Partnership River Intake Pump Station (105 E. Clackamas Blvd., Gladstone, OR 97027). See Exhibit 1.

#### 4. Payment

##### a. Contracted Demand:

Customer agrees to pay PGE a one-time lump-sum payment of two-hundred-seventy-three-thousand one hundred sixty-eight dollars, (\$273,168) no later than September 30, 2014. Subject to receipt of the one-time lump-sum payment, PGE will provide 1,000 kVA of alternate service capacity under this Agreement.

##### b. Demand in Excess of Contracted Amount:

When the alternate service is utilized, the Customer's monthly billing will consist of the standard kW and kVAR demand charges on either the preferred or alternate service, whichever is the greater; the sum total kWh charge for both services and, in the event that the Customer imposes a kVA demand on the alternate service facilities in excess of the above-listed, the Customer will pay PGE an additional monthly amount for that month and the succeeding 11 months. This amount will be determined by multiplying the excess kVA demand by the current tariff sum of transmission and distribution demand charges and the applicable facilities capacity charges. Currently the sum of these monthly charges is \$4.92 per kVA for a Schedule 85 secondary voltage customer at 1,000kVA. Should a condition of kVA demand which exceeds the maximum kVA contracted for under this Agreement occur, the Customer shall either modify operation to prevent excess kVA demand or execute a supplemental Agreement with PGE for the additional amount of alternate service required. It is understood and agreed that the cost of additional alternate service will be based on the costs of PGE in effect at that time. The Customer will be billed actual cost of any damage to PGE's alternate facilities caused by the Customer's alternate service demand in excess of the contracted amount.

#### 5. Advanced Notice for Using Alternate Facilities

Either PGE or the Customer may arrange for service to be provided through the alternate facilities. The Customer must gain prior approval for non-emergency usage by providing written notice to PGE five (5) days in advance of the desired switch. Notice to PGE shall be provided to Tiffany Delgado, Key Customer Manager (503-464-8635).

#### 6. Indemnification

Customer shall, to the fullest extent permitted by law, protect, defend, indemnify and hold harmless, PGE and its affiliates and their respective employees, directors, and agents

("Indemnitees") from and against any losses, costs, claims, penalties, fines, liens, demands, liabilities, legal actions, judgments, and expenses of every kind (including, without limitation, reasonable attorney fees, including at trial and on appeal) asserted or imposed against any Indemnitees by any third party (including, without limitation, employees of Customer or PGE) and arising out of the negligent or wrongful acts or omissions of Customer or any subcontractor of or consultant to Customer or any of their respective employees, directors or agents arising out of or in any way related to the performance or nonperformance of this Agreement ("Indemnified Losses"), except to the extent such Indemnified Losses are caused by the sole negligence or willful misconduct of the Indemnitees. Customer warrants to PGE that its indemnity obligation will be supported by liability insurance to be furnished by it, or self-insurance approved by PGE for these purposes; provided that recovery under or in respect of this indemnity shall not be limited to the proceeds of any insurance.

7. Disclaimer of Consequential Damages

EXCEPT TO THE EXTENT REQUIRED BY LAW, PGE SHALL NOT BE LIABLE TO CUSTOMER FOR ANY LOST OR PROSPECTIVE PROFITS OR ANY OTHER SPECIAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL, INCIDENTAL OR INDIRECT LOSSES OR DAMAGES (IN TORT, CONTRACT OR OTHERWISE) UNDER OR IN RESPECT OF THIS AGREEMENT.

8. Successors and Assigns

The Customer may assign this Agreement to a third party or a successor in interest as long as a) in PGE's reasonable judgment such third party's or successor's creditworthiness and ability to perform Customer's obligations under this Agreement are at least as good as that of Customer; and b) the assignee or successor agrees to be bound by all the terms and conditions of this Agreement.

9. Cancellation of Previous Agreements

Any and all former agreements between the Customer and PGE for alternate electric service covered by this Agreement are hereby canceled and terminated.

10. Termination of This Agreement

a) This Agreement may be terminated by the Customer upon 30 days' written notice to PGE. The availability of alternate electric service is subject to all changes in applicable tariffs, including Utility Rules and Regulations and all lawful order of the Public Utility Commission of Oregon.

- b) Should the payment for alternate service be on a monthly basis, upon termination Customer will pay to PGE the amount that PGE's depreciated investment in such alternate service facilities exceeds the current value of the facilities to PGE.
- c) If the Customer has made a lump-sum prepayment to PGE for the alternate service facilities, upon termination PGE will pay to the Customer an amount equal to the current value to PGE for said facilities. This amount will not exceed the initial investment in said facilities minus depreciation accrued at the time of such termination.
- d) In the event that the Customer fails to prevent excess kVA demand and refuses to execute a supplemental agreement with PGE for the additional amount of alternate service required, upon written notice to Customer, PGE may terminate this Agreement, and Customer shall be responsible for all outstanding amounts owed to PGE including the applicable payment under section 10b).

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CUSTOMER: CITY OF LAKE OSWEGO

CUSTOMER: CITY OF TIGARD

*Scott Lagensby CITY MANAGER*

\_\_\_\_\_  
(Signature, Title)

\_\_\_\_\_  
(Signature, Title)

*6/6/14*  
\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

COMPANY: PORTLAND GENERAL ELECTRIC COMPANY

*Approved as to form for  
City of Lake Oswego  
Suzanne P. Boone 5/23/14  
Deputy City Attorney*

\_\_\_\_\_  
(Signature, Title)

\_\_\_\_\_  
(Date)

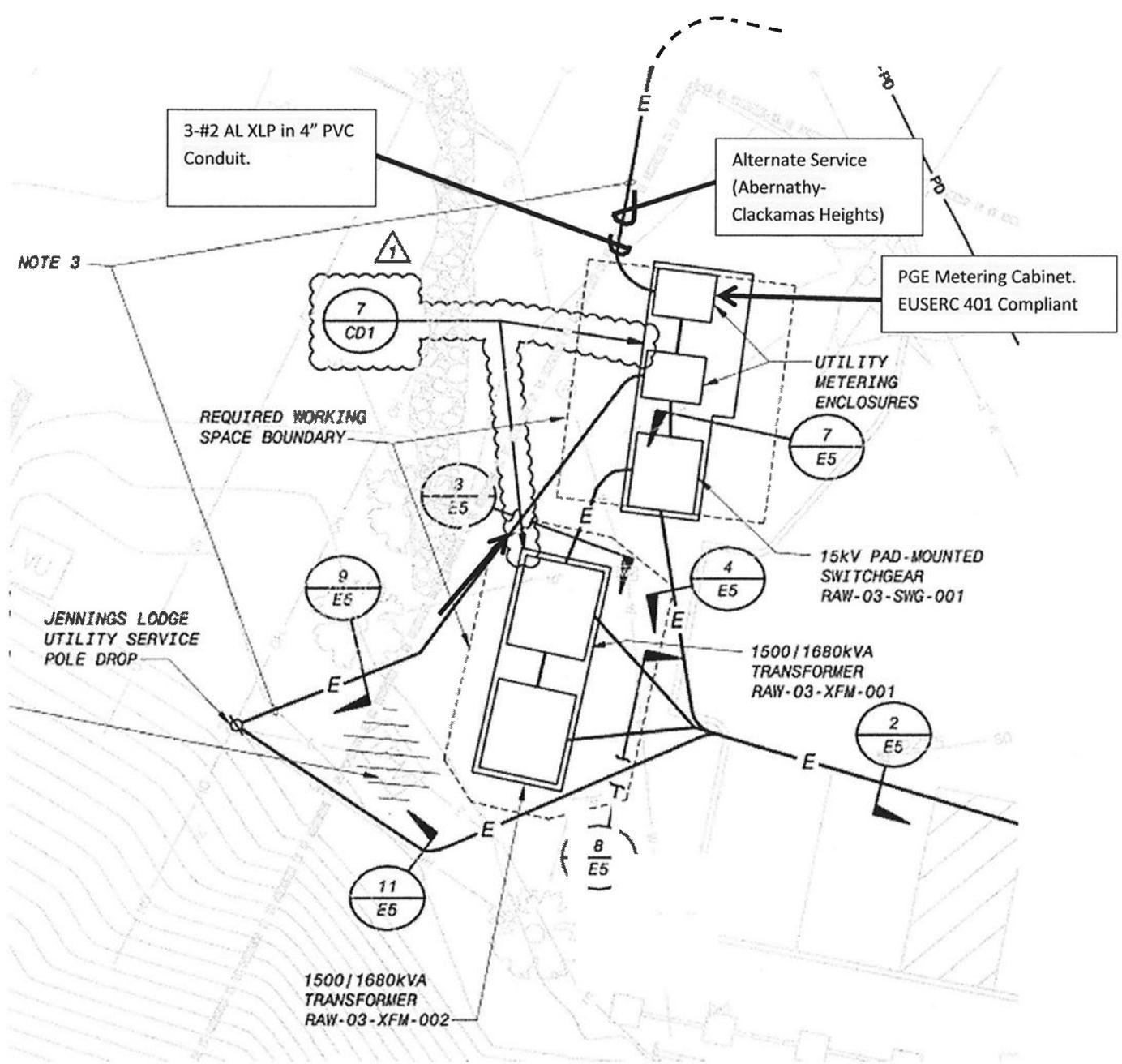
PGE - Rates and Regulatory Affairs

PGE – Legal Review

\_\_\_\_\_  
(Signature, Title)

*DAW 5/23/14*  
\_\_\_\_\_  
(Initials, Date)

\_\_\_\_\_  
(Date)



Partial Site Plan – No Scale

3/24/14



North

13 kV PGE Service to Lake Oswego/Tigard Water Partnership River Intake Plant

Approximate Locations and Quantities of PGE Equipment

By: Ken Spencer, PE

503.849.7007

Exhibit 1

**AIS-1803**

**4.**

**Business Meeting**

**Meeting Date:** 08/12/2014

**Length (in minutes):** 30 Minutes

**Agenda Title:** Tigard Triangle Strategic Plan Update

**Submitted By:** Cheryl Caines, Community Development

**Item Type:** Update, Discussion, Direct Staff

**Meeting Type:** Council Business Meeting - Main

**Public Hearing:** No

**Publication Date:**

**Information**

**ISSUE**

City Council will hear an update on the Tigard Triangle Strategic Plan

**STAFF RECOMMENDATION / ACTION REQUEST**

No action necessary - update only.

**KEY FACTS AND INFORMATION SUMMARY**

The project team is wrapping up Task 5 (Options Evaluation). The two land use and infrastructure options developed in Task 4 were evaluated based on how well each option met project goals (Movement and Getting Around, Land Use – Activity Centers, Public Realm – Community Character, and Market and Implementation). Based on the results of the evaluation a “preferred” plan was drafted; the plan was reviewed by the Triangle citizen (CAC) and technical (TAC) advisory committees at their meetings in June.

**Options Evaluation**

Option 1 proposed few changes to densities, uses or street connections. The pedestrian network was improved.

Option 2 proposed increased densities throughout the mixed use areas, which were extended west of 72nd Avenue - where only commercial uses are currently permitted. A more extensive street and pedestrian network was proposed with a new north-south street (SW 74th Avenue) that connects to a new crossing of Highway 217 at Beveland Street.

Option 2 improved connectivity and circulation for all travel modes and eliminated some barriers to development such as a low Floor Area Ratio and height limit. Areas for large format retail uses (General Commercial C-G zone) are decreased. Over time, blocks become

smaller, improving walkability. Redevelopment of these parcels with a greater mix of uses, including residential, would reduce traffic generation. Proposed higher densities would support a wider mix of uses in the future. Overall Option 2 best supported the project goals and was generally preferred by members of both the CAC and TAC. A complete comparison can be found in the Draft Land Use and Infrastructure Options Evaluation Report (Attachment 2).

### **Market Analysis**

The team also evaluated the feasibility of the various land uses allowed under the two alternatives to get a sense of which types would be achievable on their own in current market conditions and those that might need assistance. The analysis reviewed the effectiveness of different financial tools and policy strategies and their impact on potential development. The full report is attached (Attachment 3 -Draft Development Feasibility Analysis Report), but a summary of the findings is listed below:

- Townhomes and the medium density housing are the development types most likely to be feasible in the current market without any subsidies.
- The high density residential and the low density office could be within the range of feasibility if rents increase by 25 percent.
- The high density and very high density office construction are not within the range of feasibility with enhanced revenues or with the reduced parking ratio and cash incentives. It would take an increase in rents and a significant incentive package to make them feasible in the next decade or so.
- The high density mixed use residential development is within the range of feasibility by utilizing the Vertical Housing Tax Abatement, but would likely need additional subsidies to be feasible. A Vertical Housing Development Zone (VHDZ) was approved for portions of the Triangle and Downtown Tigard that provides a maximum 80% tax exemption per year for five years for qualifying mixed use projects.
- The very high density mixed use residential development would be in the range of feasibility by utilizing the Vertical Housing Tax Abatement if there was also a 25 percent increase in rents in the area, as is now being seen in the Orenco Station area.
- One-story retail is not likely to be feasible given current market rents without subsidies.

### **Preferred Plan**

Based on the evaluation, market analysis and CAC/TAC member feedback, a preferred plan was developed combining most elements of Option 2 and a few from Option 1. The preferred plan includes:

- Target residential densities of 50 units an acre in most of the mixed use area with a few select areas with lower densities of 30 units per acre. These areas represent locations where early, lower density development could be spurred based on market feasibility, small parcel size and existing lower density residential.
- No maximum densities, the number of units would be limited by other factors such as floor area ratio (FAR), heights, parking/landscaping requirements.
- Increased FAR from .4 to 1.5 in the mixed use zone.

- Increased building heights in the mixed use zone: six stories east of 70th Avenue and four stories west of 70th.
- Streets - building upon the existing street system.
- Targeted pedestrian streets with design standards to improve the pedestrian experience.
- Key pedestrian streets include SW 69th Avenue and Beveland, Hampton, Clinton and Elmhurst Streets.
- Additional opportunities for parks/open space are shown along 69th in response to citizen comments.
- Areas for two potential neighborhood parks were identified to provide for active recreation.

**Next Steps**

The preferred alternative is now being finalized based upon comments received from the committee members. This final draft will be presented for comment at a public open house in September. Development code and other implementation tools are being drafted and will be refined over the coming months as public comments are received. The CAC and TAC members will have one final review of the plan and implementation measures in the fall before the code adoption process begins.

**OTHER ALTERNATIVES**

Not applicable.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

Council Goal 3: Tigard Triangle  
Complete Triangle Strategic Plan

- Adopt zoning, street and design standards
- Begin implementing plan strategies

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

Previous updates occurred on September 3, 2013 and December 17, 2013.

**Fiscal Impact**

**Fiscal Information:**

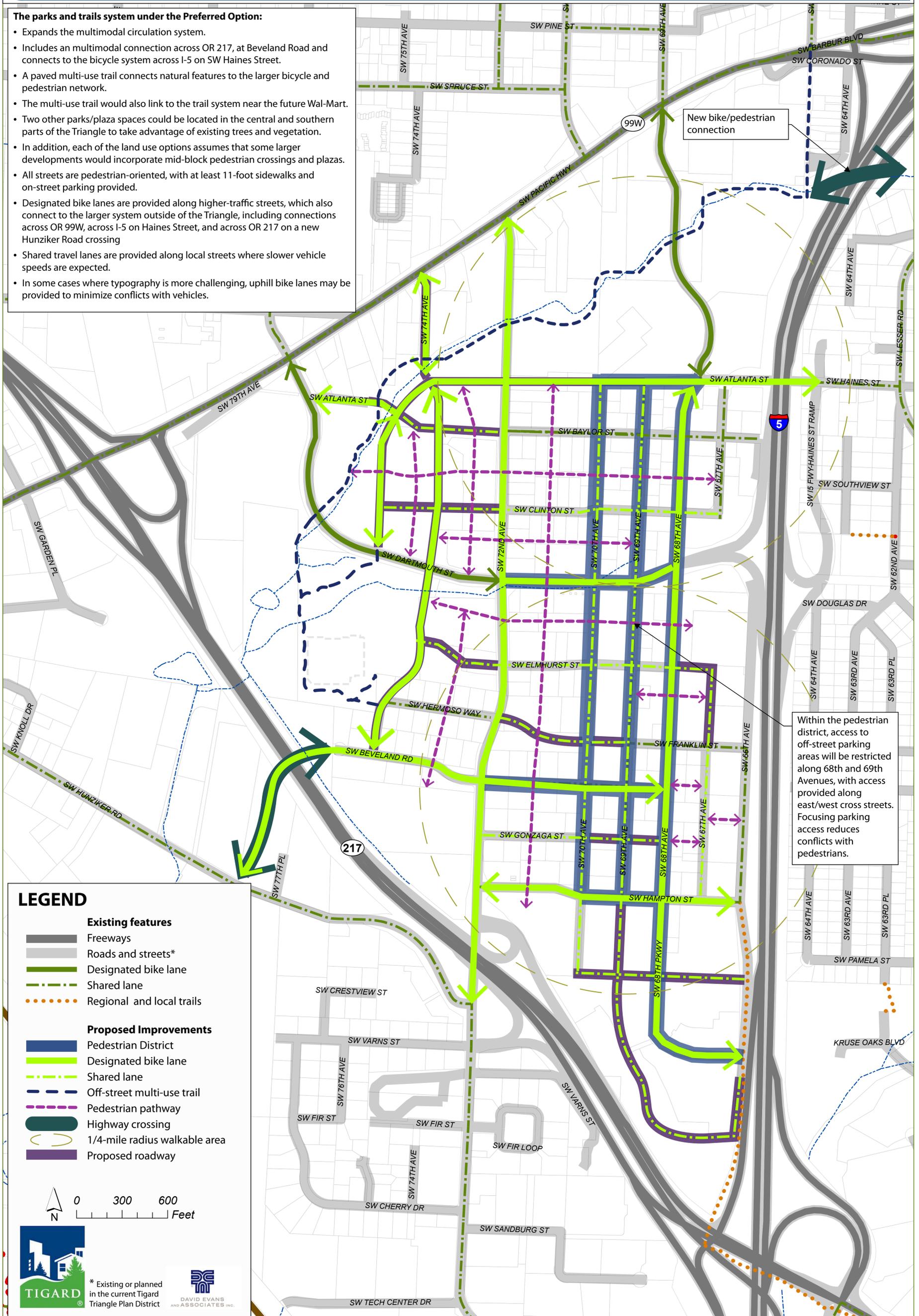
N/A

**Attachments**

- Land Use & Infrastructure Maps
- Draft Options Evaluation Report
- Draft Development Feasibility Analysis

**The parks and trails system under the Preferred Option:**

- Expands the multimodal circulation system.
- Includes an multimodal connection across OR 217, at Beveland Road and connects to the bicycle system across I-5 on SW Haines Street.
- A paved multi-use trail connects natural features to the larger bicycle and pedestrian network.
- The multi-use trail would also link to the trail system near the future Wal-Mart.
- Two other parks/plaza spaces could be located in the central and southern parts of the Triangle to take advantage of existing trees and vegetation.
- In addition, each of the land use options assumes that some larger developments would incorporate mid-block pedestrian crossings and plazas.
- All streets are pedestrian-oriented, with at least 11-foot sidewalks and on-street parking provided.
- Designated bike lanes are provided along higher-traffic streets, which also connect to the larger system outside of the Triangle, including connections across OR 99W, across I-5 on Haines Street, and across OR 217 on a new Hunziker Road crossing
- Shared travel lanes are provided along local streets where slower vehicle speeds are expected.
- In some cases where typography is more challenging, uphill bike lanes may be provided to minimize conflicts with vehicles.



Within the pedestrian district, access to off-street parking areas will be restricted along 68th and 69th Avenues, with access provided along east/west cross streets. Focusing parking access reduces conflicts with pedestrians.

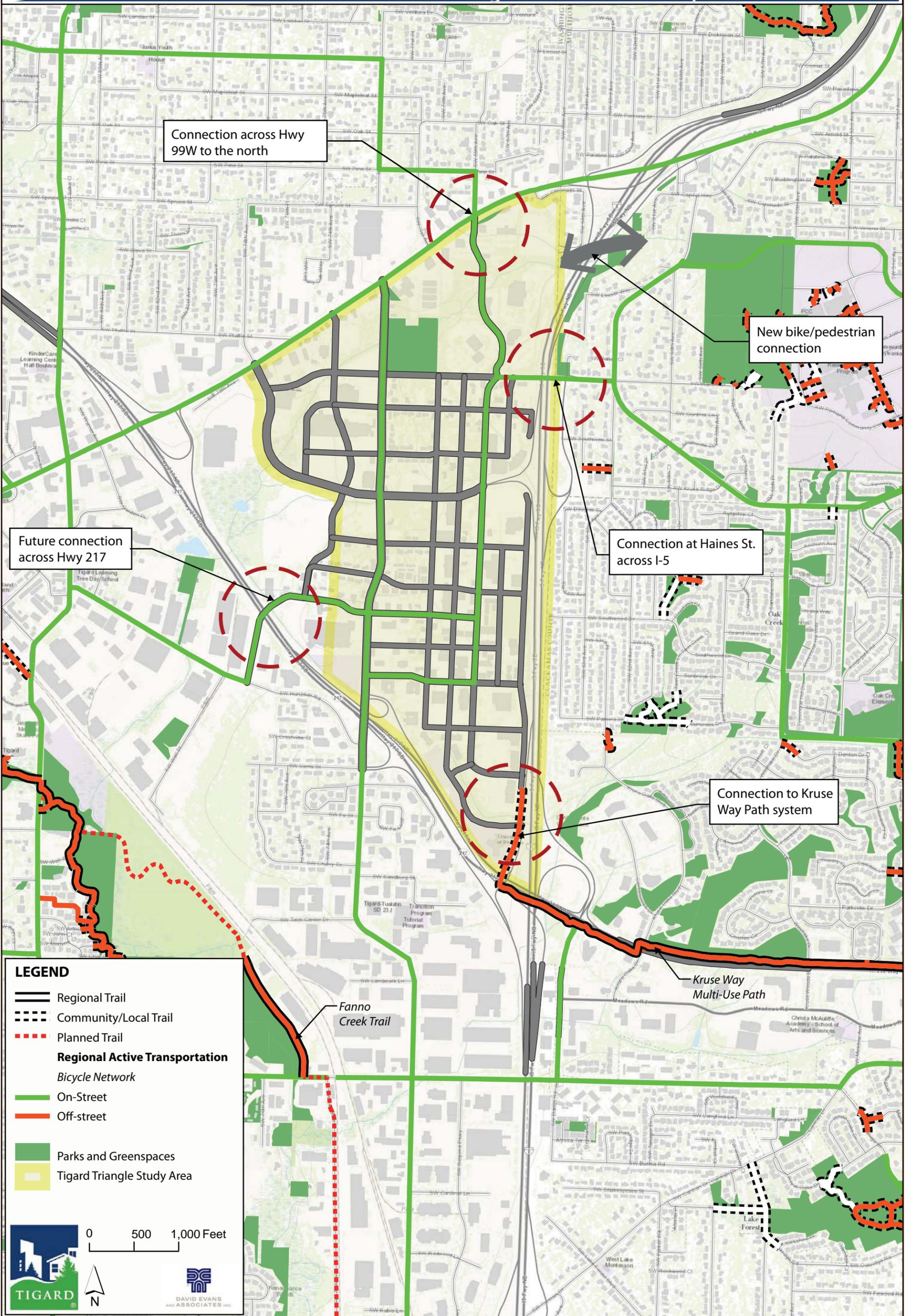
**LEGEND**

- Existing features**
- Freeways
  - Roads and streets\*
  - Designated bike lane
  - Shared lane
  - Regional and local trails
- Proposed Improvements**
- Pedestrian District
  - Designated bike lane
  - Shared lane
  - Off-street multi-use trail
  - Pedestrian pathway
  - Highway crossing
  - 1/4-mile radius walkable area
  - Proposed roadway



\* Existing or planned in the current Tigard Triangle Plan District





**LEGEND**

- Regional Trail
- Community/Local Trail
- Planned Trail
- Regional Active Transportation Bicycle Network**
- On-Street
- Off-street
- Parks and Greenspaces
- Tigard Triangle Study Area

0 500 1,000 Feet



**LEGEND**

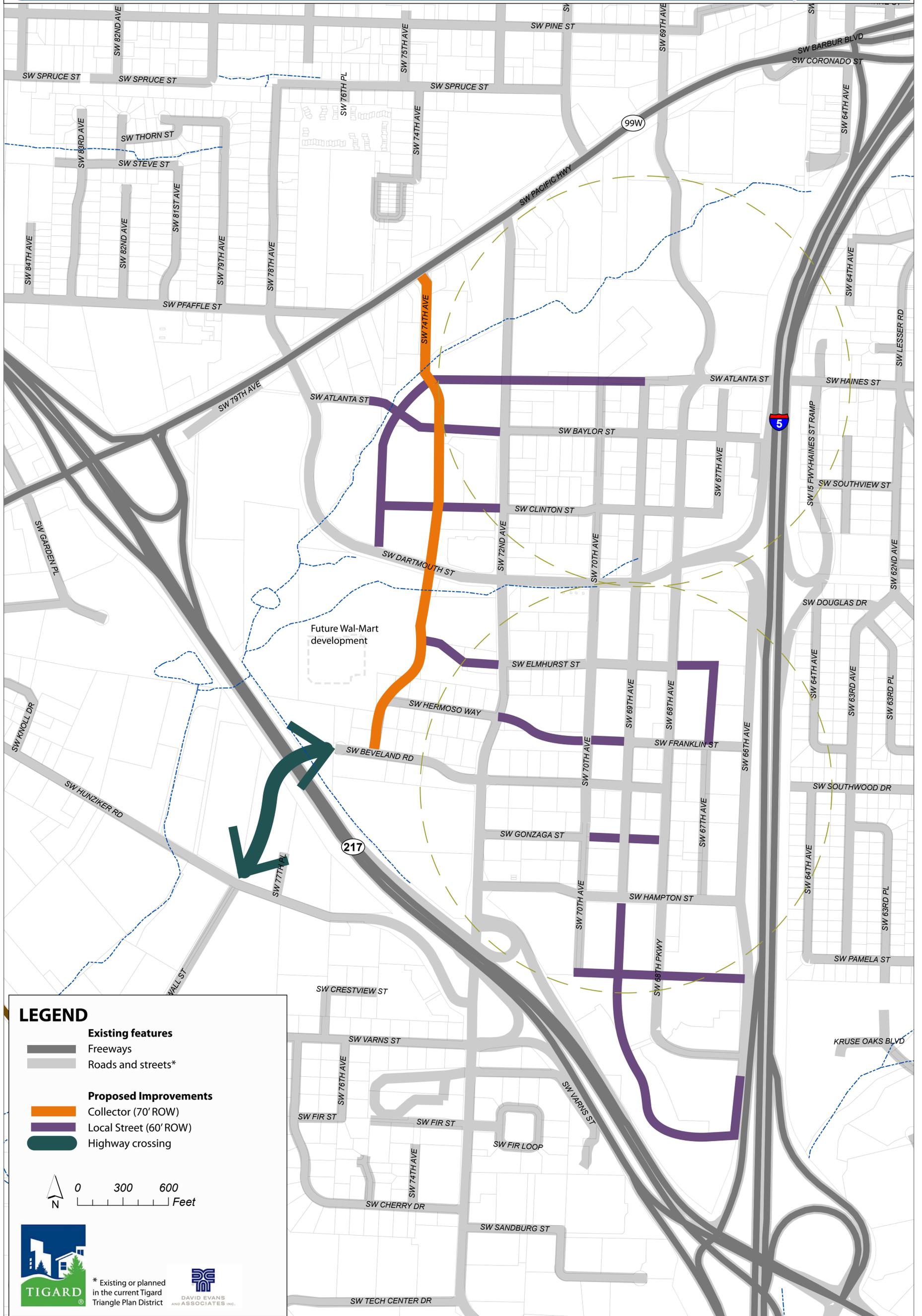
- | Existing features |  |
|-------------------|--|
|                   | Freeways                                     |
|                   | Roads and streets*                           |
|                   | Designated bike lane                         |
|                   | Shared lane                                  |
|                   | Regional and local trails                    |
| Key features      |  |
|                   | Natural Area                                 |
|                   | Plaza  |
|                   | Potential Neighborhood Park (approx. 1 acre) |
|                   | Greenway corridor                            |
|                   | Multi-use trail/Pedestrian pathway           |
|                   | Proposed roadway                             |

0 300 600 Feet



\* Existing or planned in the current Tigard Triangle Plan District

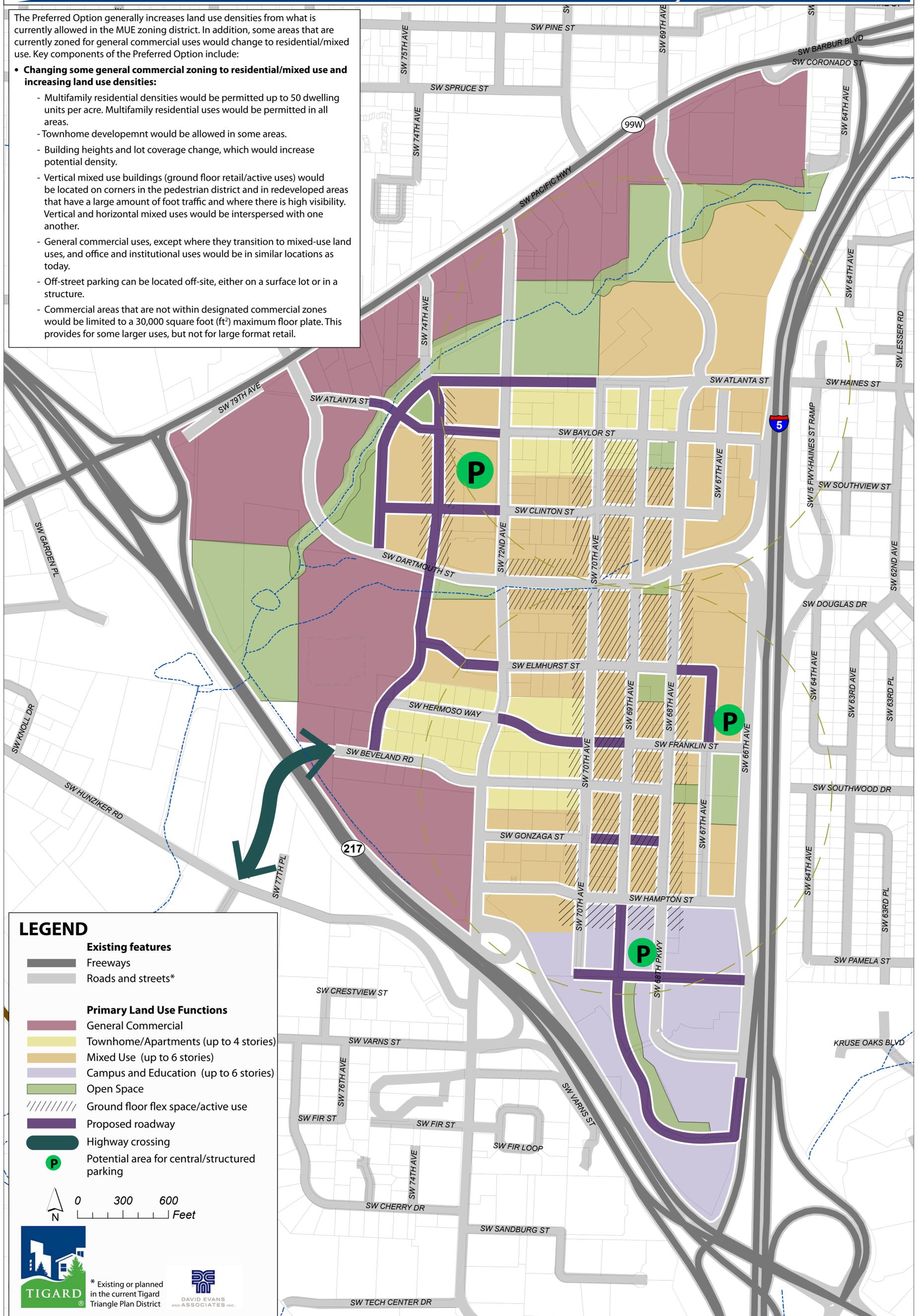




The Preferred Option generally increases land use densities from what is currently allowed in the MUE zoning district. In addition, some areas that are currently zoned for general commercial uses would change to residential/mixed use. Key components of the Preferred Option include:

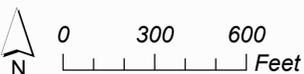
• **Changing some general commercial zoning to residential/mixed use and increasing land use densities:**

- Multifamily residential densities would be permitted up to 50 dwelling units per acre. Multifamily residential uses would be permitted in all areas.
- Townhome development would be allowed in some areas.
- Building heights and lot coverage change, which would increase potential density.
- Vertical mixed use buildings (ground floor retail/active uses) would be located on corners in the pedestrian district and in redeveloped areas that have a large amount of foot traffic and where there is high visibility. Vertical and horizontal mixed uses would be interspersed with one another.
- General commercial uses, except where they transition to mixed-use land uses, and office and institutional uses would be in similar locations as today.
- Off-street parking can be located off-site, either on a surface lot or in a structure.
- Commercial areas that are not within designated commercial zones would be limited to a 30,000 square foot (ft<sup>2</sup>) maximum floor plate. This provides for some larger uses, but not for large format retail.



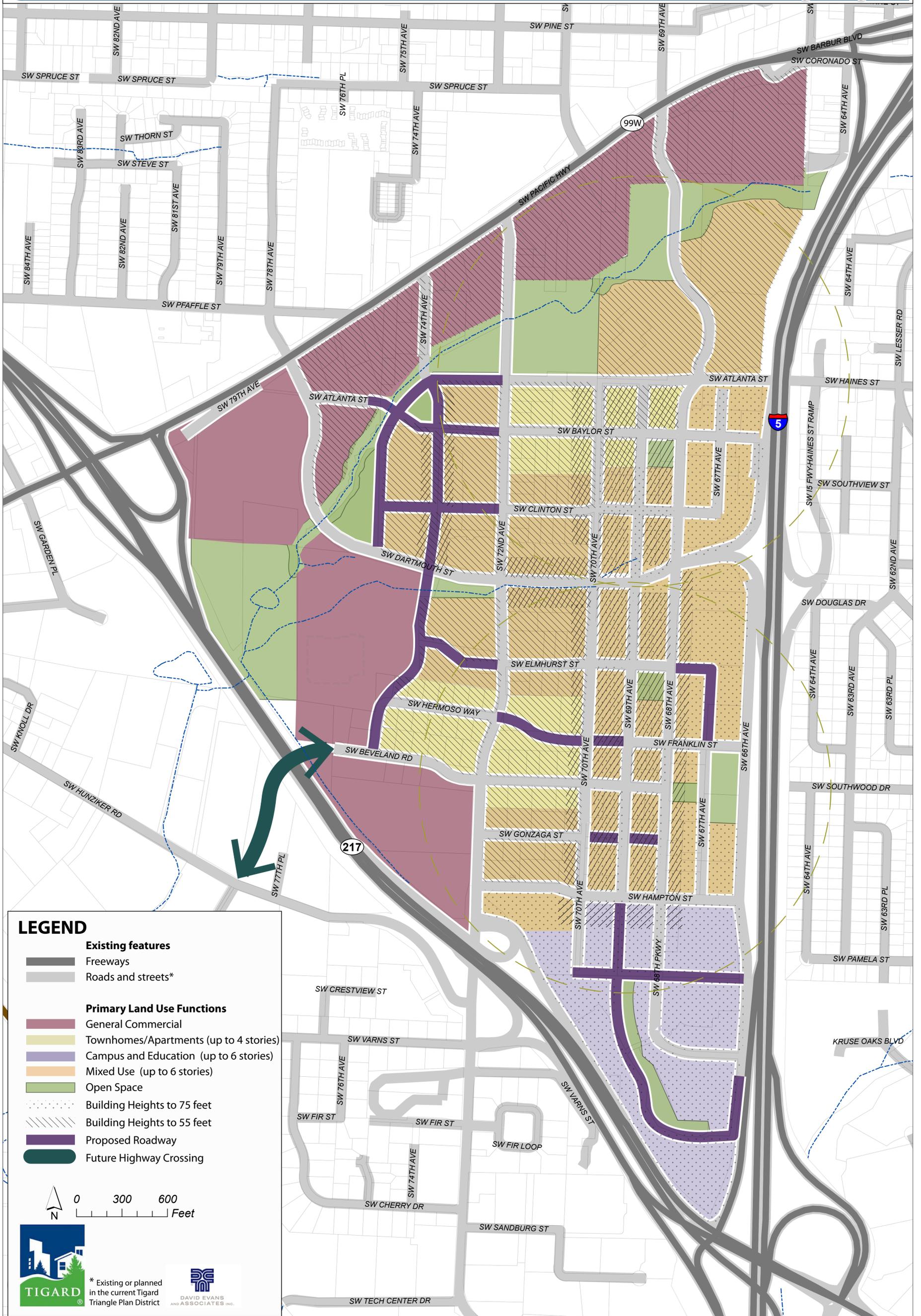
**LEGEND**

- Existing features**
- Freeways
  - Roads and streets\*
- Primary Land Use Functions**
- General Commercial
  - Townhome/Apartments (up to 4 stories)
  - Mixed Use (up to 6 stories)
  - Campus and Education (up to 6 stories)
  - Open Space
  - Ground floor flex space/active use
  - Proposed roadway
  - Highway crossing
  - Potential area for central/structured parking



\* Existing or planned in the current Tigard Triangle Plan District





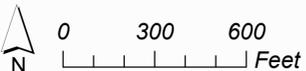
**LEGEND**

**Existing features**

- Freeways
- Roads and streets\*

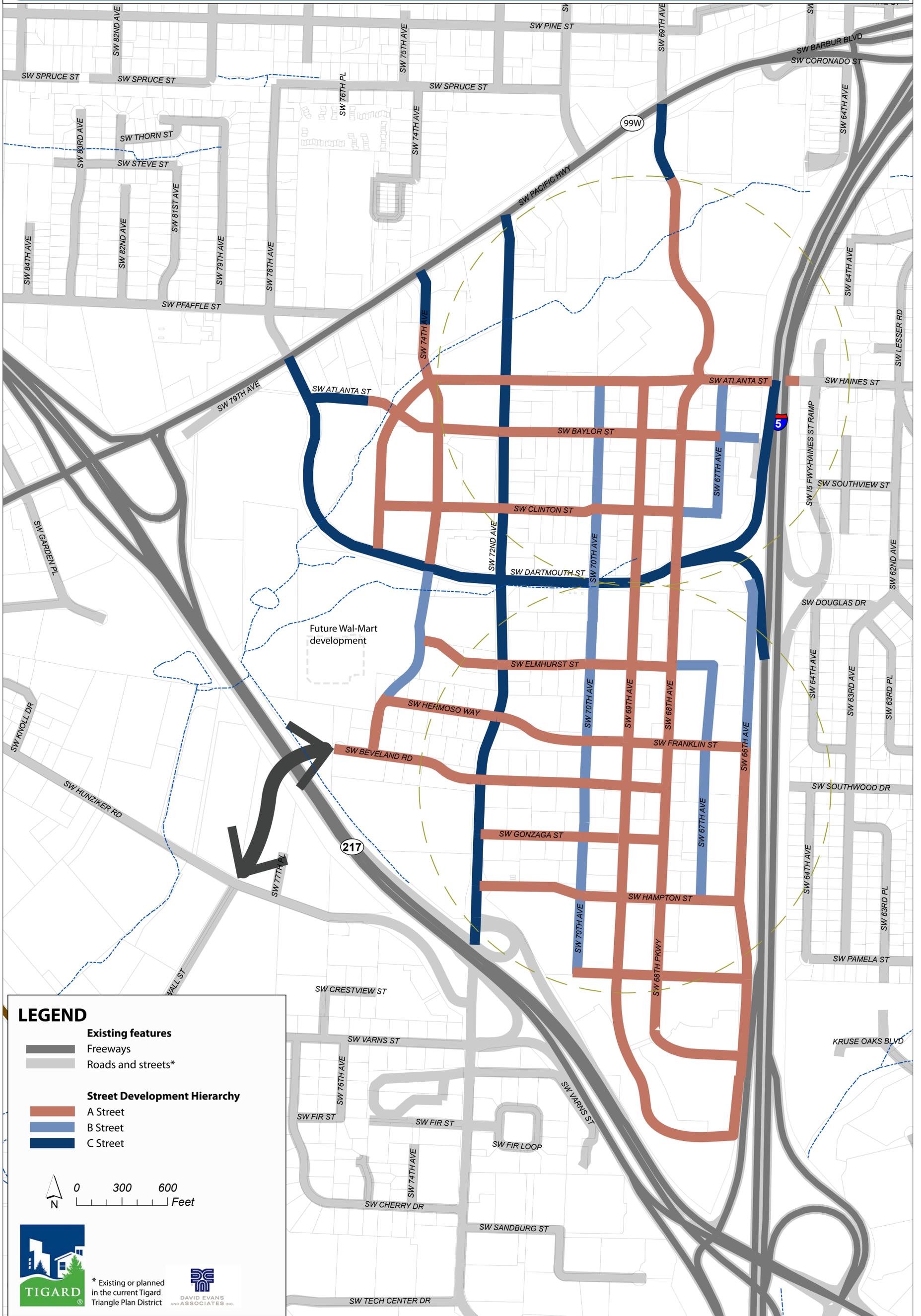
**Primary Land Use Functions**

- General Commercial
- Townhomes/Apartments (up to 4 stories)
- Campus and Education (up to 6 stories)
- Mixed Use (up to 6 stories)
- Open Space
- Building Heights to 75 feet
- Building Heights to 55 feet
- Proposed Roadway
- Future Highway Crossing



\* Existing or planned in the current Tigard Triangle Plan District







City of Tigard

# Tigard Triangle

STRATEGIC PLAN

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## DRAFT Land Use and Infrastructure Options Evaluation Report

June 3, 2014

David Evans and Associates, Inc.  
Leland Consulting Group  
Laurence Qamar Architecture & Town Planning



## Introduction

This memorandum evaluates the land use and infrastructure options for the Tigard Triangle Strategic Plan using the evaluation criteria developed and approved by the Citizen Advisory and Technical Advisory Committees as part of the Opportunities and Constraints analysis. The evaluation is based on information gathered throughout the project, in addition to a market feasibility analysis that is being conducted as part of the evaluation and implementation process. A key component of developing the preferred vision for the Tigard Triangle (the Triangle) is to understand the tradeoffs of each option, identify the key issues to incorporate into a preferred alternative, and get an idea of the potential level and type of subsidy that may be required to achieve the vision and a pedestrian-oriented district.

## Organization of this Memorandum

This memorandum includes the following information:

- Summary of the land use and infrastructure options
- Evaluation of the options based on the project principles and evaluation criteria, including committee input on the land use and infrastructure options, organized by project principles
- Recommended Preferred Option
- Actions necessary to implement the Preferred Options
- Financing programs necessary to implement the Preferred Options

As part of the alternatives evaluation process, the project team completed a market feasibility analysis (under separate cover) of potential building types, assuming a variety of land uses, floors, and parking options (structured versus surface), to determine the type and intensity of development that might be feasible in today's market. That information informed portions of the evaluation process and identified potential incentives for supporting the desired development pattern.

Input gathered from the Technical Advisory Committee (TAC) and Citizen Advisory Committee (CAC) is included for each of the principles and evaluation criteria. This input provides context for discussions during meetings of those committees about how each option reflects the specific principle, and also helps identify the most (or least) important components of the options that informed the development of the Draft Preferred Option Alternative, described later in this memorandum.

## Summary of the Land Use and Infrastructure Options

The Land Use and Infrastructure Options Memorandum (March 2014) describes in detail the two possible land use and infrastructure options for redevelopment in the Triangle. The following is a summary of the two options, including a summary of elements that are common to both:

### Transit Service (Both Options)

Current transit service includes one TriMet bus route (#78) that travels through the Triangle and Downtown Tigard between Lake Oswego and Beaverton with approximately 30-minute headways (Monday through Friday). Future service will be dependent on the outcome of TriMet's SW Service Enhancement Plan and the SW Corridor planning process, both of which are currently under way.

### Pedestrian District (Both Options)

Both options propose a pedestrian district located along 68th, 69th, and 70th Avenues. Vehicular access

to off-street parking areas will be managed in order to consolidate driveways in the district. Managing parking access to specific areas reduces conflicts with pedestrians, increases street frontages with active uses, and encourages pedestrian-oriented building design. For all streets (both east/west and north/south), wide sidewalks, street trees, and on-street parking are provided and there is a consistent streetscape element pattern.

### **Streets (Both Options)**

All streets are pedestrian-oriented, with at least 11-foot sidewalks, landscaping, and on-street parking. Designated bike lanes are provided along higher-traffic streets, which also connect to the larger system outside of the Triangle. Shared travel lanes are provided along local streets where lower volumes and slower vehicle speeds are expected. In some cases where topography is more challenging, uphill bike lanes may be provided in order to minimize conflicts with vehicles.

## **Option 1: Refine Site Design Standards – Keep Zoning Standards**

### **Land Use Components of Option 1**

Option 1 generally maintains the existing densities allowed in the Mixed-Use Employment (MUE) zoning district, and no changes to permitted uses are proposed except for restrictions on auto-oriented uses, such as drive-throughs, gas stations, and other uses that are not pedestrian-oriented. Existing densities within the Triangle, if developed to the maximum extent possible, are adequate to provide a transit- and pedestrian-oriented environment, but the existing design requirements limit development potential even under current density standards. Changes to design standards would maximize the development potential without requiring significant changes in the development code. Key components of Option 1 include:

#### **Key Components of Option 1:**

- The maximum floor area ratios (FAR) would be increased from 0.40:1 to 1.5:1, while the maximum building height of 45 feet would be maintained.
- The current minimum building frontage requirements would be increased from 50 percent to 90 percent on SW 68th and SW 69th Avenues within the pedestrian district. SW 70th Avenue would still limit access for vehicles in order to minimize conflicts with pedestrians. Minimum street frontage requirements would be approximately 20 percent. This change in frontage requirements would provide areas for off-street parking and necessary services for buildings while increasing building frontages on other streets.
- There are several blocks that exceed 400 feet in length within the Triangle, and such a long block limits pedestrian circulation and vehicle access. On these longer blocks, pedestrian paths are proposed that will provide connections through blocks and provide access to parking behind buildings. Pedestrian access can also be coupled with vehicle access, but vehicle access may not be spaced less than 200 feet and not more than 300 feet from a street or other vehicle access.

### **Infrastructure Components of Option 1**

- Improving Red Rock Creek as both a natural and recreational amenity could make it a defining feature for the Triangle and a paved multi-use trail could connect these features to the larger bicycle and pedestrian network within and through the Triangle.
- Two other parks/plaza spaces would be located in the central and southern parts of the Triangle to take advantage of existing trees and vegetation.

- Option 1 generally maintains the existing street grid as identified in the Tigard Triangle Plan District, with a few additions.

## Option 2: Refine Site Design Standards and Increase Land Use Densities

### Land Use Components of Option 2

Option 2 increases land use densities from what is currently allowed in the MUE zoning district. Densities proposed are similar to other mixed-use areas of Tigard such as Washington Square and Downtown Tigard. In addition, some areas that are currently zoned for general commercial uses would change to residential/mixed use. Option 2 also incorporates all features of Option 1. Key components of Option 2 include:

#### Changing some general commercial zoning to residential/mixed use and increasing land use densities:

- Multifamily residential densities would be increased to 50 dwelling units per acre. Multifamily residential uses would be permitted in all areas except for the general commercial area, which would still permit a limited number of units.
- Vertical mixed-use buildings (with ground floor retail/flex space) would be located on corners in the pedestrian district and in redeveloped areas that have a large amount of foot traffic and where there is high visibility. Vertical and horizontal mixed uses would be interspersed with one another more than they would be under Option 1.
- General commercial uses (except where they transition to mixed-use land uses) and office and institutional uses would be in similar locations as today, although increased densities would likely require changes in how parking is managed and the amount of parking required. Increased FAR and building heights would encourage increased lot coverage and potentially taller buildings.
- Commercial areas that are not within designated commercial zones would be limited to a 30,000 ft<sup>2</sup> maximum floor plate. This size provides for some larger uses, but not for large format retail—the same as under Option 1.

#### Changing site design requirements to permit more lot coverage and greater building heights:

- Maximum FAR would be increased from 0.40:1 to 3:1 and maximum building heights would be increased to 75 feet.
- The current minimum building frontage requirements would be increased from 50 percent to 90 percent for pedestrian-oriented streets. For access streets, minimum street frontage requirements would be approximately 20 percent to provide areas for off-street parking and necessary services for buildings while increasing building frontages on other streets.
- Within the pedestrian district, parking access would be restricted along 68th, 69th, and 70th Avenues. Parking access would be provided along east/west cross streets, except as noted under Option 1 where longer blocks will require pedestrian and vehicle access.
- A setback of 0 to 10 feet, depending on the type of use and the location in the Triangle, would be maintained.

### Infrastructure Components of Option 2

#### Open Space, Trails, and Bicycles and Pedestrians

- In addition to the parks and trails system under Option 1, Option 2 would expand the multimodal circulation system to include the new road connections.

### **Street Connections**

- Option 2 builds off of Option 1 and expands both north/south and east/west connections to complete the portions of the street grid that area already in place.
- A Hunziker connection or a SW Beveland connection across OR 217 would provide better multimodal connectivity than currently exists.
- Option 2 includes a new north/south connection at 74th Avenue that continues south to SW Beveland Street, which would connect to a new multimodal crossing of OR 217. Local east/west connections would use this new spine to develop a block pattern as the area develops and as general commercial uses north of SW Dartmouth Street transition into mixed use/housing.
- Option 2 connects SW Hermoso Way to SW Franklin Street, and SW Gonzaga Street to 68th Avenue, and extends 67th Avenue north to connect to SW Elmhurst Street.

## **Evaluation Based on Project Principles and Evaluation Criteria**

This section evaluates the land use and infrastructure options based on the project principles that the TAC and CAC reviewed and agreed upon at the beginning of the project. A summary of the project principles, criteria, and results is included in Attachment A.

### **Movement – Getting Around**

*The plan provides a safe and effective multimodal (auto, bicycle, pedestrian, and transit) network circulation and access to, from, and in the Triangle in consideration of existing development and to interface with future transit and future transit- and pedestrian-oriented development.*

#### **Option 1**

Option 1 is very similar to the existing Tigard Triangle Plan District with the exception of extending SW 74th Avenue south to SW Dartmouth and making some limited multimodal improvements in the southern end of the Triangle. While Option 1 would improve pedestrian and bicycle circulation through larger blocks with the addition of pedestrian pathways, the road network is not significantly different than what is identified in the current Tigard Triangle Plan District, with the exception of the removal of the Backage Road near Red Rock Creek, which would be replaced with the new trail in the corridor. This option would provide better connectivity through its pedestrian path system, which would increase connectivity to the existing transit system, particularly for east/west routes that have the fewest connections. The addition of a new north/south pedestrian pathway system (identified on the Bike and Pedestrian Network Map) will also provide better off-street connections, particularly through developed residential areas that are not likely to transition soon.

Neither of the options is dependent on transit to be feasible, but if transit service does increase in the future, either with standard buses or through high capacity transit, there are adequate pedestrian and bicycle connections to reach the bus stops. Future additional transit service could be easily added to the proposed circulation system under Option 1, although Option 1 does rely more on the pedestrian pathway system to provide connections to transit than does the complete multimodal system proposed in Option 2, because Option 1 still would be missing road connections within the Triangle that would limit some movement.

Multimodal connections under Option 1 are phaseable, primarily because most of the proposed multimodal improvements are short connections between streets. Option 2, on the other hand, is also phaseable, but some improvements are much more significant and would likely require construction of

larger sections of roadway and other amenities at one time. Regardless, Option 1 would increase walkability, although not to the degree of Option 2. It would also not provide the multimodal connections for all modes, including vehicles, to provide options for getting around, in, and through the Triangle. This is particularly true of the north/south connections, where the travel options for vehicles under Option 1 are generally the same as they are today.

Both options provide similar crossings over OR 99W, OR 217, and I-5. The highways are significant barriers for access, and while a new crossing of OR 217 is proposed, access is still constrained. Similarly, access across I-5 is limited to the SW Haines overpass, because the east side of I-5 is composed of either single-family residential neighborhoods with no direct through access, or church grounds, which also would not provide a possible location for adding another connection. OR 99W, while a significant barrier due to the amount of traffic, speed, and roadway width, still provides the most potential for access improvements to the Triangle. Both options could incorporate better pedestrian and bike facilities to make crossings safer.

## Option 2

Option 2 provides a much more connected system of streets and provides better multimodal connections than Option 1, because many of the pedestrian paths that fill gaps under Option 1 are replaced with streets in Option 2. By providing a denser grid pattern, circulation is improved for all modes. The additional connections are either local or collector connections, with collectors also providing dedicated bike lanes. On-street parking would also be provided on most streets. Where larger blocks still exist, the pedestrian pathway system provides access through those parcels.

Unlike Option 1, Option 2 provides an additional north/south through connection via SW 74<sup>th</sup> Avenue and a new OR 217 overcrossing. This new collector would provide the benefit of additional access to and through the Triangle, potentially reducing congestion along the other roads. Also, this new connection provides an important bicycle and pedestrian connection over OR 217. Although the overpass could be constructed as part of Option 1, the connectivity provided by the new north/south street connection in Option 2 is much better than under Option 1.

Option 2 represents a more urban system with multiple circulation options, unlike Option 1, which generally maintains the existing transportation system—one that is focused on the collector/arterial system. Option 2 would maintain SW Dartmouth and SW 72nd as arterials, and the added capacity that the new SW 74th connection provides (in addition to the other options to get around) is a benefit for the area. A challenge that neither option can correct, however, is the regional congestion on the highway system that spills over onto the arterial system. Even with the improved connections and anticipated reduction in trips because of a more balanced land use plan that encourages walking and bicycling and more services and housing options, regional congestion will continue to be an issue.

As with Option 1, the proposed pedestrian path system further increases connectivity, although several of the east/west pedestrian pathway connections are replaced with local streets under Option 2. However, under Option 2, the pedestrian pathway system, in combination with the larger roadway network, provides a far greater level of connectivity than under Option 1. Option 2 also provides better connections to existing and future transit, particularly east/west routes that have the fewest connections. The addition of a new north/south pedestrian pathway, similar to Option 1, will provide good off-street connections, particularly through developed areas.

Neither of the options is dependent on transit to be feasible, but future transit service could be added to the proposed circulation system under Option 2 and be able to connect to the urban pattern of streets and paths that link transit to residential, employment, and services within the Triangle. Option 2 is a complete multimodal system.

Multimodal connections under Option 2 are phaseable, although Option 2 offers less potential for phasing of these connections than Option 1, which generally includes only short street sections. Some improvements under Option 2 are significant, such as the new SW 74<sup>th</sup> Avenue, which would likely require construction of large sections of roadway and other amenities at one time. Both options provide for similar crossings of OR 99W, OR 217, and I-5. The highways are significant barriers for access, and while a new crossing of OR 217 is proposed, access is still constrained; although under Option 2, the new SW 74th connection and Beveland crossing would provide a new through connection from Hunziker to OR 99W, a significant benefit given the existing congestion. SW 74th could require changes to the OR 99W intersection, because it would be a full street as opposed to a driveway, as it is currently. Access across I-5 under Option 2 is limited to the SW Haines overpass for the same reasons as under Option 1. OR 99W, while a significant barrier due to the amount of traffic, speed, and roadway width, still provides the most potential for access improvements to the Triangle. Both options could incorporate better pedestrian and bike facilities to make crossings safer.

### Feedback from the CAC and TAC

- Highway crossings are very expensive. Realistically, only one of the two crossing options proposed in Option 2 would likely be constructed.
- The connection from Pacific to Beveland (SW 74<sup>th</sup>) would be a really big investment and is a big project. Considering that Wal-Mart is in place, it may be harder to do now.
- As people travel south on SW 74th headed toward Beveland, it makes more sense to have a straight connection over OR 217 to Wall Street without a turn onto Beveland. There are pinch points just south of the more southern OR 217 crossing in Option 2.
- Why not widen SW 72nd to Boones Ferry?
- Adding SW 74th makes sense because of the general zoning changes and because the area would be more broken up.
- A connection would be beneficial from the Red Rock Creek Trail to Portland Community College (PCC) in the eastern part of the Triangle. Haines Street is too busy.
- The new connection at SW 74th Avenue uses an existing signal, and new access to OR 99W has to be done very thoughtfully, but if done carefully could alleviate some congestion.
- Need to show bike/pedestrian connections to surrounding areas – PCC to the Town Center and up to Washington Square. Regionally, how do you get across OR 99W, I-5, and OR 217?
- Would like to see a connection from Red Rock Creek Trail to Fanno Creek.
- Rename road designations to match current standards and thus avoid confusion.

### Land Use – Activity Centers

*The plan integrates land use and transportation planning to ensure a vibrant town center/station community by identifying the right mix of uses/densities to support the community.*

#### Option 1

Option 1 generally maintains the existing zoning densities, with changes in site design standards to

improve the pedestrian environment by increasing the percentage of building frontages next to pedestrian-oriented streets and adding some pedestrian connections. The proposed land use pattern is generally focused within the pedestrian district, both as a central gathering area with the highest density uses and as a gateway to campus style development at the most southern end of the Triangle. Unlike Option 2, Option 1 still maintains the general commercial zoning within the project area, which would likely have some adverse impact on the Triangle and future development in the two general commercial areas. Both general commercial areas would likely redevelop with similar uses as today (large format, auto-oriented uses) and would not be as conducive to walking as they would be if the areas had a more pedestrian-focused development pattern.

As described under Movement (above), the pedestrian pathways will provide increased accessibility to transit, including increased accessibility if transit service is increased. Proposed land uses are at a sufficient density to support a strong transit system, and it is particularly important to consider that, even under the proposed densities for Option 1, increasing non-auto modes of travel and having services near residential and employment are essential to minimizing additional vehicular traffic.

The proposed densities under Option 1 would provide for up to four-story buildings in the Triangle, equating to approximately 30 dwelling units/acre for residential developments. From a transit-oriented development perspective, this density is generally the minimum density necessary to support a transit system that offers frequent service (buses every 10 to 15 minutes). However, though the proposed density may be necessary in order to achieve transit-oriented development, a mix of higher density (e.g., apartments) and medium density (e.g., townhouses) could still achieve the desired result. From a market perspective, a developer takes into account a variety of factors when considering building. Higher land costs may require building at higher densities than what is proposed under this option in order to achieve the desired rate of return on the project. Based on the market feasibility completed for the project, the densities proposed under Option 1 appear to be generally feasible, although some incentives may be required to support higher density development. In the longer term, 30 units/acre may be too low as land values increase and developers need a higher rate of return on their projects.

## Option 2

Option 2 involves increasing zoning densities across the Triangle and also includes transitioning some general commercial areas to mixed use. This option also changes site design standards to improve the pedestrian environment by increasing the percentage of building frontages next to pedestrian-oriented streets and adding some pedestrian connections. Unlike Option 1, Option 2 focuses on key catalyst sites, such as redeveloping the theater area and the area in the vicinity of the pedestrian district, where an urban core of dense office, retail, and commercial uses is proposed. While Option 1 does improve upon the urban quality of the area, Option 2 considers mixed-use nodes that are activated around improved multimodal transportation, and potentially increased transit service. Under Option 2, large format general commercial areas would not be present within the project area, which would have a significant positive impact on walkability and traffic generation, because the large blocks would be broken into smaller, more pedestrian-scale areas.

The more complete system of roads and pathways under Option 2 supports the increased densities proposed and increases access to transit. Proposed land use densities will support a strong transit system level of service, more so than under Option 1. However, providing for non-auto modes of travel and access to nearby services without a car are essential to minimizing additional traffic. Option 2,

particularly given the housing densities it proposes, is much more likely to support a mix of uses than Option 1, but there is also a much greater likelihood that the resulting development will increase traffic. This increase in traffic could likely be avoided if the Triangle were to meet the daily needs of its residents by providing adequate housing, employment, and retail services, available within walking distance of one another and coupled with strong transit connections.

The proposed densities under Option 2 would provide the potential for buildings of up to six stories in the Triangle, which would equate to approximately 50 dwelling units/acre for residential developments. From a transit-oriented development perspective, this density is much more conducive to a transit system that offers frequent service or better (buses every 10 to 15 minutes). However, though the proposed density may be necessary in order to achieve transit-oriented development, a mix of higher density (e.g., apartments) and medium density (e.g., townhouses) could still achieve the desired result, similar to what could occur under Option 1. In addition, as stated under Option 1, a developer takes into account a variety of factors when considering building, and higher land costs may require building at higher densities (similar to those proposed under Option 2) to achieve the desired rate of return on the project. Based on the market feasibility completed for the project, the densities proposed under this option generally appear to be feasible, although some incentives may be required to support higher density development. In the longer term, a density of 50 units/acre may be feasible as land values increase and developers need a higher rate of return on their projects, thus requiring more density.

### Feedback from the CAC and TAC

- The Triangle seems to be a really good location for the big box retailers. Should we be planning to keep future big box retail out or encourage more, since it is working so well in this location?
- The plan should avoid creating code that limits interim changes and modifications. For example, surface parking could be allowed in the interim.
- When thinking about SW 74th Avenue, what happens if WinCo is still successful in that location in 25 years?
- Activating the east side of the Triangle, near SW 68th, with tuck-under parking could work. Need to make sure that parking podiums don't work against the pedestrian district concept.
- The area near SW 72nd and SW 74th Avenues has a steep elevation and may be a good opportunity for tuck-under parking or a central parking garage that has multi-use and housing on top with nice views.
- This plan could require big box developers to build underground parking in place.
- With a maximum building height of 45 feet, it is very hard to develop four stories. This maximum building height should be increased to 55 feet.
- A concern was raised about the minimum street frontage of 90 percent for some streets and requirements for fire access.
- No one wants to develop a four-story building with a podium. They want to develop a five- or six-story building. A developer needs to get a certain amount of return and have options for a building.
- Why not allow as much height as possible and let the market and developers decide?
- Regarding the question of how high to build a building, we may need two options to consider: one that considers what could be done with high capacity transit and one without.
- With taller buildings, we need to maintain the welcoming and friendly feeling. If buildings are too tall, it can feel like a tunnel.
- Is there an opportunity to make the pedestrian pathways also maintenance access ways? The

densities of these areas make us start to have to design utilities, more like in a core area.

- There is a lot of land banking, with parking going on there now. Focus for the city is: Where do you want to put your money and where are good parking locations to not conflict with people coming off I-5 and taking a left to park? There is a concern about traffic on ramps coming off of I-5.

## Public Realm – Community Character

*The plan builds upon existing characteristics that make the Triangle unique and desirable to develop a community with a clear identity.*

### Option 1

The urban realm is primarily a constructed environment, focusing on complete streets, walkability, bicycle connections, and passive and active spaces for residents and employees to get out of their homes and offices. Within the context of the Triangle, all access points into the Triangle are considered gateways, but neither of the options outlines specific design treatments to use to identify the Triangle. Under either of the options, design requirements should identify consistent features for creating an identity for the Triangle.

Both Option 1 and Option 2 are similar in the types of public spaces proposed; the key difference is that Option 2 provides an additional opportunity for incorporating plazas and other features that are part of a large-scale redevelopment on the theater and WinCo sites. Both options have other park and open space features that are similar, although the larger bicycle and pedestrian system under Option 2 does provide better access to the Red Rock trail.

Option 1 certainly includes areas that, if developed as envisioned, make the Triangle unique, particularly development along the central portion of the Triangle. Important amenities that support the public realm include reimagining Red Rock Creek as a passive recreation area that also provides riparian habitat and connections to the larger bicycle and pedestrian system. Red Rock Creek is the defining feature of the Triangle, because it is geographically central and is also a notable natural resource. In addition, TAC and CAC members identified the need to provide active recreation areas, including places for kids to run around, and at least one plaza within the central portion of the pedestrian district, if the Triangle is to truly be a neighborhood.

Option 1, with its lower density assumptions, may provide a more approachable scale than what is proposed under Option 2. While specific design standards can be implemented to reduce the scale and appearance of buildings, the three- to four-story maximum building height under Option 1 is still taller than most existing buildings within the Triangle. Coupled with pedestrian-oriented roads and pathways, the scale of Option 1 is comfortable and would not require the types of regulatory interventions that ensure that buildings remain in scale with their surroundings.

### Option 2

Option 2 is similar to Option 1, except that Option 2 proposes many more public rights-of-way than Option 1, and has more potential for increased public space in areas that would not likely develop with pedestrian-oriented uses under Option 1. All access points into the Triangle are considered to be gateways, but neither of the options outlines specific design treatments to denote the Triangle. Under either of the options, design requirements should identify consistent features for creating an identity for

the Triangle. The current Triangle Plan District calls for architectural treatments at intersections with OR 99W, which could be adapted to either option.

Option 2 proposes similar types of public spaces as Option 1, but the larger redevelopment possibilities under Option 2 also provide the opportunity for including plazas and other open space features in the development, even if such features are phased in over time. Large public spaces, such as community parks and trails (for example, Red Rock Creek) are similar under both options, although the larger bicycle and pedestrian system under Option 2 does provide better access to the Red Rock trail.

Both options, if developed as envisioned, have very unique qualities and amenities, such as Red Rock Creek and its connections to the regional trail system, that are very important. Community parks, the need for which both TAC members and CAC members identified, are even more critical under Option 2, because it has densities that are considerably higher than Option 1.

Five- to six-story structures are rare in the Triangle today, and a district composed of many taller buildings could have an adverse impact on the pedestrian qualities of the area. A CAC member described it as the “tunnel effect.” To maintain a pedestrian scale, design standards can be implemented to reduce the apparent scale and size of buildings. Such an additional series of design standards would help to ensure that pedestrian scale and visual interest are maintained. These additional design standards are likely unnecessary under Option 1.

### Feedback from the CAC and TAC

- Having the pedestrian streets and paths in the middle and the auto traffic in the outer streets elicited a positive response. Even without transit, this is good for a walkable street plan.
- The Red Rock Creek trail could be connected along the parklands in the north part of the Triangle.
- In the pedestrian grid area at the center of the Triangle, it would be interesting to consider a park block similar to Esther Short Plaza (Vancouver) and Pioneer Square (Portland). This park block could be used by the office occupants and residents.
- A connection from the Red Rock Creek Trail to PCC in the eastern part of the Triangle would be beneficial. Haines Street is too busy.
- Where does this leave the few homes that are in the middle of this?
- Additional traffic is a concern. Also, there are a lot of crossings over the Red Rock Creek area, which feels contrary to what is supposed to be an open space natural resources area.
- It seems that the desire is to fit a lot into a small space. Should on-street parking be provided everywhere?
- Development will happen before there are increased stormwater requirements. If there is a way to fit stormwater management into pedestrian areas that would help a lot.
- Green streets won't cut it anymore, and there will be additional stormwater detention requirements. The Triangle is a dense area, and that is in conflict with stormwater management. Would like to see a wider buffer along Red Rock Creek. Stormwater and natural resources treatments will have to be thought through more.
- Where are the kids going to play? There should there be a way in the open space plan to show a dispersion of pocket parks or a planned neighborhood park for the area.

## Market and Implementation

*The plan is marketable to developers and the public, and is implementable. Identified improvements are feasible both from a financial perspective and a construction perspective, with no “red flag” obstacles.*

### Option 1

Both options appear to be constructible based on the preliminary feasibility analysis completed for the project, although not all land uses proposed under both options would likely be constructed today. Lower-density development, such as townhomes, appears to be feasible now, but it would not be at high enough densities to support the pedestrian-oriented district the City of Tigard envisions. If townhomes were permitted, there would need to be higher-density uses nearby in order to provide enough residents to support ground floor retail, even at a limited scale.

Higher-density developments may have to take advantage of incentive programs, particularly if they require structured parking. Today, however, it appears that even the residential densities proposed under Option 1 would require some type of subsidy or incentive to be constructible, regardless of the type of parking. Office uses, while not feasible for the next several years, even with incentives, because of the high vacancy rates, will not be constructed at any large scale; however, that market will eventually rebound and should not be restricted. The more likely scenario is that housing and potentially mixed use with limited commercial ground floor use will be the dominant type of development for the foreseeable future. Under Option 1, this development could occur in any part of the Triangle (with some exceptions in the General Commercial zone), although not to the same degree as under Option 2. Additionally, the 30 dwelling unit/acre maximum may be a limiting factor if developers are paying more for land or if other costs, such as parking or fees, require developers to build more units in order to meet their financial metrics.

### Option 2

Market potential and implementation under Option 2 is similar to that under Option 1, but appears to provide more potential for maximizing development opportunities in the Triangle, particularly as land values and other costs fluctuate over time. The feasibility analysis showed similar results for development potential for Option 2 as Option 1: Generally, residential and mixed-use development will need some type of subsidy or other incentive, at least initially. Option 2 does offer some more unique sites that could certainly be catalyst sites, such as the theater and WinCo sites. This site, if it transitions into a mixed-use and residential area, would be a development of large enough scale to affect the visibility of and potential interest in the Triangle, particularly given the site’s proximity to Red Rock Creek. This type of development would likely require some type of public intervention, because it would require new roads, park amenities, and potentially other incentives to provide structured parking in order for it to be possible. Therefore, although Option 2 offers the most potential, it could also require the largest subsidies or other public investments.

### Feedback from the CAC and TAC

- There may be ways to capture revenue from development in the Triangle to provide for shared stormwater infrastructure.

## Recommended Land Use and Transportation System Option

The Recommended Land Use and Transportation System Option (Recommended Option) is based on the evaluation completed for the two preliminary land use and transportation options developed earlier in the project and input provided by the Technical Advisory and Citizen Advisory Committees. As described below, the Recommended Option is a combination of both options, taking the most relevant components from each of the options to provide a plan that meets both the short- and long-term vision of the area. Attachment B includes the graphic representations of the Recommended Option.

### Land Use Components

The Recommended Option organizes the Triangle into several land uses at a variety of densities to accommodate potential development now and into the future, although the densities would not exceed residential densities found in Washington Square and Downtown Tigard. Land use components of the Recommended Option include:

- Townhomes (approximately 16 dwelling units per acre [du/ac]) are proposed in limited areas, primarily adjacent to existing development with similar densities. The market feasibility analysis found that this type of development is potentially feasible today, and while it does not provide the densities necessary to support neighborhood-oriented services, its limited use as a catalyst may help attract additional and more diverse development types. Within these areas, apartments would also be permitted at a density of up to 30 du/ac to provide some flexibility.
- Maximum building heights vary in the Triangle, with the tallest buildings of up to 75 feet (five to six stories) located in the pedestrian district and the southern part of the Triangle. West of the pedestrian district, building heights are reduced to 55 feet (four stories). This preserves views to the west and provides a varied building pattern.
- In areas that have a maximum 75-foot building height, multifamily residential density of up to 50 du/acre would be permitted. Where building heights are lower, the maximum residential density would be up to 30 du/ac.
- Vertical mixed-use buildings (with ground floor retail/flex space) would be required on corners in the pedestrian district and in redeveloped areas that have a large amount of anticipated foot traffic and where there is high visibility. In all other areas, ground floor retail/flex space would be permitted, but not required.
- Commercial uses that are not within designated commercial zones would be limited to a 30,000 ft<sup>2</sup> maximum floor plate.

### Site Design Components

- The current minimum building frontage requirements would be increased from 50 percent to 90 percent for pedestrian-oriented streets. For access streets, minimum street frontage requirements would be 20 percent. Lower frontage requirements would provide areas for off-street parking and necessary services for buildings while increasing building frontages on other streets.
- There are several blocks that exceed 400 feet in length within the Triangle, and such a long block limits pedestrian circulation and vehicle access. On these longer blocks, pedestrian paths are proposed that will provide connections through blocks and provide access to parking behind buildings. Maximum block length shall not exceed 250 feet without pedestrian access. Vehicle access can be combined with pedestrian pathways, but such vehicle access locations would not be closer than 250 feet from a street or other vehicle access.
- Within the pedestrian district, parking access would be restricted along SW 68th and SW 69th

Avenues. Parking access would be provided along east/west cross streets and SW 70th, except where longer blocks will require pedestrian and vehicle access.

- A setback of 0 to 10 feet, depending on the type of use and the location in the Triangle, would be maintained.

## Infrastructure Components

### Open Space, Trails, and Bicycles and Pedestrians

- In addition to the trails system, there would be two neighborhood parks (approximately 1 acre in size) located within the Triangle. These parks would have equipment and other amenities found in a typical park of this size. There may also be an opportunity to combine regional stormwater facilities with park locations.
- Improving Red Rock Creek as both a natural and recreational amenity would make it a defining feature for the Triangle and a paved multi-use trail could connect these features to the larger bicycle and pedestrian network within and through the Triangle.
- Two other parks/plaza spaces would be located in the central and southern parts of the Triangle to take advantage of existing trees and vegetation.
- An expanded multimodal circulation system would include the new road connections.
- A pedestrian pathway system through larger blocks to connect key Triangle locations would be added.
- Highway crossings.

### Street Connections

- Several local connections would be added to complete the street grid.
- SW Beveland would be extended across OR 217 to provide better multimodal connectivity than currently exists.
- A new north/south connection at 74th Avenue would continue south to SW Beveland Street, which would connect to a new multimodal crossing of OR 217. Local east/west connections would use this new spine to develop a block pattern as the area develops and as general commercial uses north of SW Dartmouth Street transition into mixed use/housing.
- SW Hermoso Way would be connected to SW Franklin Street, and SW Gonzaga Street to 68th Avenue, and 67th Avenue would be extended north to connect to SW Elmhurst Street.

### Transit Service

The Recommended Option can accommodate existing and potential future transit service. The proposed increased densities support improved service.

### Pedestrian District

The Recommended Option incorporates a pedestrian district located along 68th, 69th, and 70th Avenues. Vehicular access to off-street parking areas will be managed in order to consolidate driveways in the district. Managing parking access to specific areas reduces conflicts with pedestrians, increases street frontages with active uses, and encourages pedestrian-oriented building design. For all streets (both east/west and north/south), wide sidewalks, street trees, and on-street parking are provided and there is a consistent streetscape element pattern.

### Streets

All streets are pedestrian-oriented, with at least 11-foot sidewalks, landscaping, and on-street parking. Designated bike lanes are provided along higher-traffic streets, which also connect to the larger system

outside of the Triangle. Shared travel lanes are provided along local streets where lower volumes and slower vehicle speeds are expected. In some cases where topography is more challenging, uphill bike lanes may be provided in order to minimize conflicts with vehicles.

### Street Hierarchy

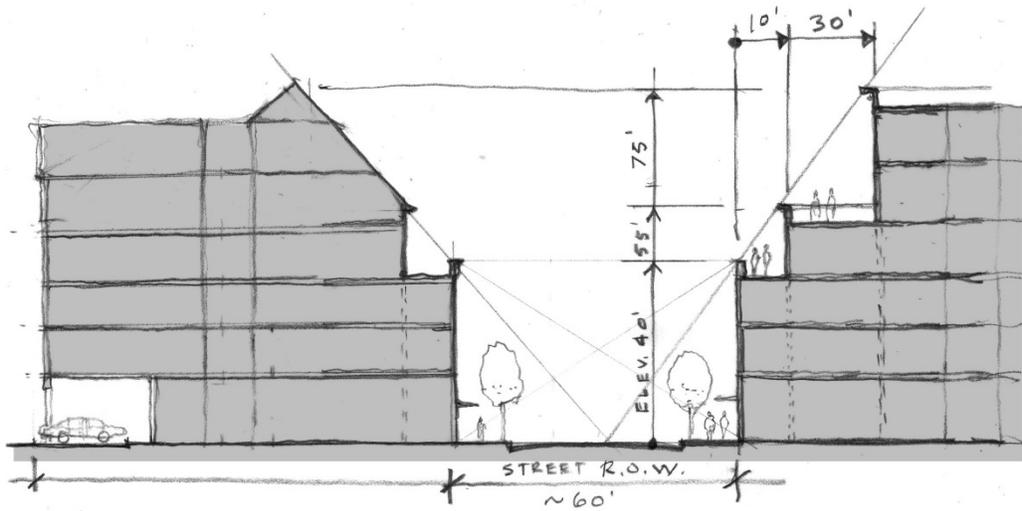
Building design standards are organized around the system of street hierarchies that provide an organized approach to building orientation and site design standards. **Figure 1** shows building height and step back standards, building placement, and illustrations of parking orientation. The street hierarchy is described in **Table 1** with a map (A/B/C Street Network Map) in attachment B.

All streets are pedestrian-oriented streets, with wide sidewalks and landscaping, but not all streets serve the same purpose. **A streets** are the most pedestrian-oriented and comprise the majority of streets in the Triangle. They have the highest building frontage requirements of any street classification. **B streets** support A streets in that they provide access to parking and other service entries necessary for businesses to operate along the A streets. Corners along B streets would still be required to have buildings, but the majority of B street frontage can be dedicated to off-street parking, either surface or structured. Parking areas would be shielded from pedestrians by landscaping. **C streets** are arterial streets. Frontage requirements are lower on C streets, because active pedestrian areas are more likely to occur on perpendicular side streets that include on-street parking and slower vehicle speeds. C streets are primarily for through movement and access to the more pedestrian-focused areas, but they still provide a consistent pedestrian environment and bicycle facilities to accommodate all modes of travel.

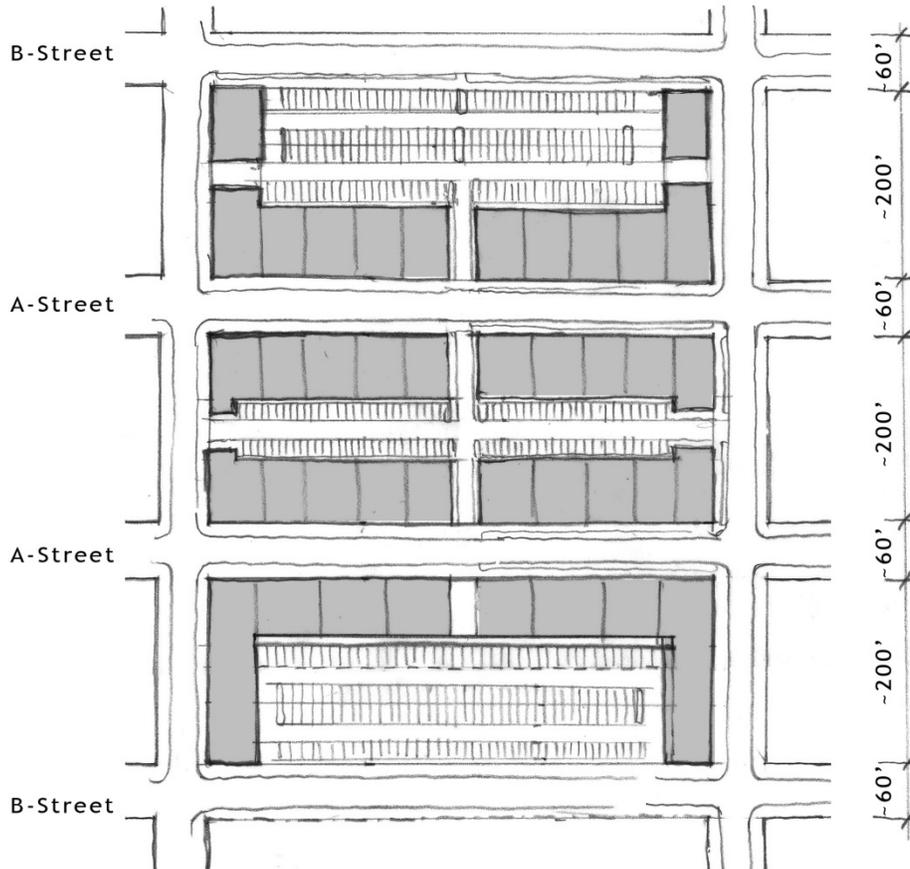
**Table 1. Proposed Street Hierarchy and Frontage Standards**

Street type	“A Street” (Pedestrian)	“B Street” (Access )	“C Street” (Through)
<b>Objective</b>	High pedestrian quality and strong building frontage.	Moderate pedestrian quality and building services.	Moderate pedestrian quality; auto emphasis.
<b>Sidewalks</b>	Required. Separated from curb by planting strip, tree wells, or rain gardens.	Required. Curb-tight optional.	Required. Separated from curb by planting strip, tree wells, or rain gardens.
<b>On-street parking</b>	Parallel or diagonal parking required. Head-in prohibited.	Parking required. Parallel, diagonal or head-in.	Prohibited.
<b>Number of lanes</b>	Two	Two	Three to five
<b>% of building along street frontage</b>	Minimum 90%	Minimum 20%. Required at street corners.	Minimum 50%
<b>% of off-street vehicle parking along street frontage</b>	0%	Maximum 80%. Prohibited at corners.	Maximum 50%. Prohibited at corners.
<b>Block length</b>	Maximum 250 ft. to mid-block lane crossing. Lane width up to 30 ft.	Maximum 250 ft. to mid-block lane crossing. Lane width up to 30 ft.	NA
<b>Typical vehicle speed</b>	15-25 mph	15-25 mph	25-35 mph

Figure 1. Building Front Step-Backs and Street Hierarchy Orientation



Building Front Step-Backs



A and B Street Front Setback Standards

## Actions Necessary to Implement the Recommended Option

The Recommended Option will require several changes to the existing Comprehensive Plan, Development Code, and Transportation System Plan. These changes include:

- Revising the Comprehensive Plan land use designations within the Triangle to be consistent with the Recommended Option. The most notable change is to amend the plan to change some commercial designations to Mixed Use.
- Amending the zoning within the Triangle to accommodate the proposed land use categories. This zoning will likely be one or more mixed-use zones that permit the type of development envisioned in the Recommended Option. Tigard's downtown code may be a good example to use in developing the new code for the Triangle.
- Amending the Tigard Triangle Plan District to incorporate the new site design standards, including the proposed street hierarchy, street system, design guidelines, height regulations, and parking standards (still to be determined).
- Amending the Transportation System Plan to include the updated street, bicycle, and pedestrian system. Planning-level cost estimates for road improvements will also need to be updated.
- Amending the City's Parks Master Plan, if necessary, to include the new public park and plaza facilities.

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City of Tigard  
**Tigard Triangle**  
STRATEGIC PLAN

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# DRAFT Development Feasibility Analysis Report

May 2014

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Leland Consulting Group  
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## Introduction

This memorandum serves as the Development Feasibility Analysis for the Tigard Triangle Redevelopment Strategy. The purpose of this memorandum is to evaluate the feasibility of various land use types that were generated by the team under the two options presented in the Land Use and Infrastructure Options memorandum and supported by the Opportunities and Constraints memorandum. It measures financial gaps in various development scenarios to get a sense of the types of development that would be feasible on their own in current market conditions and those that might be feasible with some assistance. It tests the effectiveness of different financial tools and policy strategies and quantifies preliminary economic impacts from the potential development.

The goal is to better understand the likelihood of development occurring in the Tigard Triangle and what subsidies or other interventions might be required for private developers to make the desired types of investments. The potential value of future development can then be measured against the necessary infrastructure investments to determine whether private development can pay for all of the infrastructure or whether public subsidy will be needed to complete the infrastructure improvements recommended in the earlier phase of the project.

## Key Findings

This Development Feasibility Analysis resulted in several key findings:

- **Land costs.** Up-front land costs are a critical factor in determining whether proposed development types are feasible. Variations in the land cost assumptions in the pro forma financial analysis result in wide fluctuations in the “bottom line” feasibility of development. High land costs or extraordinary costs related to land assembly (which can include long-term holding costs, for example) will negatively impact feasibility. Due to the recent recession, there are very few land transaction comparables in the Triangle on which to make a good estimate of land values. Therefore, it is difficult to ascertain what raw land is “worth” in the Triangle. At an assumed land value of \$20 per square foot, no development models are feasible using today’s construction cost and revenue assumptions. This implies that a) development needs to transact at land prices less than \$20 per square foot, and/or b) revenues will need to increase (e.g., commercial lease rates, apartment rents) before new development can be supported at these land prices. In practice, the land price in a transaction is determined and negotiated through a residual land value analysis – whereby the land price is the last variable “solved for” after accounting for development costs, achievable rents, and a risk-appropriate rate of return for the developer.
- **Multifamily is the most viable option.** Multifamily residential development is the most viable land use under today’s market assumptions. Again, land prices are an important factor in this scenario and there are market trends that determine how much a developer can spend on land for a multifamily development. As a general rule of thumb, in today’s market multifamily development will pay approximately \$15,000 (and no more than \$20,000) per apartment unit for land. Therefore a 50-unit apartment building could spend up to \$750,000 for land. The amount per square foot of raw land, therefore, is dependent on the project’s density – thus, \$750,000 equates to \$8.61 per square foot on a two-acre site or \$17.22 per square foot if built on a one-acre site.

- **Residential rents.** Residential rents in Tigard today for a newly-constructed project with surface parking are estimated to be \$1.40 per square foot per month based on market research and achievable rents at comparable projects throughout the region. It is estimated that rents would need to be in the range of \$1.80 per square foot per month to support a project that includes a parking structure. Like land prices, rents are a very significant variable in the analysis. If the market can support rents of \$1.60 or \$1.80 per square foot per month, many more residential development types will be feasible.
- **Office rents.** Office lease rates in the Triangle are currently well below what would be required to support new construction, even with relatively inexpensive surface parking. Until vacancies decrease in competitive office markets like Kruse Way and Washington Square, it is not expected that lease rates in the Triangle will increase to the \$30-plus range, the minimum needed to support new development.
- **Vertical Housing Tax Abatement.** Several tools were evaluated to test the effect of financial subsidies on development. The State’s Vertical Housing Program was found to be very useful in reducing the feasibility gap, especially for denser housing types that require structured parking.
- **Ground floor retail.** Retail rents do not currently support new construction. However, in mixed-use buildings, revenues from residential uses may offset losses from ground-floor retail, especially if that ground-floor retail is limited in size. In practice, if the amount of ground-floor retail is kept small, a developer (and its financial lender) will typically assume that ground-floor retail is a “loss-leader” and does not contribute to the project’s profits.
- **Subsidies.** Where financial gaps do exist, a range of cash-equivalent subsidies would be effective at making project types feasible. These subsidies could include development impact fee waivers, public construction of infrastructure (such as utilities or streetscapes), or direct cash subsidies to developers (e.g., grants or forgivable loans through an urban renewal district).

## Analysis Approach

This section describes the approach, methodology, and assumptions used in the analysis. The process begins by building a financial model template that can analyze the financial performance of various land use types under a range of physical and policy conditions. These variations include factors such as densities, parking ratios, parking structure types, and the application of different financial subsidies. By varying these inputs, the model can illustrate the relative differences in feasibility of different land use types, which will assist in identifying a preferred alternative for the plan. Likewise, the effectiveness of different policy changes or financial incentives can assist in making recommendations on public tools for implementation.

- **Land use types.** The land use types evaluated in this memorandum were drawn from information gathered in the Land Use Options memo and informed by the market analysis. Some options offer slight variations on the same land use type in order to test how different building configurations perform.
- **Data inputs.** Leland Consulting Group gathered foundational data such as construction costs, land values, capitalization rates, and office and apartment rents in order to build the model. Some of the data sources used include local brokerage reports, CoStar (a provider of commercial real estate data), interviews with local developers, and other national housing and construction reports. Data sources for each input are noted in the footnotes in the appendices.
- **Static pro forma template.** The data was used to build a pro forma template which can easily model different assumptions, thereby testing the feasibility of the various development types

and conditions. A static pro forma looks at cash flow in the first year, assuming full lease-up, and is a “back of the envelope” way of testing a project’s financial feasibility. It does not show debt and equity assumptions or cash flow over a set period of time as a developer would when analyzing a specific investment opportunity. It is a simplified analysis that allows for the testing of the *relative* difference between fixed inputs. For example the model shows the effect of changing the parking ratio for housing from an average of 1.5 spaces per unit to 0.75 spaces per unit, or allowing for a higher FAR for office uses. This memorandum includes a set of land use types and assumptions that is the result of the testing of many more assumption sets. Those that are most illustrative of what is feasible and that demonstrate the effectiveness of incentives were included in the final memorandum.

### Caveats/assumptions:

Given the range of variables and the inherent complexity of a pro forma analysis, several considerations need to be mentioned:

- **Site size.** For consistency, all of the pro formas are based on a theoretical two-acre development site. In reality, development will occur on sites of varying sizes, but this model provides generalized findings that can be scaled up or down proportionately for different site sizes. However, for very small sites (e.g., smaller than one acre), there may be efficiencies that are lost (e.g., efficiently-sized parking garages) that increase overall development costs and reduce financial performance.
- **Relative difference between land uses.** Pro forma financial analyses incorporate a long list of variables (inputs). Many of these variables will fluctuate over time based on market conditions (e.g., rents, land prices) and economic conditions (e.g., construction costs, cap rates). Changes to any of these variables can have significant impacts on a project’s bottom line. For this reason, a static pro forma analysis of a theoretical set of project types is most useful in gauging the *relative* difference between land uses under the same set of assumptions. While the analysis can indicate the likely feasibility of development under today’s economic assumptions, changing market conditions mean that the numerical results should not be used to indicate the actual feasibility of development in the future. A pro forma for an actual development project has a shelf life of at best six months and would in practice be updated frequently based on real-time cost estimates, architectural designs, and capital conditions.
- **Rental housing.** For residential products, this analysis focuses primarily on rental housing as opposed to ownership housing. First, rental housing is in high demand throughout the Portland region today and is likely to be the most feasible land use under current market conditions. Secondly, in an emerging mixed-use district such as the Triangle, rental housing usually precedes ownership housing, as the rentals provide an opportunity for the district to build market momentum and “prove” itself before attracting residents who would need to make a much more significant ownership commitment when moving there. The only exception is with the townhome example, which would be more likely to be built under an ownership model.

### Infrastructure Assumptions

Typically, developers would be expected to build any onsite circulation improvements necessary for the new development. They are also expected to pay impact fees or systems development charges to offset the additional usage of local streets, parks, sewer, and water. Larger developments may be required to complete a traffic impact analysis which might require a set of offsite improvements, as well, if the additional traffic going to the site would require intersection or other major street improvements. This pro forma analysis assumes a “soft cost” allowance of 25 percent of the “hard costs.” Soft costs include

non-construction costs such as impact fees, design and engineering, and administrative fees. Hard costs include actual materials and construction of the site and buildings, including the cost of onsite improvements. ~~The Options Evaluation Report will evaluate the broader land use and infrastructure system options for the entire Triangle, considering the financial feasibility of the desired land use plan, the transportation improvements needed to sustain the new development, and the financial impact to the City of Tigard.~~

## Case Studies

The density and mix of land uses envisioned for the Triangle are likely to push the envelope of what is feasible under current market conditions. Therefore, a range of tools and incentives will likely be needed to ensure that early projects can get off the ground and begin to build market momentum that will allow for achievable rents and sales prices to occur in the future. This section of the memorandum presents brief case studies from other suburban jurisdictions that illustrate how different incentives and policies have allowed mixed-use, urban-scale development to take place. These examples provide inspiration for the tools and incentives that were analyzed for the Triangle and that will be included in the implementation recommendations.

### Lake View Village, City of Lake Oswego

Lake View Village in Lake Oswego is a very successful example of a public-private partnership in which the City's investment in a central parking structure was instrumental in realizing a feasible development and revitalizing the downtown. For more than 20 years, the City of Lake Oswego struggled to develop a key vacant block at its "100 percent corner" as a vibrant mixed-use center. To realize success, the City partnered with the developer, investing 80 percent of the \$5.6 million construction cost for the parking structure. The City maintains the structure which is accessible to customers of Lake View Village as well as visitors for events and festival parking for the nearby Millennium Park. The City also invested in local streetscape improvements. The development included 50,000 square feet of office and 50,000 square feet of retail and restaurants wrapped around a 366-space parking structure on 2.5 acres. The City also used eminent domain and public acquisition of property to assemble the land for the site, while ensuring that private property owners got a fair market value for their property. Parcelization and land assembly was a key barrier to be overcome, and with nine different property owners involved, it would not have been possible without City intervention.

#### Vertical Housing Program

The Vertical Housing Program is a State of Oregon Vertical Housing Tax Abatement program that allows for a maximum tax exemption of up to 80 percent of the improvement over a 10-year term for mixed-use projects in Vertical Housing Development Zones (VHDZ) designated by local jurisdictions. The ground floor of the project is required to be a non-residential use. For projects fronting one or more public streets, 50 to 100 percent of the interior street facing facade of the building adjacent to the public street must be constructed to commercial building standards and/or dedicated as a commercial use upon completion. An additional tax exemption of up to 80 percent may be given on the land for qualifying projects providing low-income housing (set at 80 percent of area median income or below).

### Holland Apartments at Orenco Station

The Holland Development Group is currently developing 894 residential units and up to 25,000 square feet of retail space in three six-story podium-style buildings and one "wrapper" building with a central parking structure and a new public plaza in the new Platform District at Orenco Station. The developers are using a variety of financial tools to make the project feasible. The wrapper building is using the

Vertical Housing Tax Abatement, giving it 80 percent tax abatement over 10 years. The project is expected to bring in an estimated \$300,000 per year in property taxes even with the abatement, after which it will increase to an estimated \$2 million per year. **(I put in a call to Holland to follow up on more specifics...)** In interviews, the developer indicated that the Vertical Housing Tax Abatement made the additional cost of structured parking feasible. Another financial incentive making the project feasible is the City's willingness to allow the developers to pay the systems development charges (SDCs) over time. Rather than paying them in full at the beginning of the project, the developer paid a five percent down payment (as opposed to the typical 15 percent down payment) and will pay the rest over a 10-year period starting six months after the certificate of occupancy is issued. Additionally, Holland has agreed to build the central plaza for an estimated \$2.6 million and will apply the construction costs to the \$2.4 million parks SDC that it owes for the project.



Source: Oregon Live, Walker Macy, Holland Development Group



Source: <http://www.platform14apts.com/>

## North Main Apartments and North Main Village, Milwaukie

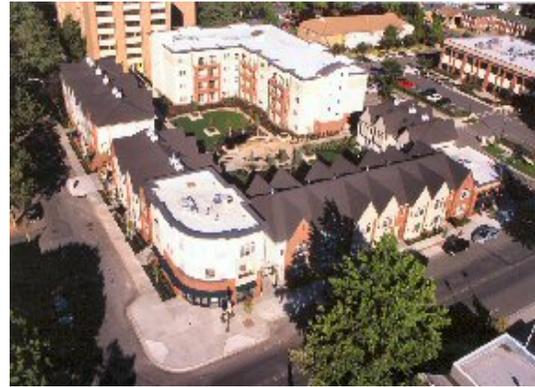
The North Main Apartments and Village in Milwaukie is a mixed-use project with 64 affordable apartments, 33 ownership townhomes, 9,500 square feet of retail, and a community plaza. The project used a variety of financing tools to make the development feasible including City land contribution, Metro Centers program funds, the Vertical Housing Tax Abatement, and City-funded offsite improvements (sidewalk and roads, water and sewer extensions, utility undergrounding, and downtown ornamental lighting). The North Main Apartments received a 10-year, Vertical Housing Tax Abatement for 60 percent on both the building and 60 percent on the land because it incorporated affordable housing units in that portion of the project. The North Main Village received a 10-year, 40 percent abatement on the building. The \$14 million project was completed in 2007 and is one of the few new development projects to have occurred in Milwaukie over the past decade. The developer attributes the success to the City's strong commitment to getting a successful development project downtown and their willingness to partner and find solutions to the financial gap. The biggest challenges



to overcome were the financial gaps, parking, and gaining acceptance for affordable housing as a key component of the project.

### **Anthem Park at Uptown Village, Vancouver Washington**

The project is a 1.5-acre mixed-use housing and retail community with 58 workforce rental apartments, 22 owner-occupied town homes, and 2,500 square feet of ground-floor retail space built around a one-half acre public plaza that also serves as the roof of the 119-space underground parking garage. The Vancouver Housing Authority (VHA) owned the site and continues to own and operate the rental housing, courtyard, and the open portion of the garage. The townhomes, their garages and the retail spaces are privately owned condominiums. The VHA assisted financially by deferring the land sale and providing gap financing for the project. Essentially, the VHA traded the excess land in lieu of developer fees for building the rental housing piece of the project. The underground parking was feasible because there was very little excavation necessary, as the site was already below street level, and the open portion was held by the VHA. The townhomes have underground garages accessed through the main garage, but tucked under the unit, allowing for a fee-simple ownership structure. Other financial subsidies making the project feasible include public street improvements, residential tax exemptions, park impact fee credits, and system development charge waivers.



## **Development Feasibility Analysis**

This section of the memo describes the land use types to be evaluated, explains the pro formas and assumptions behind them, shows the financial gaps, and describes the tools that appear to have the greatest impact on reducing those gaps.

### **Land Use Types**

A static pro forma was created to model the various development types deemed most appropriate for the Triangle under the two options presented in the Land Use and Infrastructure Options phase of this project. Development types include residential, office, and mixed-use buildings with a small amount of ground floor retail. This section presents a graphical representation and brief explanation of each building type. The models included surface and above-ground structured parking. None of the models tested underground parking, as the high cost of underground parking (twice as expensive or more per stall as an above-ground parking garage) would not be supported in the Triangle in the foreseeable future and there is virtually no precedent for underground parking in suburban communities in the Portland region.

### **Residential**

Several residential products were modeled based on a density range that would be appropriate for the Triangle according to the land use options considered in the Land Use and Infrastructure Options portion of this project.

- The lowest density housing type considered for the Triangle was two- to three-story attached townhomes, made of wood frame construction, with parking included in each individual unit. This is the only model considered as ownership (not rental) housing in the pro forma, as higher density condominiums would only be feasible in a mature market.
- Medium density apartments in this example are three-story, wood-frame buildings with surface parking. They would have external stairwells and no elevators.
- High density apartments in this example are considered to be four stories with a mix of structured tuck-under parking and surface parking. These would be constructed as either fully wood frame or wood frame above a concrete first floor (“three over one”) and would include elevators.
- The very high density apartments in this example are five stories of apartments over one story of structured parking, also known as podium construction (“four over one”). On a larger site (2+ acres), they could also take another form known as the a wrapper form, also known as a “Texas donut” (illustrated below) with the building wrapping around an efficiently-sized structured parking garage and courtyard.

## Housing

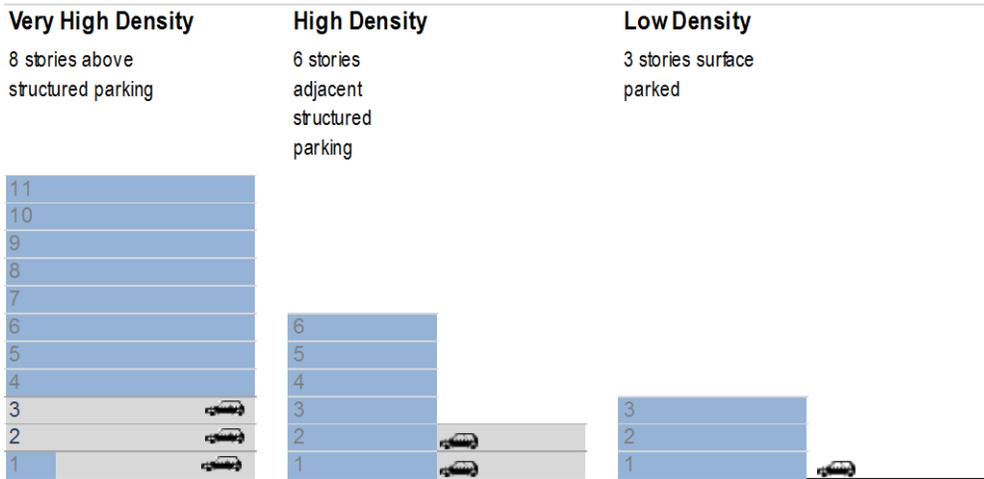
Very High Density	High Density	Medium Density	Townhomes
Apartments, 5 stories, wrapped around structured parking	Apartments, 4 stories, mix of structured tuck- under and surface parking	Apartments, 3 stories, surface parked	Attached single family, 2-3 stories, parking included in each unit
			

## Office

Three different office development types were modeled, again ranging in density and type of parking.

- The lowest density office product is a three-story office with surface parking. This is the highest density office building that can be supported without structured parking. Good site design could allow for future development of structured parking or another office building on the surface parking area as denser development becomes more feasible.
- The high density office product is modeled as a six-story office building with adjacent structured parking.
- The very high density office product is modeled as a building with eight stories of office over three stories of parking. A lobby and common area would be included on the ground floor.

## Office Buildings



## Retail and Mixed-Use

Commercial and residential mixed-use developments were modeled using the high density and very high density office and residential development types with a minimal amount of ground floor retail. Earlier phases of this project concluded that one-story retail would not be a desired future development type due to the large amount of one-story retail already in the area. However, it was modeled in the pro formas for a cost comparison.

### Retail and Mixed-use



## Financial Analysis

The financial analysis is based on a static pro forma with each development type (and variations on those) in adjacent columns in order to compare the effects of different inputs. The full pro forma, along with footnotes and data sources is provided as an appendix to this report. This section explains the key data inputs that were used in the analysis and provides an explanation of the results. The results are

measured as the project’s gross margin, or the profit left over after construction costs have been deducted from the total project value. Developers will typically want to see a minimum 10 percent gross margin to even consider investing time and money into a project. Some development types, like speculative office, may require a higher return due to the inherent risks involved in the project. The model is scalable but assumes a theoretical two-acre site for a consistent comparison. Sites smaller than one acre may lose some efficiency, thereby incurring greater development costs.

As many variables as possible were held constant in order to focus the model on testing financial tools against the base case for each building type. In order to be realistic, the model changes some variables within each building type, but held them constant for each scenario. Those variables include the following:

**Table 1. Variables Affecting Base Development Types**

	Townhomes	Medium Density Multifamily	High Density Residential	Very High Density Residential	Low Density Office	High Density Office	Very High Density Office	Retail
FAR OR du/acre	14	25	45	80	0.40	1.50	3.00	0.35
Capitalization Rate		6.00%	6.00%	6.00%	8.00%	8.00%	8.00%	8.00%
Base Rents per square foot (Sale price for Townhomes)	\$280,000	\$1.40	\$1.40	\$1.40	\$26.00	\$26.00	\$26.00	\$18.00
Land Value, per sf	\$16	\$9	\$16	\$30	\$16	\$16	\$30	\$16
Parking cost per stall	included in unit	\$3,000	\$17,000	\$17,000	\$3,000	\$17,000	\$17,000	\$3,000
Construction Costs (shell)	\$110	\$100	\$110	\$140	\$140	\$150	\$160	\$110

Source: Leland Consulting Group

- **FAR or du/acre.** The Floor Area Ratio (FAR) and the number of dwelling units per acre (du/acre) were changed in order to reflect the change in density of each development type.
- **Capitalization Rates (cap rates).** Cap rates are a standard assessment of real estate value and are used to measure real estate investments against investments in other capital markets. The cap rate is an inverse relationship between the income stream being produced by the building, or the net operating income (NOI), and the value or selling price of the building. The higher the cap rate, the lower the total value. Currently, cap rates for new apartment buildings are around six percent in the Portland area. Office cap rates are usually higher, because they are riskier, and are currently around eight percent. The mixed-use developments used the cap rate of the main use.
- **Land prices.** As previously mentioned, there are very few recent land transactions in the Triangle to use for comparable prices. However, there is a rule of thumb that apartment builders will pay somewhere between \$15,000 and \$20,000 per apartment unit for land. Therefore the land values for the residential development types were calibrated to be within this range, varying from \$9 to \$30 per square foot. In practice, these development types will only be viable if a developer is able to secure land at these target land prices.
- **Construction costs.** Construction costs varied by development type based on regional averages.

The first column under each building type is a “base case” scenario which models the building based on current conditions (rents, parking ratios, etc.) in the Triangle. Inputs used to model the feasibility of a given development with different financial incentives include the following:

- **Cash incentive.** Providing a cash incentive is often one part of a financial package that local governments can use to entice development, especially within an urban renewal area. A cash incentive can come in many forms: System Development Charge (SDC) waivers, investment in infrastructure typically borne by the developer such as street or streetscape improvements, and direct grants or forgivable loans. Regardless of the form of incentive, all of these tools essentially become cash equivalents to the development pro forma and are modeled as such for the sake of simplicity. The cash incentive in the residential development types is based on the estimated fees (sewer and water fees and SDC fees) that would be received by the City of Tigard if the development were to be constructed. Because the office development types performed so poorly in this pro forma, a cash incentive of \$500,000 was modeled in combination with the reduced parking ratio, described below.
- **Reduced parking ratio.** Developers will build the amount of parking required by the market for a given product type. Without adequate parking, a developer will find it difficult or impossible to find tenants for an office building or renters for an apartment, especially when nearby competing properties can offer adequate parking. For example, an apartment development in the Triangle will have to compete with apartment buildings at Bridgeport Village which have ample parking in close proximity to the building. Therefore a developer in the Triangle will have to ensure that there is sufficient parking in order to attract tenants and to get financing for the project. Based on current market conditions and the limited amenities and transit in the Triangle, it is unlikely that a project would be viable with a parking ratio lower than 0.75 spaces per unit. Requiring a high minimum parking ratio, however, can sometimes force developers to build more parking than is necessary, making development harder to pencil since extra parking costs do not produce additional revenue. The reduced parking scenario assumes a minimal amount of parking for the specific development type. The reduced parking ratio is below the City's current minimum standards. Therefore 0.75 spaces per unit was chosen as the reduced parking ratio. The City's current minimum parking requirement of 1.5 spaces per unit was the metric used in the base case. For office development a standard ratio of four spaces per 1,000 square feet was used for the base case and a ratio of three spaces per 1,000 square feet was used for the reduced parking ratio scenario.
- **Enhanced Revenue.** The enhanced revenue scenario shows what would happen to the feasibility of the development if rents were to increase 25 percent over current market rents in the Triangle, assuming all other variables remain the same. This is useful in illustrating how stronger market conditions in the future might make certain development types more feasible (all else being equal, of course). For example, rents near Bridgeport Village, like those found at the new Eddyline apartments, are now reaching an average of \$1.60 per square foot per month, making market-rate apartment development feasible. Office rents in the Triangle could be expected to increase over time as vacancies decline in the Kruse Way and Washington Square submarkets. This enhanced revenue scenario had the greatest impact on the feasibility of the project.
- **Vertical Housing Tax Abatement.** This variable models the effects of a Vertical Housing Tax Abatement by reducing the operating expenses from a standard 40 percent to 33 percent. Real estate and other taxes account for 10 to 12 percent of total actual rent collections based on a national survey of apartment operators. The Vertical Housing Tax Abatement Program sponsored by the State, offers a maximum reduction of 80 percent of the building on market rate apartments. It also requires a non-residential ground floor use. For buildings fronting on one public street it requires that 50 percent of the street frontage contain a commercial-type use or 100 percent if the property fronts on two public streets. The non-residential use could be

commercial, retail, a restaurant, an apartment leasing office, or a variety of other non-residential uses. Tuck-under parking could occupy the remainder of the ground floor. Therefore this scenario is only modeled under the mixed-use residential development scenario.

- **Mixed-use.** The addition of retail into either a housing or office product decreases the viability of the project. Retail rents in the Triangle outside of the big-box center west of 72<sup>nd</sup> are not high enough to support the cost of new construction. In many mixed-use projects, the developer uses the ground floor commercial spaces as an amenity to help rent the main use above it. Banks will also often not include the rent from the retail as income to the project when considering construction financing. This model shows the effect of adding retail to both high density and very high density for both the residential and office products. The Vertical Housing Tax Abatement is modeled under this scenario for the mixed-use residential development types.

### Analysis and Results

Figure 1, Figure 2, and Figure 3 show the results of the financial analysis. The developments are compared based on a gross margin (ranging from positive 25 percent to a negative 90 percent) to assess the feasibility of each development type. Given the limitations of a static pro forma, any scenario that shows a positive gross margin should be considered as potentially feasible. A creative developer might be able to find a way to make the development pencil, for example a sloped site might provide advantages that make structured parking less expensive, as could a slight increase in rents or reduction in construction costs. Those between zero and negative 10 percent should be considered potentially feasible if modest subsidies were applied. As described in the case studies, many dense urban developments in unproven locations require not just one subsidy, but a package of subsidies and a creative partnership between the developer and local government to be feasible. Those with a gross margin lower than negative 10 percent should not be considered feasible until conditions change markedly.

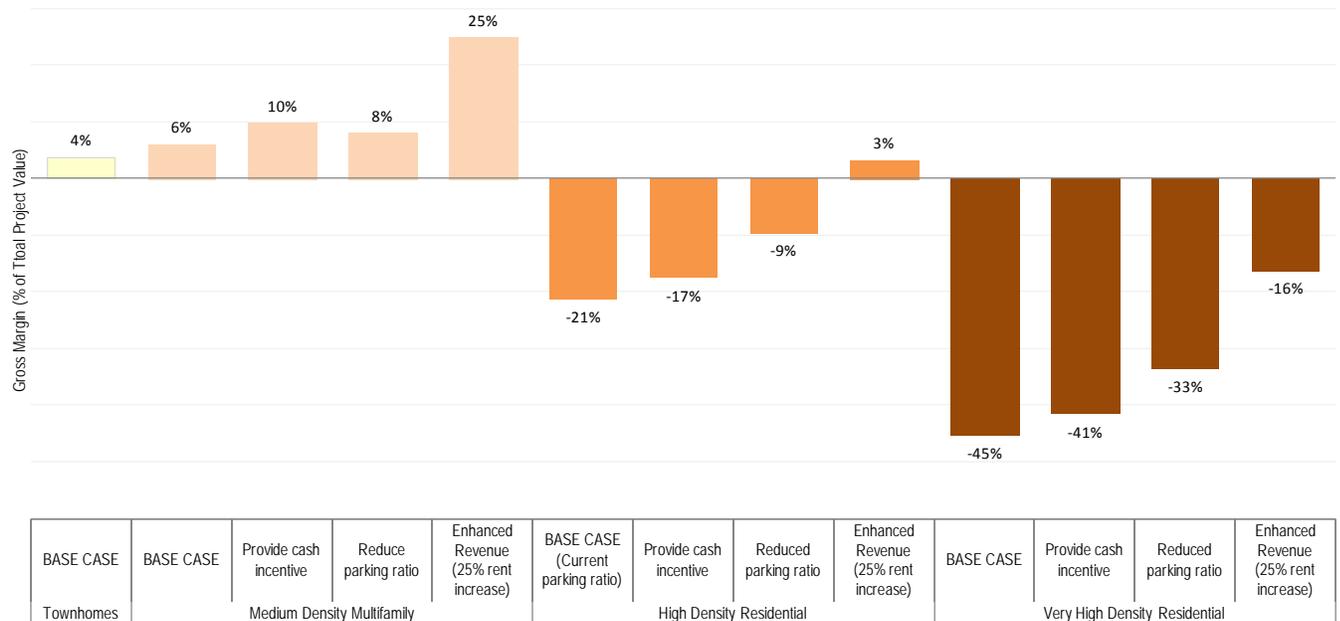
**Figure 1. Feasibility Overview**

Townhomes	Feasible in current market
Medium Density Multifamily	Feasible in current market
High Density Residential	Potentially feasible with enhanced rents or parking ratio reduction
Very High Density Residential	Not feasible
Low Density Office	Feasible with enhanced rents
High Density Office	Not feasible
Very High Density Office	Not feasible
Retail	Not likely in current market
Mixed-use Residential High Density	Potentially feasible with vertical housing tax credits
Mixed-use Residential Very High Density	Potentially feasible with enhanced rents and vertical housing tax credit
Mixed-use Office High Density	Not feasible
Mixed-use Office Very High Density	Not feasible

- Townhomes and the medium density housing show the highest gross margin and are therefore the development types most likely to be feasible in the current market without any subsidies.
- The high density residential and the low density office could be within the range of feasibility if rents increase by 25 percent.

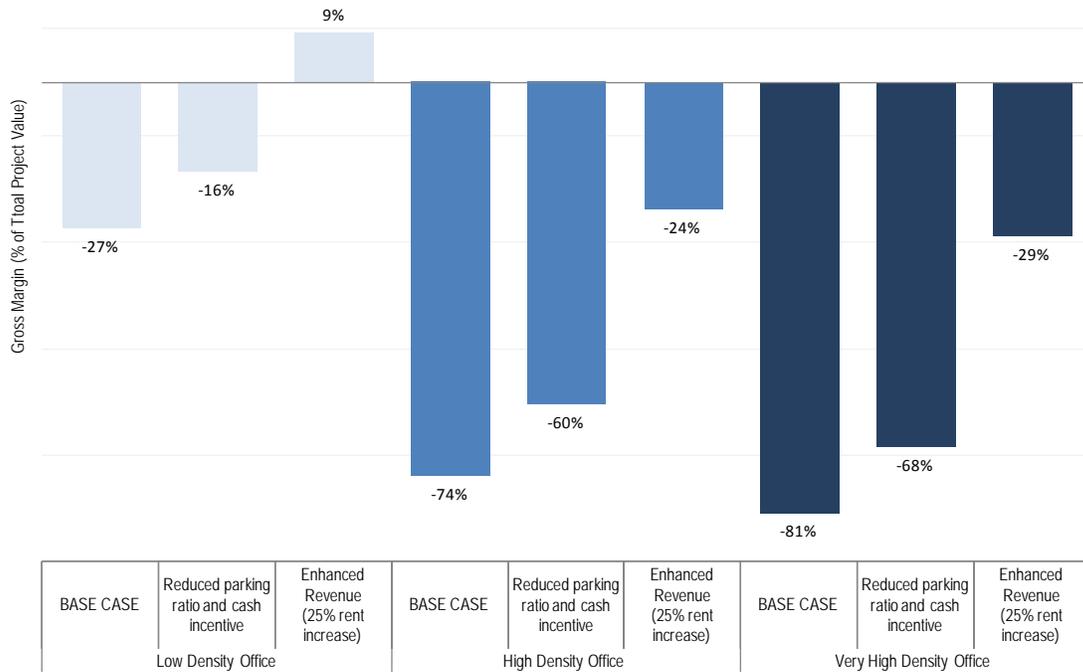
- The high density and very high density office construction are not within the range of feasibility with enhanced revenues or with the reduced parking ratio and cash incentives. It would take an increase in rents and a significant incentive package to make them feasible in the next decade or so.
- The high density mixed use residential development is within the range of feasibility by utilizing the Vertical Housing Tax Abatement, but would likely need additional subsidies to be feasible.
- The very high density mixed use residential development would be in the range of feasibility by utilizing the Vertical Housing Tax Abatement if there was also a 25 percent increase in rents in the area, as is now being seen in the Orenco Station area.
- One-story retail is not likely to be feasible given current market rents without subsidies.

**Figure 2. Gross Margin of Residential Development Types**



Source: Leland Consulting Group

**Figure 3. Gross Margin of Office Development Types**



Source: Leland Consulting Group

**Figure 4. Gross Margin of Mixed-use Development Types**



Source: Leland Consulting Group

## Fiscal and Economic Impacts

This section of the report provides a summary of the analysis of the fiscal and economic impacts to the City of Tigard, Clean Water Services, and Washington County in the form of impact fees assessed on new development for water, sewer, parks, and transportation. It estimates the City’s annual property tax revenue from the potential new construction. Economic impacts are also considered in the form of jobs generated during construction and the annual wages generated by those jobs. An appendix to this report provides the complete analysis and source data.

Of those development types that are likely to be feasible, Figure 5 shows a summary of the fiscal and economic impacts associated with each development type. Those development types that are not considered feasible will not produce any revenues if they cannot be built, therefore only those that were considered potentially feasible are shown in the summary tables below. However, an analysis was conducted for all of the development types (and is included in the appendix) in order to give the City a sense of the revenues in real estate taxes and SDC fees that would be generated in order to make a decision about how much subsidy would be appropriate to provide in order to generate future revenues for the City and to provide temporary construction jobs.

**Table 2. Fiscal and Economic Impact Summary—Townhomes and Medium Density Multifamily**

FISCAL IMPACT ANALYSIS	Townhomes	Medium Density Multifamily			
	Attached single family, parking included in each unit	Apartments 3 stories, surface parked			
	BASE CASE	BASE CASE	Provide cash incentive	Reduce parking ratio	Enhanced Revenue (25% rent increase)
<b>Total Fees, Washington County</b>	\$111,328	\$198,800	\$198,800	\$198,800	\$198,800
<b>Total Fees, Clean Water Services</b>	\$129,037	\$230,424	\$230,424	\$230,424	\$230,424
<b>Total Fees, City of Tigard</b>	<b>\$144,083</b>	<b>\$257,238</b>	<b>\$257,238</b>	<b>\$254,776</b>	<b>\$257,238</b>
<b>City of Tigard Annual Real Estate Taxes</b>	<b>\$19,703</b>	<b>\$17,046</b>	<b>\$17,046</b>	<b>\$17,046</b>	<b>\$21,319</b>
<b>ECONOMIC IMPACTS</b>					
Jobs Generated During Construction					
Residential Construction Annual FTE	19	34	34	34	34
Commercial Construction Annual FTE					
<b>Total Jobs Generated During Construction Annual FTE</b>	<b>19</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>
<b>Total Wages Generated During Construction (Annual Wages)</b>	<b>\$737,952</b>	<b>\$1,317,772</b>	<b>\$1,317,772</b>	<b>\$1,317,772</b>	<b>\$1,317,772</b>

Source: Leland Consulting Group

**Table 3. Fiscal and Economic Impact Summary—Townhomes and Medium Density Multifamily**

FISCAL IMPACT ANALYSIS	Low Density Office			Mixed Use Residential ground floor retail			
	3 story surface parked			Apartments 4 stories, structured parking		Apartments 6 stories, structured parking	
	BASE CASE	Reduced parking ratio and cash incentive	Enhanced Revenue (25% rent increase)	BASE CASE	Vertical Housing program (reduced taxes)	BASE CASE	Vertical Housing program (reduced taxes)
<b>Total Fees, Washington County</b>	\$206,070	\$206,070	\$206,070	\$368,797	\$368,797	\$647,117	\$647,117
<b>Total Fees, Clean Water Services</b>	\$0	\$0	\$0	\$387,654	\$387,654	\$710,248	\$710,248
<b>Total Fees, City of Tigard</b>	<b>\$59,929</b>	<b>\$58,035</b>	<b>\$59,929</b>	<b>\$434,460</b>	<b>\$434,460</b>	<b>\$786,530</b>	<b>\$786,530</b>
<b>City of Tigard Annual Real Estate Taxes</b>	<b>\$14,483</b>	<b>\$14,483</b>	<b>\$20,301</b>	<b>\$30,823</b>	<b>\$34,417</b>	<b>\$54,698</b>	<b>\$61,078</b>
<b>ECONOMIC IMPACTS</b>							
Jobs Generated During Construction							
Residential Construction Annual FTE				57	57	105	105
Commercial Construction Annual FTE	32	32	32				
<b>Total Jobs Generated During Construction Annual FTE</b>	<b>32</b>	<b>32</b>	<b>32</b>	<b>57</b>	<b>57</b>	<b>105</b>	<b>105</b>
<b>Total Wages Generated During Construction (Annual Wages)</b>	<b>\$1,249,170</b>	<b>\$1,230,070</b>	<b>\$1,249,170</b>	<b>\$2,216,958</b>	<b>\$2,216,958</b>	<b>\$4,061,838</b>	<b>\$4,061,838</b>

Source: Leland Consulting Group

## Conclusion

Under current market conditions, only the townhomes and medium density housing types are feasible on their own. Some of the high density and very high or mixed-use housing may be feasible with a subsidy package. Office development is unlikely to occur in the Triangle over the next decade. Based on this pro forma model, the greatest impact on feasibility comes from rising rents, which will occur as the broader economy continues to improve, vacancies continue to decrease, and rents begin to rise. There are tools the City can employ to help facilitate development in the meantime, which will help make future development more feasible on its own. Incremental change, starting with lower density developments, will help improve local conditions in the Triangle, and eventually allow for higher density products to move into the range of feasibility over time.

Based on the case study research, many higher density projects completed throughout the region have had some assistance from local governments, typically involving more than one financial tool, to make the projects feasible. Of those tools and based on this pro forma model, the Vertical Housing Tax Abatement seems to be the most effective for achieving a mixed-use residential development with structured parking.

File Name: P:\O\ODOT00000801\0600INFO\0670Reports\5DD\_OptionsEvaluationReport\Draft Options Evaluation Report 05.05.14.docx

**AIS-1815**

**5.**

**Business Meeting**

**Meeting Date:** 08/12/2014

**Length (in minutes):** 60 Minutes

**Agenda Title:** QJPH- Costco Appeal CUP2013-00002

**Submitted By:** Agnes Kowacz, Community Development

**Item Type:** Public Hearing - Quasi-Judicial

**Meeting Type:** Council Business Meeting - Main

**Public Hearing:** Yes

**Publication Date:** 07/24/2014

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**Information**

**ISSUE**

Council will hear the appeal of the Planning Commission final order on the Costco fuel station (CUP2013-00002).

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff finds that the proposal meets all applicable standards of the Tigard Development Code and recommends that City Council accept the edits to the findings of the Planning Commission decision as recommended by staff and deny the appeal.

**KEY FACTS AND INFORMATION SUMMARY**

On August 12, 2013, Costco Wholesale applied for a Conditional Use Permit and Tigard Triangle Design Evaluation Team (DET) approval to construct a members only fuel station on the northwest corner of 7850 SW Dartmouth Street. The Design Evaluation Team (DET) process is an optional process that “allows applicants to propose alternative designs to the plan district design standards that are consistent with the purpose of the standards”. A three-person professional design team reviews the alternative design, makes a determination on whether the design meets the intent of the Tigard Triangle Standards, and makes a recommendation on the design adjustment to Planning Commission, who makes the final decision.

The first public hearing on the request was held on February 10, 2014. The hearing was continued to March 17, 2014 in order to work through the conditions relating to the intersection improvements at Highway 99W and SW Dartmouth Street. At the March 17, 2014 public hearing, the applicant requested another continuance to April 7, 2014. At the April 7, 2014 public hearing, the Planning Commission received testimony and written materials from Mr. Michael Connors, representing Cain Petroleum, who is in opposition of

the project. The Planning Commission approved the DET recommendation and the hearing was continued for the decision of the Conditional Use Permit to May 5, 2014 in order to allow time to review the materials submitted by Mr. Connors. At the May 5, 2014 public hearing, Planning Commission approved the conditional use permit with the proposed changes from the April 7, 2014 hearing.

On June 5, 2014, the city received an appeal of the Planning Commission final order from Michael Connors, representing Cain Petroleum. The following main points were raised in the appeal: issues related to transportation and intersection improvements at 99W and Dartmouth Street, insufficient parking, and compliance with Tigard Triangle design standards. Staff has responded in more detail to these issues in the memo attached as Exhibit A.

In conclusion, staff finds that the proposal meets all applicable standards and recommends that City Council accept the edits to the findings of the Planning Commission decision as recommended by staff and deny the appeal. The edits are outlined in the staff memo attached as Exhibit A.

## **OTHER ALTERNATIVES**

The Council may:

1. Approve the application without any changes.
2. Uphold the appeal and deny the application.

## **COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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### **Attachments**

[Exhibit A - Staff Memo To Council](#)

[Exhibit B - Appeal Form](#)

[Exhibit C - Costco's Response to Appeal](#)

[Exhibit D - Planning Commission Final Order](#)

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# City of Tigard Memorandum

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**To:** Tigard City Council  
**From:** Agnes Kowacz, Associate Planner  
**Re:** CUP2013-00002 Costco Fuel Station Appeal  
**Date:** August 18, 2014

## I. Key Point and Summary

On August 12, 2013, the City received a Conditional Use Permit application and a Design Evaluation Team request for a fueling station for Costco located at 7850 SW Dartmouth Street. The Design Evaluation Team review took place first and was resolved by November of 2013. Review of the Conditional Use application followed and the first public hearing on the request was held on February 10, 2014. The hearing was continued to March 17, 2014 in order to work through the conditions relating to the intersection improvements at Highway 99W and SW Dartmouth Street. At the March 17, 2014 public hearing, the applicant requested another continuance to April 7, 2014. On April 7, 2014, the Planning Commission received testimony and written materials from Mr. Michael Connors, representing Cain Petroleum, who is in opposition of the project. The Planning Commission approved the Design Evaluation Team recommendations and continued the hearing for the decision on the Conditional Use Permit to May 5, 2014 in order to allow time to review the materials submitted by Mr. Connors. On May 5, 2014, the Planning Commission approved the Conditional Use Permit with the proposed changes from the April 7, 2014 hearing.

The main issue that was raised during the review of this proposal was the 99W and SW Dartmouth intersection. The city and the applicant met several times to discuss solutions on how Costco's impacts could be addressed. The city and the applicant reached an agreement with the applicant constructing a northbound and southbound designated right turn lane at that intersection. The final order contains the following condition of approval:

“10. Prior to final building inspection, the intersection improvements proposed by the applicant to the northbound and southbound right turn lanes at the SW Dartmouth/99W intersection shall be constructed.”

On June 5, 2014, the city received an appeal of the Planning Commission final order from Mr. Michael Connors. Outlined below are staff responses to Mr. Connor's specific issues.

## II. Staff's Response to Appeal and Recommendations

1. *The planning commission erred in concluding that Costco demonstrated compliance with the applicable transportation standards. Tigard Community Development Code ("CDC") Sections 18.330.030(A)(3) and 18.810.020(A) require Costco to demonstrate that the transportation facilities have adequate capacity to accommodate the proposed fuel station. Costco's own traffic impact study ("TIS") concludes that the Highway 99W/SW Dartmouth Street intersection does not meet*

*the City's operational standards and the proposed fuel station will worsen these conditions. The condition of approval requiring intersection improvements is legally impermissible because there is insufficient right-of-way for these improvements and Costco failed to demonstrate that these improvements are feasible.*

Staff review corroborates the conclusion of the applicant's traffic analysis that the proposed northbound and southbound right-turn-lanes at the Hwy 99W / Dartmouth / 78<sup>th</sup> intersection would provide sufficient additional capacity to mitigate the impact of additional traffic to and from the proposed Costco Fuel station. In addition, staff review corroborates the conclusion of the applicant's traffic analysis that the combination of the Costco Fuel station and the proposed right-turn-lane mitigations would result in equivalent or better traffic flow than under background conditions.

The traffic reports submitted by the applicant show that completion of improvements already under construction at the intersection of 99W and SW Dartmouth Street will meet the adopted prevailing ODOT operational standard (i.e., volume-to-capacity ratio) even with the proposed fuel station in place. The applicant's submittal also demonstrates that while the intersection as a whole meets the applicable standard, there are individual movements on the northbound and southbound approaches that are currently operating at overcapacity. However, with construction of new right-turn lanes in both the northbound and southbound directions as proposed by the applicant in the approved decision, those overcapacity traffic movements would operate at equal or better conditions after the proposed fuel station is constructed.

The right-of-way necessary to construct these turn lanes has yet to be acquired, however, the applicant provided evidence showing that the property owner at the northwest corner of the intersection is willing to participate in further review and possible dedication of the necessary right-of-way.

- 2. The planning commission erred in concluding that Costco demonstrated compliance with CDC Section 18.620.010(B)(3). CDC Section 18.620.010(B)(3) requires all new development to "participate in funding future transportation and other public improvement projects in the Tigar Triangle Plan District, provided that the requirement to participate is directly related and roughly proportionate to the impact of the development." The planning commission concluded that Costco satisfied this requirement based on its payment of the Transportation Development Tax ("TDT"), when in fact the planning commission granted a full credit for the intersection improvements and determined "no TDT is required." The planning commission failed to impose the full amount of the proportionate share contribution based on the traffic impacts of the fuel station and erroneously granted Costco a complete TDT credit.*

The Transportation Development Tax (TDT) due for this proposal is \$192,528. This has been calculated using standard Washington County TDT calculation procedures.

The proposed condition #1 requires construction of dedicated northbound and southbound right-turn lanes at the Highway 99/SW Dartmouth intersection. The report of the applicant's traffic engineer dated April 1, 2014 constitutes substantial evidence that the cost of those improvements is \$237,833. Improvement of the Dartmouth/99W intersection is an "eligible capital improvement" under Washington County TDT Code Section 3.17.070(8) and Appendix C thereto, and therefore the full cost of the right-turn lanes is creditable against the

TDT. According to Washington County, the TDT is implemented at a level estimated to recover 23.3% of the cost County-wide to provide transportation system capacity sufficient to accommodate new development. Thus, 100% of the transportation capacity cost resulting from this project would be the TDT amount (\$192,528) divided by 23.3%, which equals \$826,299. The applicant proposes improvements costing \$237,833 which is 28.8% of the full transportation capacity cost.

The total cost of creditable improvements (\$237,833) exceeds the TDT due (\$192,528). Because the improvements are fully creditable, completion of the improvements constitutes payment of the TDT in full and no additional payment is due from the applicant. The cost of the creditable improvements is roughly proportional to the project's impact on the transportation system because it equals about 28.8% of the total estimated cost to provide transportation capacity accommodating the development, which is consistent with the 23.3% recovery expected from the TDT County-wide.

- 3. The planning commission erred by failing to adequately address the need for off-site shared parking agreements with neighboring properties. Costco's TIS concluded that parking was currently "at capacity" during peak hours, and therefore the reduction of parking due to the fuel station will result in an inadequate parking supply during peak times and consequential congestion. The City staff also concluded through field observations that the queuing of vehicles sometimes extends onto SW Dartmouth Street. Based on this evidence, the planning commission concluded: "To mitigate for this impact, this decision should be conditioned so that the applicant must develop, implement, and record signed agreements for an access I parking management plan that includes the establishment of an agreement(s) with neighboring property owner(s) to use some of their off-site parking for Costco employee parking during peak seasons in order to replace the 84 spaces removed for the fueling station. This standard can be met as conditioned." Planning Commission Decision, p.17. However, the planning commission failed to adopt this condition of approval. Additionally, this problem cannot be deferred through a condition of approval since Costco admits it cannot obtain such off-site shared parking agreements. The City must require Costco to provide the off-site shared parking agreements before it approves this application.*

The Planning Commission removed a condition of approval from the original staff report because the parking area already exceeds the required parking standard in the Development Code. In accordance with TDC 18.765 *Off-street parking and loading requirements*, sales-oriented uses require 3.0 parking spaces per 1,000 square foot of floor area and vehicle fuel sales uses require 3.0 parking spaces plus 2.0 parking spaces per service bay. The Costco warehouse is a total of 145,824 square feet; which required 438 parking spaces. The vehicle fuel station required 3 parking spaces (there are no service bays); total required parking is 441. The parking lot contains 730 spaces not counting the spaces which are proposed to be removed with the construction of the fuel station (84 spaces will be removed).

Because Costco meets the code standard for parking there is no basis on which to require the condition of approval, therefore the Planning Commission removed it. Unfortunately, in the write-up of the Planning Commission's decision the findings in the report were not changed to match the Planning Commission decision. Staff recommends the following change to the report findings in Section IV *Applicable Review Criteria and Findings* under TDC18.705.030.H. *Access Management*

“Access to the site is from SW Dartmouth Street. The two existing driveways to the site are approximately 617 feet apart. No new access is proposed. The existing driveway locations are well

over 300 feet from the existing driveways to the south of the site. There is an existing driveway, approximately 50 feet, to the north of the site. This standard is met.

It has been observed that the existing north entrance, which will be utilized by fuel trucks for the new fuel station, does not provide adequate space for the large vehicles to make this turn within curb lines. Public Works Engineering has noted in their comments on the application that the applicant should retrofit this driveway to correct this operations/safety problem.

Through field observations, the queuing of vehicles, particularly at the existing southern entrance, sometimes extends onto SW Dartmouth Street. This is due to pedestrian crossings as well as customers looking for an available parking space. The loss of parking from the proposed fuel station results in the likelihood of traffic queuing onto SW Dartmouth Street. To mitigate for this impact, this decision should be conditioned so that the applicant must develop, implement, and record signed agreements for an access/parking management plan that includes the establishment of an agreement(s) with neighboring property owner(s) to use some of their off-site parking for Costco employee parking during peak seasons in order to replace the 84 spaces removed for the fueling station. This standard can be met as conditioned.<sup>22</sup>

4. *The planning commission erred by failing to address the transportation issues and deficiencies identified by Greenlight Engineering. Greenlight Engineering demonstrated in its letters, dated April 7, 2014 and May 5, 2014, and its testimony at the May 5, 2014 planning commission hearing, that Costco's traffic analysis is inadequate and failed to adequately address several issues. The planning commission ignored these issues and failed to adopt findings explaining why these issues and deficiencies are not required to be addressed.*

Staff provided a response to the Planning Commission regarding the information provided by Greenlight Engineering at the May 5, 2014 hearing. The Planning Commission also heard testimony on the issue but felt that the Greenlight issues were adequately addressed or had no merit.

5. *The planning commission erred in concluding that CDC Section 18.620.040(A)(1) does not apply. CDC Section 18.620.040(A)(1) requires all street-facing elevations along public streets to "include a minimum of 50% of the ground floor wall area with windows, display areas or door openings." The planning commission erroneously concluded that this requirement does not apply because the "proposed structure is a fuel station canopy and does not contain any windows or doors." Planning Commission Decision, p.12.  
CDC Section 18.620.040(A)(1) applies to all non-residential buildings and there is no exception for fuel stations. It clearly requires that all non-residential buildings contain 50% windows, display areas or door openings on street-facing elevations. The fact that the fuel station does not contain any windows or doors is not a basis for concluding that this criteria does not apply, it is a basis for concluding that the proposed fuel station does not comply with this requirement.*

TDC 18.620.40.A.1 specifically states that "all street-facing elevations within the building setback (0 to 10 feet) along public streets shall include a minimum of 50% of the ground floor area with windows, display areas or doorway openings". The proposed canopy is setback 58 feet and 8 inches from the public street; therefore, this standard does not apply.

6. *The planning commission erred in concluding that Costco demonstrated compliance with CDC Section 18.620.090(C)(4) for purposes of the design adjustment requests to the setback and 50% building placement standards. CDC Section 18.620.090(C)(4) requires Costco to demonstrate that "granting the*

*adjustment is the minimum necessary to allow the proposed use of the site." Costco failed to provide any evidence that it cannot site a fuel station on the property unless these adjustments are granted.*

The Design Evaluation Team (DET) process is an optional process that “allows applicants to propose alternative designs to the plan district design standards that are consistent with the purpose of the standards”. The alternative design proposed by Costco was reviewed by a three-person professional design team who determined that the alternative design meets the intent of the Tigard Triangle Standards and can be approved through an adjustment of the standards. The DET recommended approval of the design adjustment subject to the applicant making certain changes to their proposal. The applicant made the DET recommended changes to their design before the public hearing for the Conditional Use Permit. With the changes, the Planning Commission voted to approve the design adjustment portion of the application at the April 7, 2014 hearing because the DET concluded that the alternative design was consistent with the purpose of the plan district design standards.

### **III. Conclusion and Recommendation**

Staff has presented the City Council with a memorandum summarizing the issues of the appeal and staff response. In addition, the applicant provided recommended edits for the findings for City Council to consider and adopt into their decision. These edits have been provided to you as Exhibit “C”. In conclusion, staff finds that the proposal meets all applicable standards and recommends that City Council accept the edits to the finding of the decision as recommended by staff and deny the appeal.

Staff recommends the following edits to the planning commission final order:

#### **Page 5- TDC18.330.030.A.3**

“As described in the applicant’s impact study in Section 2.0 of their submittal, there is adequate capacity in the public facilities that serve the site. The frontage improvements along SW Dartmouth Street, including bicycle facilities (on the east side only), have already been constructed. The proposal does not require any additional water connections. A limited amount of runoff is anticipated from the canopy area; this area will be hydraulically separated from the rest of the site and routed through an oil/water separator prior to discharging to the sanitary sewer system. The proposed project will not increase stormwater runoff; however, the project will improve fifty percent of the overall site to comply with current water quality standards. **With the proposed mitigation measures and conditions, adequate streets and utilities capacity exists as analyzed in response to TDC18.810. This standard is met.”**

#### **Page 12- TDC 18.620.040.A.1**

~~The proposed structure is a fuel station canopy and does not contain any windows or doors. This standard does not apply.~~

**This criterion applies to all street facing elevations within 10 feet of a public street. The fuel station canopy will be set back from SW Dartmouth by 58 feet 8 inches. Therefore, this criterion does not apply.**

**Further, the City Council finds that there are good reasons not to apply the street-facing elevation standard to the fuel station canopy. First, the canopy must necessarily admit vehicles to the gas pumps underneath, which cannot occur through doors and windows. Second, the**

purpose of the standard is to create visual interest with windows, displays and openings, thereby avoiding featureless walls along pedestrian walkways. But with the greater setback here, the risk of a featureless visual canyon is eliminated. Visual interest for pedestrians will still exist with views of adjacent landscaping and the fuel station beyond. Third, the open sides of the canopy are the functional equivalent of windows, providing visual access to activity under the canopy.

#### **Page 15- TDC 18.620.090**

~~The applicant has submitted a site plan that meets the DET recommended conditions of approval. A copy of the DET report is attached as a part of this staff report, Exhibit "D".~~

The City Council agrees with the recommendations of the DET and the Planning Commission. Substantial evidence supports those recommendations as set forth in the DET report attached to this Order as Exhibit "D." The City Council further finds that this standard is met because the applicant has submitted a site plan that meets the DET's recommended conditions.

#### **Page 17- TDC 18.705.030.H**

Access to the site is from SW Dartmouth Street. The two existing driveways to the site are approximately 617 feet apart. No new access is proposed. The existing driveway locations are well over 300 feet from the existing driveways to the south of the site. There is an existing driveway, approximately 50 feet, to the north of the site. **Because no new driveways or other access points are proposed,** this standard is met.

~~It has been observed that the existing north entrance, which will be utilized by fuel trucks for the new fuel station, does not provide adequate space for the large vehicles to make this turn within curb lines. Public Works Engineering has noted in their comments on the application that the applicant should retrofit this driveway to correct this operations/safety problem.~~

~~Through field observations, the queuing of vehicles, particularly at the existing southern entrance, sometimes extends onto SW Dartmouth Street. This is due to pedestrian crossings as well as customers looking for an available parking space. The loss of parking from the proposed fuel station results in the likelihood of traffic queuing onto SW Dartmouth Street. To mitigate for this impact, this decision should be conditioned so that the applicant must develop, implement, and record signed agreements for an access/parking management plan that includes the establishment of an agreement(s) with neighboring property owner(s) to use some of their off-site parking for Costco employee parking during peak seasons in order to replace the 84 spaces removed for the fueling station. This standard can be met as conditioned.~~

The staff report dated April 7, 2014 identified possible concerns about sufficient turning radius at the north entrance for fuel delivery trucks. As recommended by City staff, the City Council finds that the applicant's redesign of the north entrance as part of this project that will address this concern.

The applicant introduced traffic counts and video documentation of traffic operations at the south entrance on a busy weekend peak period that revealed no queuing spillback from the south entrance driveway onto SW Dartmouth Street. In fact, the video showed very limited queuing at all during the peak period. As the applicant explained, the south driveway is long enough to accommodate many cars, and the primary movement at the inbound end of the driveway is a right turn that rarely causes significant delay. The applicant also submitted testimony from its warehouse manager that he had not seen inbound queuing at the south entrance back up onto SW Dartmouth at any time in the six years he has worked there, except possibly if construction or an accident blocked another entrance.

The City Council agrees with and adopts the Planning Commission's approval of the project without condition #6 as proposed in the April 7, 2014 staff report.

## Page 28- TDC 18.810.030.CC

~~The applicant has submitted a traffic study prepared by Kittelson & Associates, Inc. According to the traffic study “Under the 2014 Total Traffic Conditions Scenario ... the intersection of OR 99W/Dartmouth St-78<sup>th</sup> Ave ... does not meet the City of Tigard standards. Several movements on the northbound and southbound approaches to the intersection are projected to operate at a LOS [Level of Service] F and/or v/c [volume/capacity] ratio over 1.0 during both the weekday PM and weekend midday peak hours, as under existing and 2014 background conditions.”~~

~~While the proposed fuel station is not the sole cause of the identified traffic problems at this intersection, as shown in the applicant’s study, it will contribute to them. The amount of traffic generated at this intersection by the proposed fuel station is 110 net new trips during the afternoon peak hour and 135 net new trips during the weekend midday peak hour, for an average of 122.5 net new trips during the peak hours. As identified in the applicant’s traffic study, the City of Tigard Transportation System Plan (TSP) includes a project to mitigate traffic congestion at this intersection by construction of turn lanes and/or auxiliary through lanes. This project is anticipated to increase the capacity of this intersection by about 1,400 vehicles per hour. The applicant is proposing to construct a designated northbound right turn lane from SW Dartmouth Street onto 99W and a designated southbound right turn lane from SW 78<sup>th</sup> Avenue onto 99W, to mitigate their impacts. Therefore, as a condition of approval, the applicant shall construct these improvements within a year of final land use approval.~~

~~According to the applicant’s traffic study “Given that the site is essentially at [parking] capacity during the peak half hour period, the proposed reduction in on-site parking needs to be addressed so that adequate parking supply will still be available on-site for Costco members and shoppers. Costco will pursue agreements with neighboring property owners ... for employee parking during peak periods in order to free up sufficient space for Costco members.”, Prior to issuance of a site permit, these agreements need to be established and implemented as part of the access/parking management plan.~~

The applicant submitted a traffic study dated August 5, 2013, as supplemented by reports dated April 1, April 23 and April 28, 2014. Collectively, those reports show that the new fuel station will generate about 45 additional net new vehicles (or 90 net new trips) to the site during the critical weekday p.m. peak hour, which is less than 9% of the current traffic on SW Dartmouth Avenue and less than 3% of the current traffic on Highway 99W.

The applicant's traffic reports show that with this small contribution of additional trips and the completion of improvements already under construction, the intersection of 99W and SW Dartmouth Street will meet the adopted prevailing ODOT operational standard (i.e., volume-to-capacity ratio) even with the proposed fuel station in place. The applicant's reports also show that while the intersection as a whole meets the applicable standard, there are individual movements on the northbound and southbound approaches that are currently operating at overcapacity. However, with construction of new right-turn lanes in both the northbound and southbound directions, those movements would operate at equal or better conditions even with the proposed fuel station in place, as compared to operations without the fuel station and without mitigation. Thus, the applicant proposes to

mitigate the proposed project's impact on those specific movements by constructing new right-turn lanes in both the northbound and southbound directions at the 99W/Dartmouth intersection. These improvements are required by condition #1.

The City Council finds that substantial evidence shows that the proposed fuel station with the proposed mitigation measures will not worsen the operation of the 99W/SW Dartmouth intersection, or any other transportation facility beyond applicable criteria. The City Council also finds that certain movements at the 99W/Dartmouth intersection presently operate overcapacity, but with construction of dedicated northbound and southbound right-turn lanes as proposed by the applicant, those movements will operate at equal or better capacity with the fuel station and mitigation measures in place as compared to present conditions. Accordingly, to mitigate the impact of the proposal on those specific movements, the City Council agrees with the Planning Commission's adoption of condition #1 requiring construction of dedicated northbound and southbound right-turn lanes at the 99W/Dartmouth intersection.

The City Council further finds that construction of the right-turn lanes is feasible because substantial evidence in the record shows that construction of the turning lanes is possible, likely and reasonably certain to proceed. Specifically, the applicant has submitted construction drawings showing that the turning lanes can be built. In the case of the northbound right-turn lane, no additional right-of-way is required based on modifications to turning radius standards approved by the City Public Works Department. As to the southbound right-turn lane, evidence submitted by the applicant shows that the property owner at the northwest corner of the intersection is likely to agree to dedicate the necessary right-of-way after further review. A showing of feasibility does not require a showing of absolute certainty.

### **Page 31- Rough Proportionality Analysis**

~~The Transportation Development Tax (TDT) after adjusting as requested by applicant (because this is a members only station) for higher than normal internal (store and gas) trips, is \$192,528. The TDT has been implemented at a level that would recoup 23.3% of the Countywide cost necessary to provide the transportation system capacity necessary to accommodate new development. The total impact of the proposed development on the transportation system is estimated at the calculated TDT (\$192,528) divided by the recapture rate (23.3%), resulting in a calculated amount of \$826,299. The unmitigated impact totals \$551,361.~~

~~The driveway modifications do not count in this calculation because they solely serve the Costco property.~~

#### Less mitigated costs and credits

~~The proposal requires a proportional share contribution to mitigate traffic congestion at the intersection of 99W and SW Dartmouth Street. The total cost for the proposed improvements is \$237,833. This amount is creditable.~~

~~FINDING: — Based on the analysis above, no TDT is required.~~

The Transportation Development Tax (TDT) due for this proposal is \$192,528. This has been calculated using standard Washington County TDT calculation procedures. This calculation accounts for higher-than-normal internal trips between the Costco warehouse and fuel station, because the fuel station serves only Costco members.

The applicant proposes, and condition #1 requires, construction of dedicated northbound and southbound right-turn lanes at the Highway 99/SW Dartmouth intersection. The report of the

applicant's traffic engineer dated April 1, 2014 constitutes substantial evidence that the cost of those improvements is \$237,833, and no contrary evidence has been submitted. Improvement of the Dartmouth/99W intersection is an "eligible capital improvement" under Washington County TDT Code Section 3.17.070(8) and Appendix C thereto, and therefore the full cost of the right-turn lanes is creditable against the TDT. The applicant also proposes driveway modifications but they are not TDT creditable because they serve only the applicant's property.

According to Washington County, the TDT is implemented at a level estimated to recover 23.3% of the cost County-wide to provide transportation system capacity sufficient to accommodate new development. Thus, 100% of the transportation capacity cost resulting from this project would be the TDT amount (\$192,528) divided by 23.3%, which equals \$826,299. The applicant proposes improvements costing \$237,833 which is 28.8% of the full transportation capacity cost.

**FINDING:** The total cost of creditable improvements (\$237,833) exceeds the TDT due (\$192,528). Because the improvements are fully creditable, completion of the improvements would constitute payment of the TDT in full and no additional payment would be due from the applicant. The cost of the creditable improvements is roughly proportional to the project's impact on the transportation system because it equals about 28.8% of the total estimated cost to provide transportation capacity accommodating the development, which is consistent with the 23.3% recovery expected from the TDT County-wide.



520 SW Yamhill St.  
Suite 235  
Portland, OR 97204

**E. Michael Connors**  
503-205-8400 main  
503-205-8401 direct

[mikeconnors@hkcllp.com](mailto:mikeconnors@hkcllp.com)

**HAND-DELIVERED**

June 5, 2014

Mr. Kenny Asher  
Community Development Director  
City of Tigard  
Tigard Civic Center  
13125 SW Hall Blvd.  
Tigard, OR 97223

Re: Appeal of Planning Commission Decision  
Costco Wholesale – Application No. CUP2013-00002

Dear Mr. Asher:

This office represents Cain Petroleum with respect to the above-referenced matter. Cain Petroleum is appealing the City Planning Commission's approval of the above-referenced application. We enclosed the appeal form, appeal attachment (Exhibit A), and filing fee in the amount of \$3,006.

Please confirm your receipt of our appeal. Thank you for your assistance. I look forward to hearing from you.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP

A handwritten signature in blue ink that reads "E. Michael Connors".

E. Michael Connors

EMC/pl  
Enclosure

cc: Cain Petroleum  
Ms. Agnes Kowacz, Associate Planner



City of Tigard

# Land Use Decision Appeal Filing Form

RECEIVED

JUN 05 2014

CITY OF TIGARD  
PLANNING/ENGINEERING

The City of Tigard supports the citizen's right to participate in local government. Tigard's Land Use Code, therefore, sets out specific requirements for filing appeals on certain land use decisions.

The following form has been developed to assist you in filing an appeal of a land use decision in proper form. To determine what filing fees will be required or to answer any questions you have regarding the appeal process, please contact the Planning Division or the City Recorder at the phone/fax listed at the top of this form.

### GENERAL INFORMATION

Property Address/Location(s) and Name(s) of the Application  
Being Appealed: 7850 SW Dartmouth St., Tigard, Oregon;  
Costco Wholesale

How Do You Qualify As A Party?: See Exhibit A.

Appellant's Name: Cain Petroleum C/O E. Michael Connors

Appellant's Address: 520 Yamhill St., Suite 235

City/State: Portland, OR Zip: 97204

Day Phone Where You Can Be Reached: (503) 205-8401

Scheduled Date Decision Is To Be Final: \_\_\_\_\_

Date On Which Notice Of Final Decision Was Given: \_\_\_\_\_

Specific Grounds For Appeal or Review: See Exhibit A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### FOR STAFF USE ONLY

Case No.(s): CUP2013-00002

Case Name(s): Costco Fuel Station

Appeal Fee(s): \_\_\_\_\_

Type II Director's Decision to HO/PC: \_\_\_\_\_

Expedited Review (Deposit): \_\_\_\_\_

Hearing Referee: \_\_\_\_\_

HO/PC to City Council: \_\_\_\_\_

Total Fees: 3006

Receipt No.: 196351

Application Accepted: 6/5/14 By: AK

**Approved** As To Form: \_\_\_\_\_ By: \_\_\_\_\_

**Denied** As To Form: \_\_\_\_\_ By: \_\_\_\_\_

Rev. 6/24/2013  
I:\CURPLN\Masters\Land Use Applications\Appeal of Land Use Decision.doc

### REQUIRED SUBMITTAL ELEMENTS

Application Elements Submitted:

Appeal Filing Form (completed)

Filing Fee

(+ Transcript)

Signature(s) of Appellant(s):

E. Michael Connors



## **Exhibit A - Appeal Filing Form**

The Appellant Cain Petroleum (the "Appellant") submits this Exhibit A to the attached Land Use Decision Appeal Filing Form (the "Appeal Filing Form") to provide the information requested in the Appeal Filing Form and required by the content of notice of appeal set forth in Community Development Code ("CDC") 18.390.040.G.2.

**A. An identification of the decision being appealed, including the date of the decision.**

The Appellant is appealing the planning commission's decision, dated May 27, 2014, approving Costco Wholesale's Application No. CUP2013-00002, which proposes a Costco retail fuel station.

**B. A statement demonstrating that the party filing the notice of appeal has standing to appeal.**

The Appellant has standing to appeal the planning commission's decision because: (1) the Appellant was mailed written notice of the public hearing and the planning commission's decision and therefore has standing pursuant to CDC 18.390.040.G.1.b; and (2) the Appellant submitted written and verbal testimony at the April 7 and May 5, 2014 public hearings before the planning commission.

**C. A detailed statement of the specific issues raised on appeal.**

The Appellant intends to raise the following issues on appeal:

1. The planning commission erred in concluding that Costco demonstrated compliance with the applicable transportation standards. Tigard Community Development Code ("CDC") Sections 18.330.030(A)(3) and 18.810.020(A) require Costco to demonstrate that the transportation facilities have adequate capacity to accommodate the proposed fuel station. Costco's own traffic impact study ("TIS") concludes that the Highway 99W/SW Dartmouth Street intersection does not meet the City's operational standards and the proposed fuel station will worsen these conditions. The condition of approval requiring intersection improvements is legally impermissible because there is insufficient right-of-way for these improvements and Costco failed to demonstrate that these improvements are feasible.
2. The planning commission erred in concluding that Costco demonstrated compliance with CDC Section 18.620.010(B)(3). CDC Section 18.620.010(B)(3) requires all new development to "participate in funding future transportation and other public improvement projects in the Tigard Triangle Plan District, provided that the requirement to participate is directly related and roughly proportionate to the impact of the development." The planning commission concluded that Costco satisfied this requirement based on its payment of the Transportation Development Tax ("TDT"), when in fact the planning commission granted a full credit for the intersection improvements and determined "no TDT is required." The planning commission failed to impose the full amount of the proportionate share contribution based on the traffic impacts of the fuel station and erroneously granted Costco a complete TDT credit.

3. The planning commission erred by failing to adequately address the need for off-site shared parking agreements with neighboring properties. Costco's TIS concluded that parking was currently "at capacity" during peak hours, and therefore the reduction of parking due to the fuel station will result in an inadequate parking supply during peak times and consequential congestion. The City staff also concluded through field observations that the queuing of vehicles sometimes extends onto SW Dartmouth Street. Based on this evidence, the planning commission concluded: "To mitigate for this impact, this decision should be conditioned so that the applicant must develop, implement, and record signed agreements for an access / parking management plan that includes the establishment of an agreement(s) with neighboring property owner(s) to use some of their off-site parking for Costco employee parking during peak seasons in order to replace the 84 spaces removed for the fueling station. This standard can be met as conditioned." Planning Commission Decision, p.17. However, the planning commission failed to adopt this condition of approval. Additionally, this problem cannot be deferred through a condition of approval since Costco admits it cannot obtain such off-site shared parking agreements. The City must require Costco to provide the off-site shared parking agreements before it approves this application.
4. The planning commission erred by failing to address the transportation issues and deficiencies identified by Greenlight Engineering. Greenlight Engineering demonstrated in its letters, dated April 7, 2014 and May 5, 2014, and its testimony at the May 5, 2014 planning commission hearing, that Costco's traffic analysis is inadequate and failed to adequately address several issues. The planning commission ignored these issues and failed to adopt findings explaining why these issues and deficiencies are not required to be addressed.
5. The planning commission erred in concluding that CDC Section 18.620.040(A)(1) does not apply. CDC Section 18.620.040(A)(1) requires all street-facing elevations along public streets to "include a minimum of 50% of the ground floor wall area with windows, display areas or door openings." The planning commission erroneously concluded that this requirement does not apply because the "proposed structure is a fuel station canopy and does not contain any windows or doors." Planning Commission Decision, p.12. CDC Section 18.620.040(A)(1) applies to all non-residential buildings and there is no exception for fuel stations. It clearly requires that all non-residential buildings contain 50% windows, display areas or door openings on street-facing elevations. The fact that the fuel station does not contain any windows or doors is not a basis for concluding that this criteria does not apply, it is a basis for concluding that the proposed fuel station does not comply with this requirement.
6. The planning commission erred in concluding that Costco demonstrated compliance with CDC Section 18.620.090(C)(4) for purposes of the design adjustment requests to the setback and 50% building placement standards. CDC Section 18.620.090(C)(4) requires Costco to demonstrate that "granting the adjustment is the minimum necessary to allow the proposed use of the site." Costco failed to provide any evidence that it cannot site a fuel station on the property unless these adjustments are granted.

**D. A statement demonstrating that the specific issues raised on appeal were raised during the comment period.**

The Appellant raised all of the issues set forth in Section C above in its comment letters, dated April 7, 2014, April 28, 2014, and May 5, 2014. The Appellant also raised these issues in its testimony at the April 7, 2014 and the May 5, 2014 planning commission hearings.

**E. Appeal Fee.**

The Appellant included the appeal fee in the amount of \$3,006. The appeal fee was determined based on the City's 2013-2014 Land Use Applications Fee Schedule.



1600 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204  
503.221.1440

David J. Petersen  
Admitted to Practice in Oregon and California

Direct Dial: 503.802.2054  
Direct Fax: 503.972.3754  
david.petersen@tonkon.com

July 1, 2014

**VIA E-MAIL agnesk@tigard-or.gov**

Ms. Agnes Kowacz  
City of Tigard  
Tigard Civic Center  
13125 SW Hall Blvd.  
Tigard, OR 97223

Re: Costco Fuel Station / CUP 2013-0002

Dear Ms. Kowacz:

Enclosed with this letter please provide Costco's proposed edits to the findings from the Planning Commission's Final Order 2014-03 PC in this matter dated May 22, 2014. Costco is providing these proposed edits for consideration by staff and the City Council in response to the pending appeal from Cain Petroleum. If you have any questions, please contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'David J. Petersen', with a long horizontal flourish extending to the right.

David J. Petersen

DJP/djp  
Enclosure  
cc (by e-mail): Mr. David H. Rogers  
Ms. Sonia Hennem Daleiden  
Ms. Kelly Laustsen

## **Costco's Proposed Revisions to Final Order 2014-03 PC**

### Page 5

In the findings on 18.330.030.A.3, add the following sentence: "Adequate streets and utilities capacity exists as analyzed in response to Development Code Chapter 18.810." This could be inserted immediately before "This standard is met."

### Page 12

Replace the finding under 18.620.040.A.1 with the following:

This criterion applies to all street facing elevations within 10 feet of a public street. The fuel station canopy will be set back from SW Dartmouth by 58 feet 8 inches. Therefore this criterion does not apply.

Further, the City Council finds that there are good reasons not to apply the street-facing elevation standard to the fuel station canopy. First, the canopy must necessarily admit vehicles to the gas pumps underneath, which cannot occur through doors and windows. Second, the purpose of the standard is to create visual interest with windows, displays and openings, thereby avoiding featureless walls along pedestrian walkways. But with the greater setback here, the risk of a featureless visual canyon is eliminated. Visual interest for pedestrians will still exist with views of adjacent landscaping and the fuel station beyond. Third, the open sides of the canopy are the functional equivalent of windows, providing visual access to activity under the canopy.

### Page 15

Replace the finding at the very bottom of the page under 18.620.090 with the following:

The City Council agrees with the recommendations of the DET and the Planning Commission. Substantial evidence supports those recommendations as set forth in the DET report attached to this Order as Exhibit "D." The City Council further finds that this standard is met because the applicant has submitted a site plan that meets the DET's recommended conditions.

### Page 17

Replace the findings under 17.705.030.H with the following:

Access to the site is from SW Dartmouth Street. The two existing driveways to the site are approximately 617 feet apart. No new access is proposed. The existing driveway locations are well over 300 feet from existing offsite driveways to the south. There is an existing driveway about 50 feet north of the site. Because no new driveways or other access points are proposed, this standard is met.

The staff report dated April 7, 2014 identified possible concerns about sufficient turning radius at the north entrance for fuel delivery trucks. As recommended by

City staff, the City Council finds that the applicant's redesign of the north entrance as part of this project that will eliminate this concern.

The staff report dated April 7, 2014 also identified potential queuing onto SW Dartmouth Street of vehicles entering the Costco site at the south entrance. The report cited unspecified field observations, but these observations were not corroborated. The applicant introduced traffic counts and video documentation of traffic operations at the south entrance on a busy weekend peak period that revealed no queuing spillback from the south entrance driveway onto SW Dartmouth Street. In fact, the video showed very limited queuing at all during the peak period. As the applicant explained, the south driveway is long enough to accommodate many cars, and the primary movement at the inbound end of the driveway is a right turn that rarely causes significant delay. The applicant also submitted testimony from its warehouse manager that he had not seen inbound queuing at the south entrance back up onto SW Dartmouth at any time in the six years he has worked there, except possibly if construction or an accident blocked another entrance.

The City Council finds the applicant's evidence to be specific, corroborated and directly on point, while the field observations cited in the staff report are general and uncorroborated. The weight of the evidence demonstrates there is no queuing problem at the south entrance and no mitigation is required. Consequently, no condition of approval is needed to address this issue, and there is no need or justification to require the applicant to enter into agreements with neighboring property owners for off-site parking. The City Council agrees with and adopts the Planning Commission's approval of the project without condition #6 as proposed in the April 7, 2014 staff report.

Page 28

Replace the findings under 18.810.030.CC with the following:

The applicant submitted a traffic study dated August 5, 2013, as supplemented by reports dated April 1, April 23 and April 28, 2014. Collectively, those reports show that the new fuel station will generate about 45 additional net new vehicles (or 90 net new trips) to the site during the critical weekday p.m. peak hour, which is less than 9% of the current traffic on SW Dartmouth Avenue and less than 3% of the current traffic on Highway 99W.

The applicant's traffic reports show that with this small contribution of additional trips and the completion of improvements already under construction, the intersection of 99W and SW Dartmouth Street will meet the adopted prevailing ODOT operational standard (i.e., volume-to-capacity ratio) even with the proposed fuel station in place. The applicant's reports also show that while the intersection as a whole meets the applicable standard, there are individual movements on the northbound and southbound approaches that are currently operating at overcapacity. However, with construction of new right-turn lanes in both the northbound and southbound directions, those movements would operate

at equal or better conditions even with the proposed fuel station in place, as compared to operations without the fuel station and without mitigation. Thus, even though not required by any applicable approval criteria, the applicant proposes to mitigate the proposed project's impact on those specific movements by constructing new right-turn lanes in both the northbound and southbound directions at the 99W/Dartmouth intersection. These improvements are required by condition #1.

The City Council finds that substantial evidence shows that the proposed fuel station will not cause the 99W/SW Dartmouth intersection, or any other transportation facility, to operate in violation of any adopted and applicable operational standard. The City Council also finds, however, that certain movements at the 99W/Dartmouth intersection presently operate overcapacity, but with construction of dedicated northbound and southbound right-turn lanes as proposed by the applicant, those movements will operate at equal or better capacity with the fuel station in place as compared to present conditions. Accordingly, to mitigate the impact of the proposal on those specific movements, the City Council agrees with the Planning Commission's adoption of condition #1 requiring construction of dedicated northbound and southbound right-turn lanes at the 99W/Dartmouth intersection.

The City Council further finds that construction of the right-turn lanes is feasible because substantial evidence in the record shows that construction of the turning lanes is possible, likely and reasonably certain to proceed. Specifically, the applicant has submitted construction drawings showing that the turning lanes can be built. In the case of the northbound right-turn lane, no additional right-of-way is required based on modifications to turning radius standards approved by the City Public Works Department. As to the southbound right-turn lane, evidence submitted by the applicant shows that the property owner at the northwest corner of the intersection is likely to agree to dedicate the necessary right-of-way after further review. A showing of feasibility does not require a showing of absolute certainty, and the property owner's statements are substantial evidence that the southbound right-turn lane is feasible. Further, no contrary evidence showing the infeasibility of either of the proposed right-turn lanes has been submitted.

Page 31

Replace the findings under "Rough Proportionality Analysis" with the following:

The Transportation Development Tax (TDT) due for this proposal is \$192,528. This has been calculated using standard Washington County TDT calculation procedures. This calculation accounts for higher-than-normal internal trips between the Costco warehouse and fuel station, because the fuel station serves only Costco members.

The applicant proposes, and condition #1 requires, construction of dedicated northbound and southbound right-turn lanes at the Highway 99/SW Dartmouth

intersection. The report of the applicant's traffic engineer dated April 1, 2014 constitutes substantial evidence that the cost of those improvements is \$237,833, and no contrary evidence has been submitted. Improvement of the Dartmouth/99W intersection is an "eligible capital improvement" under Washington County TDT Code Section 3.17.070(B) and Appendix C thereto, and therefore the full cost of the right-turn lanes is creditable against the TDT. The applicant also proposes driveway modifications but they are not TDT creditable because they serve only the applicant's property.

According to Washington County, the TDT is implemented at a level estimated to recover 23.3% of the cost County-wide to provide transportation system capacity sufficient to accommodate new development. Thus, 100% of the transportation capacity cost resulting from this project would be the TDT amount (\$192,528) divided by 23.3%, which equals \$826,299. The applicant proposes improvements costing \$237,833 which is 28.8% of the full transportation capacity cost.

FINDINGS: The total cost of creditable improvements (\$287,833) exceeds the TDT due (\$192,528). Because the improvements are fully creditable, completion of the improvements constitutes payment of the TDT in full and no additional payment is due from the applicant. The cost of the creditable improvements is roughly proportional to the project's impact on the transportation system because it equals about 28.8% of the total estimated cost to provide transportation capacity accommodating the development, which is consistent with the 23.3% recovery expected from the TDT County-wide.

#### Additional findings on appeal

In response to appeal issue #4 alleging a failure to address the transportation issues and deficiencies recommended by Greenlight Engineering, Costco recommends that the City Council make a finding that the lack of specific responses to Greenlight's allegations from the Planning Commission is understood to mean that the Planning Commission considered the issues raised and found them to be without merit. Costco also recommends that the City Council find that it has independently considered the issues raised by Greenlight and, after review of the evidence in the whole record, agrees with the Planning Commission that they are without merit.

**NOTICE OF FINAL ORDER NO. 2014-03 PC  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = 4/16/2014

A FINAL ORDER APPROVING A LAND USE APPLICATION FOR CONDITIONAL USE PERMIT, FOR THE COSTCO FUEL STATION. THE COMMISSION APPROVED THE DESIGN EVALUATION TEAM RECOMMENDATION ON APRIL 7, 2014 AND APPROVED THE CONDITIONAL USE PERMIT WITH CONDITIONS OF APPROVAL ON MAY 5, 2014. THE PLANNING COMMISSION BASED ITS DECISION ON THE FACTS, FINDINGS AND CONCLUSIONS DESCRIBED IN THE APPLICANT'S APPLICATION MATERIALS CONTAINED IN THE PROJECT FILE (CUP2013-00002); THE STAFF REPORTS TO THE PLANNING COMMISSION FOR THE FEBRUARY 10, 2014 AND APRIL 7, 2014 HEARINGS; A STAFF MEMORANDUM TO THE PLANNING COMMISSION DATED 21, 2014; AND THIS FINAL ORDER.

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** COSTCO FUEL STATION  
**CASE NOS:** Conditional Use Permit (CUP) CUP2013-00002

**PROPOSAL:** The applicant is requesting a conditional use permit and Tigard Triangle Design Evaluation Team approval for the construction of a members-only retail fuel station located at the existing Costco site. The station is proposed at the northeast corner of the site currently used for parking. The facility consists of a 73 foot by 102 foot canopy with three fueling islands, nine fuel dispensers and five underground storage tanks. The proposal also includes reconfiguration of the parking area surrounding the proposed fuel station and landscaping.

<b>APPLICANT/ OWNER:</b>	Costco Wholesale David Rogers 999 Lake Drive Issaquah, WA 98027	<b>APPLICANT'S REP:</b>	Barghausen Consulting Engineers, Inc. Angelo Bologna 18215 72 <sup>nd</sup> Avenue South Kent, WA 98032
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**LOCATION:** 7850 SW Dartmouth Street; WCTM 1S136CD, Tax Lot 02200.

**ZONE:** C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a city-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.

**APPLICABLE  
REVIEW**

**CRITERIA:** Community Development Code Chapters 18.330, 18.360, 18.390, 18.520, 18.620, 18.705, 18.725, 18.745, 18.765, 18.780, 18.790, 18.795 and 18.810.

## **SECTION II. PLANNING COMMISSION DECISION**

The Planning Commission finds that proposal meets the applicable approval criteria of the Tigard Community Development Code and, to ensure compliance imposed, certain conditions of approval so that the proposal will not adversely affect the health, safety and welfare of the City. Therefore, the Planning Commission **APPROVES** the requested Land Use Applications **subject to the following conditions of approval:**

### **CONDITIONS OF APPROVAL**

#### **THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO COMMENCING ANY SITE WORK:**

**The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the COMMUNITY DEVELOPMENT DEPARTMENT ATTN: Agnes Kowacz, 503-718-2427. The cover letter shall clearly identify where in the submittal the required information is found:**

1. Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.
2. Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.
3. The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

**The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the ENGINEERING DEPARTMENT, ATTN: MIKE MCCARTHY 503-718-2462. The cover letter shall clearly identify where in the submittal the required information is found:**

4. Prior to issuance of a site permit, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Five (5) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.
  - a. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."
5. Prior to issuance of a site permit, the applicant shall obtain approval from the city engineer and other appropriate agencies confirming that pollution controls and protection measures will be in place and functioning properly before allowing the under canopy drainage to flow into the sanitary sewer.

6. Prior to issuance of a site permit, the applicant shall obtain city approval of plans to retrofit the northern driveway so that all trucks to Costco can stay within the curb lines of the driveway as they enter the site.
7. Prior to issuance of a site permit, the applicant shall obtain approval from TVF&R for access and hydrant location.
8. Prior to issuance of a site permit, the applicant shall obtain a 1200-C-N General Permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED  
PRIOR TO A FINAL BUILDING INSPECTION:**

**The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the COMMUNITY DEVELOPMENT DEPARTMENT ATTN: Agnes Kowacz 503-718-2427. The cover letter shall clearly identify where in the submittal the required information is found:**

9. Prior to final building inspection, the applicant shall contact the **Staff Planner, Agnes Kowacz**, 503-718-2427 for final walk-through. All site improvements must be completed per approved plans.

**The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the ENGINEERING DEPARTMENT, ATTN: MIKE MCCARTHY 503-718-2462. The cover letter shall clearly identify where in the submittal the required information is found:**

10. Prior to final building inspection, the intersection improvements proposed by the applicant to the northbound and southbound right turn lanes at the SW Dartmouth/99W intersection shall be constructed.
11. Prior to final building inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) systems shall be in place and operational with accepted maintenance plans.
12. Prior to final building inspection, the applicant shall have completed the retrofit of the northern driveway so that all trucks to Costco can stay within the curb lines of the driveway as they enter the site.
13. Prior to final building inspection, the applicant's engineer shall submit a final access report to city engineering staff which verifies design of driveways and street connections to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

**THIS APPROVAL MUST BE IMPLEMENTED WITHIN  
18 MONTHS FROM THE EFFECTIVE DATE OF THE DECISION.**

**SECTION III. BACKGROUND INFORMATION**

Proposal:

The applicant is requesting a conditional use permit and Tigard Triangle Design Evaluation Team approval for the construction of a members-only retail fuel station located at the existing Costco site. The station is proposed at the northeast corner of the site, which is currently used for parking. The facility consists of a 73 foot by 102 foot canopy with three fueling islands, nine fuel dispensers, and five underground storage tanks. The proposal also includes reconfiguration of the parking area surrounding the proposed fuel station and landscaping.

Site History:

Staff conducted a search of City records for the subject property and found that a Site Development Review and a Planned Development Review (SDR93-00018 & PDR93-00010) were approved to construct the original building for the Costco warehouse and associated site improvements. In 1999, a minor modification (MMD1999-00002) was approved for a 10,000 square foot addition and restriping of the existing parking lot. Lastly, in 2007 a minor modification (MMD2007-00011) was approved to allow the planting of an additional 52 parking lot trees to satisfy the original 1993 permit conditions of approval.

Vicinity Information:

The subject site is located at 7850 SW Dartmouth Street; west of SW Dartmouth Street and bound to the north and west by SW Pacific Hwy and Hwy 217. The property, located within the Tigard Triangle Plan District, is zoned General Commercial (C-G) with a Planned Development (PD) overlay. All surrounding properties are also zoned C-G. Commercial development is located to the east and proposed for the property to the south (Walmart).

Neighbor Comments:

The applicant held a formal neighborhood meeting on April 11, 2013 with one neighbor in attendance. Neighbor concern focused on conflicts between fuel truck access and other vehicular traffic using the driveway. The city has not received any written comments from neighborhood residents.

## **SECTION IV. REPORT MAKING PROCEDURES, PERMITS AND USE**

### **Use Classification**

Chapter 18.130 defines the Use Categories used in the Development Code. The proposed Costco Fuel Station is defined as a vehicle fuel sales use (18.130.060.S) and is permitted as a conditional use in the C-G zone. The existing Costco sales-oriented retail use is a permitted use in the C-G zone and is proposed to continue.

### **Summary of Land Use Permits and Decision-making Procedures**

Section 18.330.020.A states that a request for approval for a new conditional use shall be processed as a Type III-HO procedure, as regulated by Chapter 18.390.050, using approval criteria contained in Section 18.330.030A and subject to other requirements in this chapter. The Type III-HO procedure is a quasi-judicial procedure that applies discretionary approval criteria. Type III-HO actions are decided by the Hearings Officer with appeals being heard by the City Council.

The applicant has also requested a Tigard Triangle Design Evaluation Team (DET) approval, which is processed as a Type III-PC procedure and reviewed by the Planning Commission. The Planning Commission may approve an alternative design to the Tigard Triangle standards by granting an adjustment meeting the criteria of 18.620.090.C. In cases such as this one where more than one land use review is requested, they may be reviewed concurrently using the procedure providing the greatest level of notice and review, in this case, the Type III-PC procedure.

## **SECTION V. SUMMARY OF APPLICABLE CRITERIA**

Staff has reviewed the proposal for consistency with the following code sections. Findings for these code sections are in Section VI of this report.

### **A. Applicable Development Code Standards**

**18.330 - Conditional Use**

**18.360 - Site Development Review**

- 18.620 - Tigard Triangle Plan District
- 18.705 - Access Egress and Circulation
- 18.725 - Environmental Performance Standards
- 18.745 - Landscaping and Screening
- 18.765 - Off-Street Parking and Loading
- 18.790 - Urban Forestry Plan
- 18.810 - Street and Utility Improvement Standards

**SECTION VI. APPLICABLE REVIEW CRITERIA AND FINDINGS**

**A. APPLICABLE DEVELOPMENT CODE STANDARDS AND APPROVAL CRITERIA**

**Conditional Use (Chapter 18.330)**

**18.330.010 Purpose**

**A. Purpose.** The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. There are certain uses which due to the nature of the impacts on surrounding land uses and public facilities require a case-by-case review and analysis.

The applicant requests approval of a vehicle fuel sales use on the subject site. The following standards in this chapter ensure the proposed development will not adversely impact surrounding uses and public facilities.

**18.330.030 Approval Standards and Conditions of Approval**

**A. The Hearings Officer shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:**

- 1. The site size and dimensions provide adequate area for the needs of the proposed use;**

As described in the applicant’s narrative, the 14.86 acres site is adequately sized to accommodate the needs of the proposed vehicle fuel station. This standard is met.

- 2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features;**

The site is approximately 14.86 acres in size and new fuel station canopy will occupy one percent of the total site area. The site’s size and shape can accommodate adequate parking, landscaping and circulation. The site is relatively flat with grades of approximately 3.5 percent. There are no natural features within the location of the proposed fuel station; the station will be located within an existing parking lot. This standard is met.

- 3. All required public facilities have adequate capacity to serve the proposal; and**

As described in the applicant’s impact study in Section 2.0 of their submittal, there is adequate capacity in the public facilities that serve the site. The frontage improvements along SW Dartmouth Street, including bicycle facilities (on the east side only), have already been constructed. The proposal does not require any additional water connections. A limited amount of runoff is anticipated from the canopy area; this area will be hydraulically separated from the rest of the site and routed through an oil/water separator prior to discharging to the sanitary sewer system. The proposed project will not increase stormwater runoff; however, the project will improve fifty percent of the overall site to comply with current water quality standards. This standard is met.

- 4. The applicable requirements of the zoning district are met except as modified by this chapter.**

The proposed site is zoned C-G (PD). Table 18.520.2 includes development standards in commercial zones related to lot size, width, coverage, and building setbacks, height, and landscape requirements. The table below compares the applicable standards of the base zone, the additional standards required for a vehicle fuel

sales use (see 18.330.050.B.7), with the proposed development.

**TABLE 18.520.2  
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

STANDARD	C-G	CU Vehicle Fuel Sales	Proposed
Minimum Lot Size	None	10,000	N/A
- Detached unit	-		-
- Boarding, lodging, rooming house	-		-
Minimum Lot Width	50 ft.	None	N/A
Minimum Setbacks			
- Front yard	0 ft. <sup>[1]</sup>	10 min/40 max ft.	58' 8"
- Side facing street on corner & through lots <sup>[1]</sup>	-	40 ft.	N/A.
- Side yard	0/20 ft. <sup>[8]</sup>	0 ft.	89' 7"/1,736'
- Side or rear yard abutting more restrictive zoning district	-	20 ft.	
- Rear yard	0/20 ft. <sup>[8]</sup>	0 ft.	N/A 343' 7"
- Distance between front of garage & property line abutting a public or private street.	-		
Minimum Building Height	N/A		N/A
Maximum Building Height	45 ft	45 ft	17.5 ft
Maximum Site Coverage <sup>[2]</sup>	85 %		27%
Minimum Landscape Requirement	15 %		56.4%
Minimum FAR <sup>[3]</sup>	N/A		N/A
Minimum Residential Density <sup>[4][5][6]</sup>	N/A		N/A
Maximum Residential Density <sup>[4][5][6][7]</sup>	N/A		N/A

[1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.

[2] Includes all buildings and impervious surfaces.

[3] Applies to all nonresidential building development and mixed use development which includes a residential component.

[8] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.

[11] There shall be no minimum front yard setback requirement; however, conditions in Chapters 18.745 and 18.795 must be met.

FINDING: As shown in the comparative table above, the proposed development meets all of the applicable development standards of the underlying zoning district and the additional standards required for a vehicle fuel sales use, with the exception of the front yard setback. The applicant is applying for an adjustment to the front yard setback requirement as part of this application, which is addressed in detail below.

**5. The applicable requirements of 18.330.050 are met; and**

Section 18.330.050.B.7 contains the following standards for Vehicle Fuel Sales:

- a. **Minimum lot size shall be 10,000 square feet;**
- b. **Setbacks:**
  - i. **The front yard setback shall be 40 feet;**
  - ii. **On corner and through lots, the setback shall be 40 feet on any side facing street; and**
  - iii. **No side or rear yard setback shall be required, except 20 feet where abutting a residential zoning district;**
- c. **Fuel tank installation shall be in accordance with the Uniform Fire Code; and**
- d. **Building height shall be the same as applicable zoning**

As discussed above, the comparative table shows that the proposed development meets all of the applicable development standards of the underlying zoning district and the additional conditional use standards for vehicle fuel sales, with the exception of the front yard setback. The applicant is applying for an adjustment to the front yard setback requirement as part of this application, which is addressed in detail below. A building permit is required for the installation of the fuel tank and shall ensure that the tank meets all applicable building and fire codes.

- 6. **The supplementary requirements set forth in other chapters of this Code including but not limited to Chapter 18.780, Signs, and Chapter 18.745, Landscaping and Screening; Chapter 18.790, Urban Forestry Plan; and Chapter 18.360, Site Development Review, if applicable, are met.**

FINDING: The supplementary requirements that are applicable in this case include the following chapters of the Community Development Code: 18.360, Site Development Review; 18.620, Tigard Triangle Plan District; 18.705, Access, Egress and Circulation; 18.725, Environmental Performance Standards; 18.745, Landscaping and Screening; 18.765, Off-Site Parking and Loading; 18.790, Urban Forestry Plan; and 18.810 Street and Utility Improvements Standards. As reviewed below in this report, all supplementary requirements set forth in other chapters of the code are either met or conditioned to be met.

**Site Development Review (Chapter 18.360)**

**18.360.020 Applicability of Provisions**

**Site development review shall be applicable to all new developments and major modification of existing developments.**

The proposed vehicle fuel station is a new development. Therefore, the applicable site development review criteria apply.

**18.360.090 Approval Criteria**

**The Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:**

The following approval criteria are not applicable to the proposed vehicle fuel sales use: 18.360.090.C (Exterior Elevations of residential buildings); 18.360.090.E (Privacy and Noise); 18.360.090.F (Shared outdoor area-Multifamily use); and 18.360.090.G (Landfills adjacent to 100-year Floodplain).

Approval criteria 18.360.090.A. (Street and Utility Standards); 18.360.090.D (Buffering, Screening and Compatibility Between Adjoining Uses); 18.360.090.K (Landscaping); and 18.360.090.L (Drainage); are discussed elsewhere in this decision.

The following are the applicable approval criteria of this section that are relevant to the proposed project:

- A. Compliance with all of the applicable requirements of this title including Chapter 18.810, Street and Utility Standards;**

The proposed project will be in compliance or conditioned to comply, with all of the applicable requirements of Title 18 as reviewed in this report.

**B. Relationship to the Natural and Physical Environment:**

**1. Buildings shall be:**

- a. Located to preserve existing trees, topography and natural drainage where possible based upon existing site conditions;
- b. Located in areas not subject to ground slumping or sliding;
- c. Located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire-fighting; and
- d. Oriented with consideration for sun and wind.

The proposed fuel station will be located within an existing parking lot and not within any natural drainage areas. The existing trees within the parking lot will be replaced with new trees. The site for the new fuel station is not subject to ground slumping or sliding. The proposed fuel station will be located approximately 367 feet from the existing warehouse which allows for light, air circulation and fire-fighting. The canopy, which provides weather protection, is open on all four sides; therefore, sun/wind orientation does not apply. This standard is met.

**2. Innovative methods and techniques to reduce impacts to site hydrology and fish and wildlife habitat shall be considered based on surface water drainage patterns, identified per Section 18.810.100.A.3. and the City of Tigard "Significant Habitat Areas Map." Methods and techniques for consideration may include, but are not limited to the following:**

- a. Water quality facilities (for infiltration, retention, detention and/or treatment);
- b. Pervious pavement;
- c. Soil amendment;
- d. Roof runoff controls;
- e. Fencing to guide animals toward safe passageways;
- f. Re-directed outdoor lighting to reduce spill-off into habitat areas;
- g. Preservation of existing vegetative and canopy cover.

According to the City of Tigard "Significant Habitat Areas Map," the subject site does not include any habitat areas. The narrative states that the under-canopy area will be hydraulically isolated from the rest of the site and routed through an oil/water separator prior to discharge to the sanitary sewer system. The proposal will not increase stormwater runoff, therefore; there will be no impact to the capacity of the downstream system. The new fuel station is proposed to preserve existing vegetation and trees to the extent possible. This standard is met.

**H. Demarcation of public, semi-public and private spaces for crime prevention—Nonresidential development.**

1. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and
2. These areas may be defined by, but not limited to:
  - a. A deck, patio, low wall, hedge, or draping vine,
  - b. A trellis or arbor,
  - c. A change in elevation or grade,
  - d. A change in the texture of the path material,
  - e. Sign, or
  - f. Landscaping.

The site is clearly defined along SW Dartmouth Street by a landscaping buffer and elevation change between the sidewalk and the existing Costco parking lot. There is a sidewalk and pedestrian walkways that lead from the front of the building into the associated parking lot and to SW Dartmouth Street. The parking lot and walkways are lighted for safety. The proposal includes enhancements to the site

landscaping along SW Dartmouth Street which will better define public and private areas. This standard is met.

**I. Crime prevention and safety:**

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;
2. Interior laundry and service areas shall be located in a way that they can be observed by others;
3. Mailboxes shall be located in lighted areas having vehicular or pedestrian traffic;
4. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and
5. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

The proposed development plans were submitted to the Tigard Police Department for review. The Department commented on the proposal and had no objections. Most of the crime and safety standards relate to residential uses and areas having heavy pedestrian and vehicular traffic. The proposed vehicle fuel station is restricted to daytime activity and will have fueling facility attendants to monitor the area during business hours. In addition, close circuit cameras are proposed to be installed as well. This standard is met.

**J. Public transit.**

1. Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to or within 500 feet of existing or proposed transit route;
2. The requirements for transit facilities shall be based on:
  - a. The location of other transit facilities in the area, and
  - b. The size and type of the proposal;
3. The following facilities may be required after city and Tri-Met review:
  - a. Bus stop shelters,
  - b. Turnouts for buses, and
  - c. Connecting paths to the shelters.

The nearest transit facilities are bus line #12, #64 and #94, which run on Pacific Highway, approximately 175 feet from the site. The nearest bus stop is located on Pacific Highway, north of SW Dartmouth Street, approximately 525 feet away from the site. The proposal was referred to TriMet for review and comment; however, no response was received. This standard is met.

**M. Provision for the disabled. All facilities for the disabled shall be designed in accordance with the requirements set forth in ORS Chapter 447.**

The proposal has been designed in accordance to the requirements set forth in ORS Chapter 447- Plumbing, Architectural Barriers.

FINDING: Based on the analysis above, all of the applicable site development review standards have been fully met.

**Tigard Triangle Design Standards (18.620):**

**18.620.010 Purpose and Applicability**

- A. **Design principles.** Design standards for public street improvements and for new development and renovation projects have been prepared for the Tigard Triangle Plan District. These design standards address several important guiding principles adopted for

the Tigard Triangle Plan District, including creating a high-quality mixed use employment area, providing a convenient pedestrian and bikeway system within the Triangle, and utilizing streetscape to create a high quality image for the area.

- B. Development conformance.** All new developments, including remodeling and renovation projects resulting in uses other than single family residential use are expected to contribute to the character and quality of the area. In addition to meeting the design standards described in this chapter and other development standards required by the community development and building codes, such developments will be required to:
1. Dedicate and improve public streets, to the extent that such dedication and improvement is directly related and roughly proportional to an impact of the development;
  2. Connect to public facilities such as sanitary sewer, water and storm drainage;
  3. Participate in funding future transportation and other public improvement projects in the Tigard Triangle Plan District, provided that the requirement to participate is directly related and roughly proportional to an impact of the development.

In 1993, the applicant obtained Site Development Review and Planned Development Review approval (SDR1993-00018/PDR1993-00010) on the subject property for the construction of the Costco warehouse building and associated parking lot which included street and frontage improvements, landscaping, and a water quality facility. The applicant has met a number of conditions of approval associated with the previous approval including dedication of right of way along the SW Dartmouth frontage. Public facilities improvements not completed with the previous approvals will be conditions of the current proposal. This standard is met.

According to the applicant's narrative, the proposed development is already connected to sanitary sewer, and storm drainage systems. Water is provided by Tualatin Valley Water District; however, no new water connection is proposed. This standard is met.

The applicant's narrative states that the applicant will contribute a proportionate share to future transportation funding. Payment of the Transportation Development Tax at the time of building permit issuance will satisfy this standard. This standard is met.

- C. Conflicting standards.** The following design standards apply to all development located within the Tigard Triangle Plan District within both the C-G and the MUE zones. If a standard found in this section conflicts with another standard in the development code, standards in this section shall govern.

#### 18.620.020 Street Connectivity

- A. Demonstration of standards.** All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Section 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.
1. Design option.
    - a. Local street spacing shall provide public street connections at intervals of no more than 660 feet.
    - b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.
  2. Performance option.
    - a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.
    - b. The shortest vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight-line distance.

- c. **The shortest pedestrian trip on public right-of-way from a local origin to a collector or greater facility is no more than 1-1/2 the straight-line distance.**

The proposed development is adjacent to SW Dartmouth Street, just south of the intersection with SW Pacific Highway. SW Dartmouth is identified as a major arterial in the Tigard Triangle District Plan Street and Accessway Standards, which connects to SW Pacific Highway, a principal arterial (Tigard TSP). The subject property and adjacent properties have a direct connection to adjacent properties as well as direct access to SW Dartmouth Street. SW Dartmouth Street provides pedestrian facilities along the frontage of the property and to the north to SW Pacific Highway. Bicycle facilities are only provided along the east frontage of SW Dartmouth Street. This standard is met.

#### 18.620.30 Site Design Standards

**B. Compliance.** All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan must be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010.C.2, governing criteria for granting a variance, is satisfied.

1. **Building placement on major and minor arterials.** Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets. See Diagram 1 for some examples of how this standard may be met.

The SW Dartmouth Street frontage is 762 feet; the canopy is 102 feet wide, which occupies 13% of the frontage. The applicant is asking for an adjustment from this standard through the Design Evaluation Team (DET) process. The DET met on October 21, 2013 to discuss the request and recommends approval of the adjustment with conditions. Therefore, if the adjustment is granted, this standard is met.

2. **Building Setback.** The minimum building setback from public street rights-of-way or dedicated wetlands/buffers and other environmental features shall be 0 feet; the maximum building setback shall be 10 feet.

According to the applicant's site plan (Sheet DD11-15) and narrative, the building setback along the SW Dartmouth Street frontage ranges from 58 feet to 73 feet, as the lot curves. The applicant is asking for an adjustment from this standard through the Design Evaluation Team (DET) process. The DET met on October 21, 2013 to discuss the request and recommends approval of the adjustment with conditions. Therefore, if the adjustment is granted, this standard is met.

3. **Front yard setback design.** Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to the applicable standard in paragraph 5 of this subsection A. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B and Table 18.520.2.

The applicant's narrative and site plan (Sheet DD11-15) shows the proposed canopy will be set back fifty-eight (58) feet from the front property line at the closes point. The setback area is covered with a landscaping buffer and hard-surfaced access. There are also pedestrian connections from the street to the main entrance of the warehouse building. This standard is met.

4. **Walkway Connection to Building Entrances -** A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B and Table 18.520.2.

There is an existing 8-foot-wide concrete sidewalk along SW Dartmouth Street and internal, raised

pedestrian walkways from the sidewalk to the building entrances as shown on the site plan (Sheet DD11-15). This standard is met.

5. **Parking location and landscape design.** Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50% of the street frontage and must be behind a landscaped area constructed to an L-1 landscape standard. The minimum depth of the L-1 landscaped area is eight feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to an L-2 landscape standard, except where a side yard abuts a public street where it shall be landscaped to an L-1 landscape standard. See Diagram 2 below.

The site has an existing parking lot that is located along the entire frontage of SW Dartmouth Street, which will not change. The proposed fuel station will be located in the northeast corner of the existing parking lot. Parking is located behind an existing landscaped area of which a majority is eight (8) feet in width, a small portion towards the north accessway is 6.5 feet. The landscaped area appears to meet the L-1 landscaping requirements as shown on the applicant's existing tree plan (Sheet L-1 and L-2). This standard is met.

#### 18.620.40 Building Design Standards

A. **Non-residential buildings.** All non-residential buildings shall comply with the following design standards. Variance to these standards may be granted if the criteria found in Section 18.370.010 .C.2, criteria for granting a variance, are satisfied.

1. **Ground Floor Windows -** All street-facing elevations within the Building Setback (0 to 10 feet) along public streets shall include a minimum of 50% of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50% of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.

The proposed structure is a fuel station canopy and does not contain any windows or doors. This standard does not apply.

2. **Building Facades.** Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least 1 foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by other design features that reflect the building's structural system. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.

As shown in the elevation drawings, the proposed canopy on the east elevation adjacent to SW Dartmouth Street is 102 feet in length. The canopy is supported by a vertical structural column which provides articulation and variation. This standard is met.

3. **Weather Protection.** Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway. Awnings and canopies shall not be back lit.

As shown in the elevation drawings, the entire canopy will serve as weather protection for fueling customers. This standard is met.

4. **Building Materials.** Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet.

Building materials for the proposed fuel canopy are described on the elevation drawings and include prefinished metal fascia panels and prefinished metal columns. The proposal does not include any prohibited materials. This standard is met.

5. **Roofs and Roof Lines.** Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

The roof of the proposed canopy is flat and designed as an extension of the primary materials used for the existing Costco warehouse. No false fronts or false roofs are proposed. This standard is met.

6. **Roof-Mounted Equipment.** All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.

The applicant's narrative states that "no roof-mounted equipment will be installed". This standard does not apply.

#### 18.620.50 Signs

- A. **Sign standards.** In addition to the requirements of Chapter 18.780 of the development code the following standards shall be met:
  1. **Zoning district regulations.** Residential only developments within the C-G and MUE zones shall meet the sign requirements for the R-25 zone in Section 18.780.130.B; nonresidential developments within the C-G zone shall meet the sign requirements for the commercial zones in Section 18.780.130.C; and nonresidential development within the MUE zone shall meet the sign requirements of the C-P zone in Section 18.780.130.D.
  2. **Sign area limits.** The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted within the Tigard Triangle Plan District.
  3. **Height limits.** The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roof line of the wall on which the sign is located. No height increases will be permitted within the Tigard Triangle Plan District.
  4. **Sign location.** Freestanding signs within the Tigard Triangle Plan District shall not be permitted within required L-1 landscape areas.

The applicant's narrative states that new signage will comply with the sign regulations for the C-G zone and Tigard Triangle Plan District. This standard is met.

#### 18.620.060 Entry Portals

**Required locations.** Entry portals shall be required at the primary access points into the Tigard Triangle Plan District.

- A. **Location.** Entry portals shall be located at the intersections of 99W and Dartmouth; 99W and 72nd; I-5 and Dartmouth; Hwy. 217 and 72nd; and at the Hwy. 217 overcrossing and Dartmouth.
- B. **Design.** The overall design of entry portals shall relate in scale and detail to both the automobile and the pedestrian. A triangle motif and at least two trees according to the L-2 standard shall be incorporated into the design of entry portals.

The subject property is not located adjacent to a primary entrance point into the Tigard Triangle. This standard does not apply.

## 18.620.070 Landscaping and Screening

**Applicable levels.** Two levels of landscaping and screening standards are applicable to the Tigard Triangle Plan District. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other subsections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

- A. **L-1 parking lot screen.** The L-1 standard applies to setbacks on public streets. The L-1 standard is in addition to other standards in other chapters of this title. The setback shall be a minimum of eight feet between the parking lot and public street. L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½ inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.
- B. **L-2 general landscaping.** The L-2 standard applies to all other trees and shrubs required by this chapter and Chapter 18.745 (except those required for L-1 parking lot screen). For trees and shrubs required by Chapter 18.745, the L-2 standard is an additional standard. L-2 trees that are also street trees, median trees, and trees required to frame entry portals shall be selected in conformance with Table 18.620.1 of this section. If conformance with Table 18.620.1 is precluded by physical constraints caused by public utilities or required public improvements, the director may approve alternative selections. All L-2 trees shall be a minimum of 2½-inch caliper at the time of planting. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

The site is directly served by SW Dartmouth Street and the L-1 landscape and screening standard applies. As shown on the existing tree plan (Sheet L-1 and L-2) a majority of the street frontage along SW Dartmouth Street is buffered with an existing 8-foot landscape setback; however, there is a small portion towards the north accessway that is 6.5 feet. The existing buffer contains screening that meets the intent of the L-1 standard. This area is planted with Honeylocust, Purple Leaf Flowering Plum, Scarlett Oak and Vine Maples. A portion of the landscape area is within the visual clearance triangle of the north entrance, but those plantings will be maintained to stay below the 3-foot visual clearance area.

In response to the DET recommendation, the applicant was conditioned to provide a denser buffer directly in front of the area where the fuel station is proposed to mitigate certain impacts. The applicant has done so as shown on the landscape concept plan (Sheet L-9). This standard is met.

FINDING: As shown in the analysis above, the Tigard Triangle Plan District design standards have been fully met.

## 18.620.090 Design Evaluation

- A. **Purpose.** It is recognized that the above design standards are to assist in upgrading and providing consistency to development within the Tigard Triangle Plan District. It is recognized that different designs may be used to meet the intent of the standards and purpose statement of the Tigard Triangle Plan District standards. With this in mind, applicants for development in the Tigard Triangle Plan District may choose to submit proposed projects which demonstrate compliance with the design standards or request adjustments from the plan district design standards and submit design plans for review and recommendation by a city design evaluation team. This option allows applicants to propose alternative designs to the plan district design standards that are consistent with the purpose of the standards. When a structure which has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the

structure may be rebuilt using the same structure footprint without receiving an adjustment from design standards.

- B. **Design evaluation team (DET).** Evaluation of the adjustment to allow an alternative design is made by a three-person professional design team contracted by the city for professional design review. The DET shall consist of design professionals with experience in architecture, landscape architecture and civil engineering. This team is charged with balancing the purpose statements, goals and standards of the Tigard Triangle Plan District design process with the alternative proposal submitted by the applicants. The DET shall accept design proposals that vary from any of the plan district design standards. This process is to be applied only to the Tigard Triangle Plan District design standards. Applicants must comply with all other development code standards according to the regular development review requirements of Title 18 of this code. The DET will prepare a report outlining conditions and recommendations in response to the applicant's proposal(s) for submission to the Planning Commission within 30 days of meeting on the proposal.
- C. **Approval criteria.** For guidance in evaluating the purpose of the design standards, the DET shall refer to the planning director's interpretation that provides purpose statements for the Tigard Triangle Plan District design standards. All adjustments to allow an alternative design are subject to the following criteria:
1. Granting the adjustment will continue to meet the purpose of the standard(s) to be modified in an acceptable alternative manner; and
  2. The proposal will not significantly detract from the livability or appearance of an area and the proposal will be consistent with the desired character of the area; and
  3. If more than one adjustment is being requested, the cumulative effect of the adjustments as well as each individual adjustment results in a project which is still consistent with the overall purpose, goals and standards of the zone; and
  4. Granting the adjustment is the minimum necessary to allow the proposed use of the site, and any impacts resulting from the adjustment are mitigated to the extent practical.

The DET met on October 21, 2013 and reviewed the following adjustments requested in this application:

1. Adjustment from the minimum 50% building placement standards along SW Dartmouth Street.
2. Adjustment to the maximum 10 foot setback from SW Dartmouth Street, approximately 73 feet.

The DET discussed the proposed adjustments and whether the request meets the intent of the Tigard Triangle design standards. The intent is to create a high quality development with a streetscape that contributes to the image of the area and provides convenient and pedestrian friendly connections. The discussion included concerns about the large setback from Dartmouth Street, the queuing of vehicles to use the fueling station, building/canopy articulation, amount and size of signage, creating and maintaining a pedestrian environment (particularly activating the northeast corner near the entrance), and screening the parking along Dartmouth Street. With these concerns in mind, the DET felt that the intent of the Tigard Triangle design standards could still be met as long as they were mitigated through certain conditions.

The DET has recommended approval of the applicant's adjustment requests with the following conditions:

1. Minimize the proposed setback by moving the entire structure toward SW Dartmouth Street a minimum of 6 to 8 feet or more if possible.
2. The landscaping and screening along SW Dartmouth Street where the gas station will be located shall be increased to mitigate glare resulting from vehicle headlights, screen the parking spaces along the frontage and provide a more inviting pedestrian environment.

FINDING: The applicant has submitted a site plan that meets the DET recommended conditions of approval. A copy of the DET report is attached as a part of this staff report, Exhibit "D".

Access, Egress and Circulation (Chapter 18.705)

**18.705.020 Applicability of Provisions**

- A. **When provisions apply.** The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. **Change or enlargement of use.** Should the owner or occupant of a lot or building change or enlarge the use to which the lot or building is put, thereby increasing access and egress requirements, it is unlawful and is a violation of this title to begin or maintain such altered use until the provisions of this chapter have been met if required or until the appropriate approval authority has approved the change.

The applicant submitted a site plan (Sheet DD11-15), which shows the existing pedestrian circulation. No streets, off-street parking or auto accessways are proposed. This standard is met.

**17.705.030 General Provisions**

- D. **Public Street Access:** All vehicular access and egress as required in Sections 18.705.030H and 18.705.030I shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.

The site has two existing accesses onto SW Dartmouth Street. No other access is proposed. This standard is met.

- F. **Required walkway location.** On-site pedestrian walkways shall comply with the following standards:

- 1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments;

The applicant's site plan shows existing five foot walkway connections between SW Dartmouth Street to the existing Costco warehouse as well as circulation around the proposed fuel station. This standard is met.

- 2. Within all attached housing (except two-family dwellings) and multi-family developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities;

This standard does not apply to the proposed vehicle fuel sales use.

- 3. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards;

As stated in the applicant's narrative and shown in the applicant's site plan (Sheet DD11-15), the existing walkways are 5 feet wide and separated from the vehicle access driveways by curbs. Pavement markings are used when crossing drive aisles. The existing walkways comply with ADA standards. This standard is met.

- 4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt,

stone, brick, other pervious paving surfaces, etc. Any pervious paving surface must be designed and maintained to remain well-drained. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

As described in the applicant's narrative, the existing walkways are constructed of concrete and lighted with overhead lighting for safety purposes. This standard is met.

#### 030.H. Access Management

1. An access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and AASHTO (depending on jurisdiction of facility.)
2. Driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from city engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.
3. The minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet.
4. The minimum spacing of local streets along a local street shall be 125 feet.

Access to the site is from SW Dartmouth Street. The two existing driveways to the site are approximately 617 feet apart. No new access is proposed. The existing driveway locations are well over 300 feet from the existing driveways to the south of the site. There is an existing driveway, approximately 50 feet, to the north of the site. This standard is met.

It has been observed that the existing north entrance, which will be utilized by fuel trucks for the new fuel station, does not provide adequate space for the large vehicles to make this turn within curb lines. Public Works Engineering has noted in their comments on the application that the applicant should retrofit this driveway to correct this operations/safety problem.

Through field observations, the queuing of vehicles, particularly at the existing southern entrance, sometimes extends onto SW Dartmouth Street. This is due to pedestrian crossings as well as customers looking for an available parking space. The loss of parking from the proposed fuel station results in the likelihood of traffic queuing onto SW Dartmouth Street. To mitigate for this impact, this decision should be conditioned so that the applicant must develop, implement, and record signed agreements for an access/parking management plan that includes the establishment of an agreement(s) with neighboring property owner(s) to use some of their off-site parking for Costco employee parking during peak seasons in order to replace the 84 spaces removed for the fueling station. This standard can be met as conditioned.

#### J. Minimum access requirements for commercial and industrial use.

1. Vehicle access, egress and circulation for commercial and industrial use shall not be less than as provided in Table 18.705.3 (for greater than 100 required parking spaces, one 50-foot access width with 40-foot minimum pavement width).

Per Table 18.765.2, a minimum of 441 and a maximum of 905 parking spaces are required for the proposed and existing use. The applicant's site plan (Sheet DD11-15) shows the two existing accessways,

the north at 30 feet and the south at 40 feet. This standard is met.

FINDING: Based on the analysis above, all of the applicable access, egress and circulation standards have not been fully met but can be met with the stated conditions of approval.

### Environmental Performance Standards (18.725)

These standards require that federal and state environmental laws, rules and regulations be applied to development within the City of Tigard. Section 18.725.030 (Performance Standards) regulates: Noise, visible emissions, vibration and odors.

**Noise.** For the purposes of noise regulation, the provisions of Sections 7.41.130 through 7.40.210 of the Tigard Municipal Code shall apply.

**Visible Emissions.** Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point-source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

**Vibration.** No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

**Odors.** The emissions of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

**Glare and heat.** No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and; 1) there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and 2) these regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

**Insects and rodents.** All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

FINDING: The proposed vehicle fuel sales use would not typically generate unacceptable levels of noise, visible emissions, vibrations, odors, glare, heat, or attract insects and rodents. To ensure compliance, any activities that would generate unacceptable adverse effects would be subject to the enforcement provisions of the Tigard Municipal Code.

### Landscaping and Screening (18.745)

#### 18.745.030 General Provisions

- A. **Maintenance responsibility.** Unless otherwise provided by the lease agreement, the owner, tenant and his or her agent, if any, shall be jointly and severally responsible for the ongoing maintenance of all landscaping and screening used to meet the requirements of this chapter according to applicable industry standards.
- B. **Installation requirements.** The installation of all landscaping and screening required by this chapter shall be as follows:
  - 1. All landscaping and screening shall be installed according to applicable industry standards;
  - 2. All plants shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-2004, and any future revisions); and

3. All landscaping and screening shall be installed in accordance with the provisions of this title.
- C. Certificate of occupancy. Certificates of occupancy shall not be issued unless the requirements of this chapter have been met or other arrangements have been made and approved by the city such as the posting of a bond.

The accepted planting procedures are the guidelines described in the Tigard Urban Forestry Manual. These guidelines follow those set forth by the International Society of Arboriculture (ISA) tree planting guidelines as well as the standards set forth in the most recent edition of the American Institute of Architects' Architectural Graphic Standards. In the Architectural Graphic Standards there are guidelines for selecting and planting trees based on the soil volume and size at maturity. Additionally, there are directions for soil amendments and modifications.

#### 18.745.040 Street Trees

- A. Street trees shall be required as part of the approval process for Conditional Use (Type III), Downtown Design Review (Type II and III), Minor Land Partition (Type II), Planned Development (Type III), Site Development Review (Type II) and Subdivision (Type II and III) permits.
- B. The minimum number of required street trees shall be determined by dividing the linear amount of street frontage within or adjacent to the site (in feet) by 40 feet. When the result is a fraction, the minimum number of required street trees shall be determined by rounding to the nearest whole number.
- C. Street trees required by this section shall be planted according to the Street Tree Planting Standards in the Urban Forestry Manual.
- D. Street trees required by this section shall be provided adequate soil volumes according to the Street Tree Soil Volume Standards in the Urban Forestry Manual.
- E. Street trees required by this section shall be planted within the right of way whenever practicable according to the Street Tree Planting Standards in the Urban Forestry Manual. Street trees may be planted no more than 6 feet from the right of way according to the Street Tree Planting Standards in the Urban Forestry Manual when planting within the right of way is not practicable.
- F. An existing tree may be used to meet the street tree standards provided that:
  1. The largest percentage of the tree trunk immediately above the trunk flare or root buttresses is either within the subject site or within the right of way immediately adjacent to the subject site;
  2. The tree would be permitted as a street tree according to the Street Tree Planting and Soil Volume Standards in the Urban Forestry Manual if it were newly planted; and
  3. The tree is shown as preserved in the Tree Preservation and Removal site plan (per 18.790.030.A.2), Tree Canopy Cover site plan (per 18.790.030.A.3) and Supplemental Report (per 18.790.030.A.4) of a concurrent urban forestry plan and is eligible for credit towards the effective tree canopy cover of the site.
- G. In cases where it is not practicable to provide the minimum number of required street trees, the Director may allow the applicant to remit payment into the Urban Forestry Fund for tree planting and early establishment in an amount equivalent to the City's cost to plant and maintain a street tree for three (3) years (per the Street Tree Planting Standards in the Urban Forestry Manual) for each tree below the minimum required.

The site already has street trees planted along SW Dartmouth Street, which were required as part of the

previous Site Development Review and Planned Development Review (SDR93-00018 & PDR93-00010) approval. The site plan shows fifteen existing Littleleaf Linden street trees planted approximately 40 feet apart. This standard is met.

#### **18.745.50 Buffering and Screening**

##### **A. General provisions.**

- 1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.**
- 2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix.**

The site is surrounded by similar commercial uses to the south and east. An L-1 parking lot screen is required along the eastern perimeter of the property. The existing tree plan (Sheet L-1 and L-2) shows that the existing trees and landscaping meet the L-1 screen standards. No other buffering or screening is required. This standard is met.

##### **E. Screening: special provisions.**

###### **1. Screening and landscaping of parking and loading areas:**

- a. Screening of parking and loading areas is required. In no cases shall nonconforming screening of parking and loading areas (i.e., nonconforming situation) be permitted to become any less conforming. Nonconforming screening of parking and loading areas shall be brought into conformance with the provisions of this chapter as part of the approval process for conditional use (Type III), downtown design review (Type II and III), planned development (Type III), and site development review (Type II) permits only. The specifications for this screening are as follows:**
  - i. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;**
  - ii. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;**
  - iii. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;**
  - iv. All parking areas, including parking spaces and aisles, shall be required to achieve at least 30% tree canopy cover at maturity directly above the parking area in accordance with the parking lot tree canopy standards in the Urban Forestry Manual.**

The existing parking lot tree plan (L-3 and L-4) shows parking lot trees distributed throughout the parking lot that provide 160, 315 square feet of canopy coverage. The parking lot and loading area is approximately 377, 873 square feet and the trees provide approximately 42 % canopy. This standard is met.

###### **2. Screening Of Service Facilities. Except for one-family and two-family dwellings, any**

refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area;

The narrative states that the proposal does include installation of clean air separator and electrical transfer box will be located within the landscape area just south of the proposed fuel station. The facilities will be screened with shrubs. All existing facilities are also screened by landscaping. This standard is met.

3. **Screening Of Refuse Containers.** Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

The narrative states that no new refuse containers for the fuel station are proposed and the existing containers for the warehouse will be utilized. The existing containers are located just south of the existing warehouse and screened with a masonry wall. This standard does not apply.

FINDING: Based on the analysis above, the landscaping and screening standards have been fully met.

#### **Off-Street Parking and Loading (18.765)**

##### **18.765.030 General Provisions**

- B. **Location of vehicle parking.** The location of off-street parking will be as follows:
  1. Off-street parking spaces for single-family and duplex dwellings and single-family attached dwellings shall be located on the same lot with the dwellings.
  2. Off-street parking lots for uses not listed above shall be located not further than 200 feet from the building or use that they are required to serve, measured in a straight line from the building with the following exceptions: a) commercial and industrial uses which require more than 40 parking spaces may provide for the spaces in excess of the required first 40 spaces up to a distance of 300 feet from the primary site; The 40 parking spaces which remain on the primary site must be available for users in the following order of priority: 1) Disabled-accessible spaces; 2) Short-term spaces; 3) Long-term preferential carpool and vanpool spaces; 4) Long-term spaces.

As shown on the applicant's site plan (Sheet DD11-15), the parking lot on the site is located adjacent to the existing Costco warehouse and the proposed fuel station. This standard is met.

- F. **Preferential Long-Term Carpool/Vanpool Parking.** Parking lots providing in excess of 20 long-term parking spaces shall provide preferential long-term carpool and vanpool parking for employees, students and other regular visitors to the site. At least 5% of total long-term parking spaces shall be reserved for carpool/vanpool use. Preferential parking for carpools/vanpools shall be closer to the main entrances of the building than any other employee or student parking except parking spaces designated for use by the disabled. Preferential carpool/vanpool spaces shall be full-sized per requirements in Section 18.765.040N and shall be clearly designated for use only by carpools and vanpools between 7:00 AM and 5:30 PM Monday through Friday.

The proposed fuel station and existing warehouse does not have any long term parking spaces; therefore, this standard does not apply.

- G. **Disabled-Accessible Parking.** All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the State of Oregon Uniform Building Code and federal standards. Such parking spaces shall be sized, signed and marked as

**required by these regulations.**

The site plan (Sheet DD11-15) shows twenty-one existing ADA handicap spaces located at the main entry to the building. This standard is met.

#### **18.765.040 General Design Standards**

##### **B. Access drives. With regard to access to public streets from off-street parking:**

- 1. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site;**
- 2. The number and size of access drives shall be in accordance with the requirements of Chapter 18.705, Access, Egress and Circulation;**
- 3. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives;**
- 4. Access drives shall have a minimum vision clearance in accordance with Chapter 18.795, Visual Clearance;**
- 5. Access drives shall be improved with an asphalt, concrete, or pervious paving surface. Any pervious paving surface must be designed and maintained to remain well-drained; and**
- 6. Excluding single-family and duplex residences, except as provided by Section 18.810.030.P, groups of two or more parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way will be required.**

The proposed access drive meets the requirements of Chapter 18.705, is clearly marked, and is designed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site. Accessways will be maintained to provide clear visual clearance areas. This standard is met.

##### **D. On-site vehicle stacking for drive-in use.**

- 1. All uses providing drive-in services as defined by this title shall provide on the same site a stacking lane for inbound vehicles as noted in Table 18.765.1.**

The applicant's site plan (Sheet DD11-15) shows 118 feet from the curb to the nearest fuel pump. This meets the required 75 feet. This standard is met.

##### **F. Pedestrian Access. Pedestrian access through parking lots shall be provided in accordance with Section 18.705.030.F. Where a parking area or other vehicle area has a drop-off grade separation, the property owner shall install a wall, railing, or other barrier which will prevent a slow-moving vehicle or driverless vehicle from escaping such area and which will prevent pedestrians from walking over drop-off edges.**

The applicant's site plan (Sheet DD11-15) shows that the proposed pedestrian access is provided in accordance with Section 18.705.030.F. There are no drop-off grade separated areas within the parking area. Therefore, this standard is met.

##### **I. Parking lot striping.**

- 1. Except for single-family and duplex residences, any area intended to be used to meet the off street parking requirements as contained in this chapter shall have all parking spaces clearly marked; and**
- 2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.**

The applicant's site plan (Sheet DD11-15) shows that parking spaces will be clearly marked with striping.

This standard is met.

- J. Wheel Stops.** Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall. The front three feet of the parking stall may be concrete, asphalt or low lying landscape material that does not exceed the height of the wheel stop. This area cannot be calculated to meet landscaping or sidewalk requirements.

The applicant's site plan (Sheet DD11-15) shows a wheel stop next to the parking island close to SW Dartmouth Street and just south of the fuel station next to the pedestrian walkway. The remaining parking spaces are either interior or rely on low lying landscape material on the boundary. This standard is met.

- N. Space and Aisle Dimensions.** No more than 50% of the required spaces may be compact spaces.

1. Except as modified for angled parking in Figures 18.765.1 and 18.765.2, the minimum dimensions for parking spaces are:
  - a. 8.5' x 18.5' for a standard space;
  - b. 7.5' x 16.5' for a compact space; and
  - c. As required by applicable State of Oregon and federal standards for designated disabled person parking spaces;
  - d. The width of each parking space includes a stripe which separates each space.
2. Aisles accommodating two direction traffic, or allowing access from both ends, shall be 24 feet in width;
3. Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space shall be determined as noted in Figure 18.765.2.

According to the applicant's site plan (Sheet DD11-15), the parking lot space and isle dimensions meet the applicable design standards. This standard is met.

**18.765.050 Bicycle Parking Location and Access.**

- A. Location and access.** With regard to the location and access to bicycle parking:
1. Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures;
  2. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways;
  3. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to located the parking area;
  4. Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.
- B. Covered parking spaces.**
1. When possible, bicycle parking facilities should be provided under cover.
  2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.

As shown in the site plan (D11-13) the applicant has proposed bicycle parking adjacent to the main entrance to the warehouse. The parking will be covered by the warehouse canopy and visible from the parking area. This standard is met.

- C. Design requirements.** The following design requirements apply to the installation of bicycle racks:
1. The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for longterm (employee) parking is encouraged but not required;
  2. Bicycle racks must be securely anchored to the ground, wall or other structure;
  3. Bicycle parking spaces shall be at least two and one-half feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;
  4. Each required bicycle parking space must be accessible without moving another bicycle;
  5. Required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement;
  6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.
- D. Paving.** Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete, other pervious paving surfaces, or similar material. This surface must be designed and maintained to remain well-drained.

The applicant's narrative states that a "loop wave" style bike rack will be used similar to the ones already installed at the site. The racks will be securely anchored to the concrete ground with bolts. Each space will provide the required space of 2.5 feet by 6 feet and will be reserved for bicycle parking only. This standard is met.

- E. Minimum bicycle parking requirements.** The total number of required bicycle parking spaces for each use is specified in Table 18.768.2 in Section 18.765.070.H. In no case shall there be less than two bicycle parking spaces. Single-family residences and duplexes are excluded from the bicycle parking requirements. The director may reduce the number of required bicycle parking spaces by means of an adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.370.020.C.5.e.

Pursuant to Table 18.765.2, bicycle parking for a vehicle fuel sales use is required at 0.2 spaces/1,000 square feet. Two spaces are required ( $7,344 \text{ square feet of canopy} / 1,000 = 7.344 \times 0.2 = 1.5$ ) and the applicant has proposed 2 spaces. This standard is met.

#### **18.765.070 Minimum and Maximum Off-Street Parking Requirements**

##### **H. Specific requirements. See Table 18.765.2.**

Table 18.765.2 states that the minimum parking requirement for a vehicle fuel sales use is three (3) spaces and an additional two (2) spaces for each service bay. The existing warehouse is considered a sales-oriented retail use and the requirement is three (3) spaces per 1,000 of floor area. Therefore, a minimum of 441 spaces are required (438 spaces for the warehouse and 3 for the fuel station). The site will have 730 spaces after the addition of the fueling station. This standard is met.

**Exceptions to maximum parking standards.** When calculating the maximum vehicle parking allowed as regulated by Section 18.765.080.H, the following exception shall apply:

1. The following types of parking shall not be included: a) Parking contained in a parking structure either incorporated into a building or freestanding; b) Market-rate paid parking; c) Designated carpool and/or vanpool spaces; d) Designated disabled-accessible parking spaces; e) Fleet parking.

The applicant has proposed a total of 730 spaces. The site is located within Zone B and the maximum parking allowed for a vehicle fuel sales use is four (4) spaces and an additional 2.5 spaces for each service bay and 6.2 spaces per 1,000 of floor area for a sales-oriented retail use. The maximum allowed is 905 spaces. This standard is met.

#### **18.765.080 Off-Street Loading Requirements**

- A. Commercial, industrial and institutional buildings or structures to be built or altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space as follows:**
- 1. A minimum of one loading space is required for buildings with 10,000 gross square feet or more;**
  - 2. A minimum of two loading spaces for buildings with 40,000 gross square feet or more.**

The applicant's narrative states that one off-street loading space is provided for the fuel truck, which is located just south of the fuel station. A separate lane for the truck will allow the truck to park and unload fuel without interruption to other vehicle traffic circulation. This standard is met.

FINDING: Based on the analysis above, the off-street parking and loading standards have been fully met.

#### **Signs (18.780):**

**Requires that a permit be issued for any sign that is erected, re-erected, constructed, structurally altered, or relocated within the City Limits.**

A wall sign is shown on the elevation drawings facing. The applicant states that they will comply with the requirements of the sign design, location and lighting in Chapter 18.620 and 18.780 at the time of building permit issuance. Therefore, all subsequent signage will be reviewed through a Type I process and will be subject to the code standards in effect at the time of application submittal.

FINDING: Because signs will be reviewed and approved as part of a separate permit process, this standard is met.

#### **Urban Forestry Plan (18.790)**

##### **18.790.030 Urban Forestry Plan Requirements**

- A. Urban forestry plan requirements. An urban forestry plan shall:**
- 1. Be coordinated and approved by a landscape architect (the project landscape architect) or a person that is both a certified arborist and tree risk assessor (the project arborist), except for minor land partitions that can demonstrate compliance with effective tree canopy cover and soil volume requirements by planting street trees in open soil volumes only;**

An Urban Forestry Plan prepared/approved by a landscape architect has been provided. This standard is met.

- 2. Meet the tree preservation and removal site plan standards in the Urban Forestry Manual (UFM);**

The proposed conditional use permit is to construct a new fuel station at the existing Costco warehouse site. A tree preservation and removal plan was submitted identifying all trees proposed for preservation and 52 for removal. The plan meets the tree preservation and removal standards; this standard is met.

- 3. Meet the tree canopy site plan standards in the Urban Forestry Manual; and**

A existing tree plan (Sheet L-1 and L-2) was provided that identifies the canopy of existing open grown trees. According to the supplemental report, the existing soils on-site are mostly made of silt and clay. The arborist recommends importation of high loam content fill for newly planted trees. The applicant's Urban Forestry Plan shows that the site meets the minimum effective canopy requirements. The project landscape architect has signed the Urban Forestry site plan and attested that the plan meets the tree canopy site plan standards.

- 4. Meet the supplemental report standards in the Urban Forestry Manual.**

A supplemental report was prepared by the project landscape architect, Art Seidel; Barghausen Consulting Engineers, Inc and Don Richards; Applied Horticultural Consulting, Inc. The report includes the required inventory data for the existing open grown trees (UFM Section 10, Part 3, and Subsection D). Protection measures, consisting of a 5 foot metal fence secured to the ground located along the dripline of preserved trees shall be in place prior to any site work.

The table below demonstrates the effective tree canopy in accordance with UFM Section 10, Part 3, and Subsection M). Because the site is zoned C-G, the required effective tree canopy is 33% for the entire site. According to the supplemental report, the effective canopy is as outlined below:

	Square feet of Canopy	Percent of Canopy
Existing canopy	43,198	6.6%
Newly Planted Trees**	266,126	41.1%
<b>TOTAL CANOPY FOR SITE</b>	<b>309,324</b>	<b>47.7%</b>

\*\*This number reflects trees less than 6 inch DBH which are considered as newly planted

The required canopy for the entire site is met.

**B. Tree canopy fee. If the supplemental report demonstrates that the applicable standard percent effective tree canopy cover will not be provided through any combination of tree planting or preservation for the overall development site (excluding streets) or that the 15% effective tree canopy cover will not be provided through any combination of tree planting or preservation for any individual lot or tract in the R-1, R-2, R-3.5, R-4.5 and R-7 districts (when the overall development site meets or exceeds the standard percent effective tree canopy cover), then the applicant shall provide the city a tree canopy fee according to the methodology outlined in the tree canopy fee calculation requirements in the Urban Forestry Manual.**

The site meets the canopy requirements; therefore, this standard does not apply.

FINDING: Based on the analysis above, the urban forestry plan requirements have been fully met.

#### **18.790.060 Urban Forestry Plan Implementation**

**C. Tree Establishment. The establishment of all trees shown to be planted in the tree canopy site plan (per 18.790.030 A.3) and supplemental report (per 18.790.030.A.4) of the previously approved urban forestry plan shall be guaranteed and required according to the tree establishment requirements in Section 11, part 2 of the Urban Forestry Manual.**

FINDING: The newly planted trees are not used to meet canopy requirements; therefore, a tree establishment bond is not required. This standard does not apply.

**D. Urban forest inventory. Spatial and species specific data shall be collected according to the urban forestry inventory requirements in the Urban Forestry Manual for each open grown tree and area of stand grown trees in the tree canopy site plan (per Section 18.790.030.A.3) and supplemental report (per Section 18.790.030.A.4) of a previously approved urban forestry plan.**

Section 11, Part 3 of the Urban Forestry Manual states that prior to any ground disturbance work, the applicant shall provide a fee to cover the city's cost of collecting and processing the inventory data for the entire urban forestry plan. This can be met through a condition of approval.

FINDING: Based on the analysis above, the applicable urban forestry inventory standards have not been fully met but can be as conditioned.

#### **Visual Clearance Areas (18.795)**

##### **18.795.030 Visual Clearance Requirements**

- A. At corners. Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.
- B. Obstructions prohibited. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

The applicant has indicated in the narrative and shown on the site plan (Sheet DD11-15) that there is an existing tree within the visual clearance area at the north accessway. However, the tree will be maintained to provide a clear vision area.

FINDING: Based on the analysis above, the visual clearance area standard is met.

**Street And Utility Improvements Standards (Chapter 18.810)**

Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

**18.810.030 Streets**

**A. Improvements.**

- 1. No development shall occur unless the development has frontage or approved access to a public street
- 2. No development shall occur unless streets within the development meet the standards of this chapter
- 3. No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.

The proposed fuel station fronts onto SW Dartmouth Street which has already been improved to city standards. This standard is met.

**E. Minimum Rights-of-Way and Street Widths:** Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Downtown District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1

The site is adjacent to SW Dartmouth Street, which is classified as a major arterial in the Tigard Triangle Street Plan. This street has been constructed and the right-of-way has been dedicated in accordance with this plan. This standard is met.

**CC. Traffic study.**

- 1. A traffic study shall be required for all new or expanded uses or developments under any of the following circumstances:
  - a. When they generate a 10% or greater increase in existing traffic to high collision intersections identified by Washington County.
  - b. Trip generations from development onto the city street at the point of access and the existing ADT fall within the following range:

Existing ADT	ADT to be added by development
0-3,000 vpd	2,000 vpd
3,001-6,000 vpd	1,000 vpd

>6,000 vpd	500 vpd or more
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- c. If any of the following issues become evident to the city engineer:
  - i. High traffic volumes on the adjacent roadway that may affect movement into or out of the site.
  - ii. Lack of existing left-turn lanes onto the adjacent roadway at the proposed access drive(s).
  - iii. Inadequate horizontal or vertical sight distance at access points.
  - iv. The proximity of the proposed access to other existing drives or intersections is a potential hazard.
  - v. The proposal requires a conditional use permit or involves a drive-through operation.
  - vi. The proposed development may result in excessive traffic volumes on adjacent local streets.
- 2. In addition, a traffic study may be required for all new or expanded uses or developments under any of the following circumstances:
  - a. When the site is within 500 feet of an ODOT facility; and/or
  - b. Trip generation from a development adds 300 or more vehicle trips per day to an ODOT facility; and/or
  - c. Trip generation from a development adds 50 or more peak hour trips to an ODOT facility.

The applicant has submitted a traffic study prepared by Kittelson & Associates, Inc. According to the traffic study “Under the 2014 Total Traffic Conditions Scenario ... the intersection of OR 99W/Dartmouth St-78<sup>th</sup> Ave ... does not meet the City of Tigard standards. Several movements on the northbound and southbound approaches to the intersection are projected to operate at a LOS [Level of Service] F and/or v/c [volume/capacity] ratio over 1.0 during both the weekday PM and weekend midday peak hours, as under existing and 2014 background conditions.”

While the proposed fuel station is not the sole cause of the identified traffic problems at this intersection, as shown in the applicant’s study, it will contribute to them. The amount of traffic generated at this intersection by the proposed fuel station is 110 net new trips during the afternoon peak hour and 135 net new trips during the weekend midday peak hour, for an average of 122.5 net new trips during the peak hours. As identified in the applicant’s traffic study, the City of Tigard Transportation System Plan (TSP) includes a project to mitigate traffic congestion at this intersection by construction of turn lanes and/or auxiliary through lanes. This project is anticipated to increase the capacity of this intersection by about 1,400 vehicles per hour. The applicant is proposing to construct a designated northbound right turn lane from SW Dartmouth Street onto 99W and a designated southbound right turn lane from SW 78<sup>th</sup> Avenue onto 99W, to mitigate their impacts. Therefore, as a condition of approval, the applicant shall construct these improvements within a year of final land use approval.

According to the applicant’s traffic study “Given that the site is essentially at [parking] capacity during the peak half hour period, the proposed reduction in on-site parking needs to be addressed so that adequate parking supply will still be available on-site for Costco members and shoppers. Costco will pursue agreements with neighboring property owners ... for employee parking during peak periods in order to free up sufficient space for Costco members.” , Prior to issuance of a site permit, these agreements need to be established and implemented as part of the access/parking management plan.

**18.810.070 Sidewalks**

- B. All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.**

There is an existing 8-foot wide sidewalk along the site frontage on SW Dartmouth Street. This standard is met.

#### **18.810.090 Sanitary Sewers**

**A. Sewers required.** Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in **Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments)** and the adopted policies of the comprehensive plan.

This site is served by an existing sanitary sewer system. Drainage from the area under the new canopy will be connected to this sanitary sewer system. There are no identified sanitary sewer concerns in this area and it is anticipated that this limited amount of runoff can be accommodated within the capacity of the existing system. Prior to issuance of the site permit, the applicant shall obtain approval from the city engineer and other appropriate agencies for the pollution controls and protection measures to be used before this under canopy drainage flows into the sanitary sewer.

#### **18.810.100 Storm Drainage**

**A. General provisions.** The director and city engineer shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
3. Surface water drainage patterns shall be shown on every development proposal plan.

**C. Accommodation of upstream drainage.** A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and the city engineer shall approve the necessary size of the facility, based on the provisions of **Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments)**.

**D. Effect on downstream drainage.** Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the director and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the **Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments)**.

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

A limited amount of runoff is anticipated from the canopy area; this area will be hydraulically separated from the rest of the site routed through an oil/water separator prior to discharging to the sanitary sewer system. The proposed project will not increase stormwater runoff; however, the project will improve fifty percent of the overall site to comply with current water quality standards. No downstream stormwater issues were identified. This standard is met.

**FINDING:** Based on the analysis above, the street and utility improvements standards have not been fully met but can be as conditioned.

**ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:**

**Fire and Life Safety:**

Tualatin Valley Fire and Rescue (TVF&R) is the service provider for fire and emergency services. The District should be contacted for information regarding the adequacy of circulation systems, the need for fire hydrants, or other questions related to fire protection.

**Public Water System:**

Water service is available to the site. Tualatin Valley Water District is the service provider for water in this location. The applicant submitted a Statement of Service Availability from Tualatin Valley District.

**Storm Water Quality:**

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 00-7) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

**(For Private Facilities)**

To ensure compliance with Clean Water Services design and construction standards, the applicant shall employ the design engineer responsible for the design and specifications of the private water quality facility to perform construction and visual observation of the water quality facility for compliance with the design and specifications. These inspections shall be made at significant stages throughout the project and at completion of the construction. Prior to final building inspection, the design engineer shall provide the City of Tigard (Inspection Supervisor) with written confirmation that the water quality facility is in compliance with the design and specifications.

**(For privately maintained Stormwater Management Units)**

The proposed unit from Stormwater Management is acceptable, provided the property owner agrees to hire the manufacturer (or approved equal) to provide the required maintenance of the unit. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Stormwater Management, or another company that demonstrates they can meet the maintenance requirements of the manufacturer.

The application did not include a computation of the net change in impervious area resulting from the proposed changes. However, it is apparent that the net change will be less than 1,000sf. Prior to issuance of the site permit, the applicant shall obtain city approval of a site plan with calculations of the net change in impervious area. If this net change is more than 1,000sf, stormwater detention will be required.

The application states that "the project will improve fifty (50) percent of the overall site to current water quality standards with the use of StormFilter catch basins." This will be adequate to meet the water quality treatment requirements.

**Grading and Erosion Control:**

CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The Federal Clean Water Act requires that a National Pollutant Discharge Elimination System (NPDES) erosion control permit be issued for any development that will disturb one or more acre of land.

A 1200CN/1200C Permit will be required if the disturbed areas on site are over one acre and five acres respectively. The plans shall be submitted to the city development engineer for review, approval and subsequent transmittal to CWS. No work shall begin on-site until the permit is obtained.

**Site Permit Required:**

A site permit from the Building Division is required before any work begins on the site.

**Address Assignments:**

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the city prior to issuance of the site permit.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The city is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the city's permit tracking system.

The applicant shall contact Paul Izatt, 503-718-2589 to request a new address for the fuel station.

**C – IMPACT STUDY**

**SECTION 18.390.040.B.e requires that the applicant include an impact study. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication of real property interest, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.**

The applicant has provided an impact analysis addressing the project's impacts on public systems. The applicant's plans propose improvements or upgrades as needed to not have any adverse impact on the city infrastructure. Existing public sanitary sewer and water laterals will serve the site. There is no known deficiency in capacity. Since the site is a commercial development, there should be no impact on the City's parks system. A proportional share contribution will be made for the resulting transportation impacts.

**ROUGH PROPORTIONALITY ANALYSIS**

The Transportation Development Tax (TDT) after adjusting as requested by applicant (because this is a members only station) for higher-than-normal internal (store and gas) trips, is \$192,528. The TDT has been implemented at a level that would recoup 23.3% of the Countywide cost necessary to provide the transportation system capacity necessary to accommodate new development. The total impact of the proposed development on the transportation system is estimated at the calculated TDT (\$192,528) divided by the recapture rate (23.3%), resulting in a calculated amount of \$826,299. The unmitigated impact totals \$551,361.

The driveway modifications do not count in this calculation because they solely serve the Costco property.

**Less mitigated costs and credits**

The proposal requires a proportional share contribution to mitigate traffic congestion at the intersection of 99W and SW Dartmouth Street. The total cost for the proposed improvements is \$237,833. This amount is creditable.

FINDING: Based on the analysis above, no TDT is required.

**SECTION VII. OTHER STAFF COMMENTS**

**The City of Tigard Public Works Department** reviewed the proposal and had no comments.

**The City of Tigard Police Department** reviewed the proposal and has no objections to it.

**The City of Tigard Development Engineering Division** has reviewed the proposal and provided findings which are included in the Access, Egress and Circulation section and Street and Utility Improvements Standards section of this report. Recommended conditions are included in the conditions of approval.

## **SECTION VIII. AGENCY COMMENTS**

**Oregon Department of Transportation** reviewed the proposal and supports the city in collecting the proportionate share contribution from this development to fund transportation capacity improvements in this area. (Contact Marah Danielson, Development Review Planner, 503-731-8258)

**Clean Water Services** has reviewed the proposal and responded that a Storm Water Connection Permit Authorization must be obtained. The proposal shall continue to comply with the conditions set forth in the Service Provider Letter No. 11-000222, dated June 2, 2011. These items will be reviewed during the city's site permit and public facility permit review.

**Tualatin Valley Water District** commented that they had no objections to this project. The following comment was provided by Ryan Smith:

1. Submit plans to the TVWD if public water improvements are required or if new meter or fire line is required.

**Tualatin Valley Fire and Rescue (TVF&R)** reviewed the proposal and had no objections to it. The following comment was provided from John Wolff, Deputy Fire Marshal II; 503-649-8577:

1. Assure that adequate fire hydrant is located within 400 feet.

## **SECTION IX. PUBLIC COMMENTS**

Written comments were submitted by nearby residents, including the following:

- Steve Martin, email dated April 4, 2014
- Karen Crichton, email dated May 5, 2014
- Michael Connors; Hathaway Koback Connors, LLP, letter dated April 7, 2014 including a letter from Rick Nys; Greenlight Engineering dated April 7, 2014
- Michael Connors; Hathaway Koback Connors, LLP, letter dated April 28, 2014 including a letter from Rick Nys; Greenlight Engineering dated April 28, 2014
- Michael Connors; Hathaway Koback Connors, LLP, letter dated May 5, 2014 including Appendix A through E

In addition, oral comments were submitted by the following individuals:

- Michael Connors, Hathaway Koback Connors, LLP
- Rick Nys; Greenlight Engineering

No one spoke in favor of the project. Two people, representing Cain Petroleum, spoke in opposition to the project both at the April 7 and May 5, 2014 hearings. Most of the concerns were related to parking, traffic and transportation. These concerns are thoroughly outlined in their submitted comments.

The Planning Commission was presented copies of all written comments and heard all oral testimony before rendering its decision. In response to public comments and Planning Commission feedback, the applicant presented supplemental memorandums and transportation analyses. The Planning Commission found the project to meet all relevant approval criteria pertaining to the topics raised by the public.

The full text of all comments can be found in the project file and Planning Commission minutes of February 10, 2014, March 17, 2014, April 7, 2014 and May 5, 2014.

## **SECTION X. CONCLUSION**

The City of Tigard Planning Commission has **APPROVED** Conditional Use Permit for Costco Fuel Station (CUP2013-00002).

**IT IS FURTHER ORDERED THAT THE APPLICANT AND ALL PARTIES TO THESE PROCEEDINGS BE NOTIFIED OF THE ENTRY OF THIS ORDER.**

**PASSED: THE 5<sup>TH</sup> DAY OF MAY 2014 BY THE CITY OF TIGARD PLANNING COMMISSION.**

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read "Jason Rogers".

Jason Rogers, Planning Commission President  
Dated this 22nd day of May, 2014.

Attachments

- Exhibit A: Development Review Engineering Comments, April 1, 2014.
- Exhibit B: Vicinity Map
- Exhibit C: Site Plan, Sheet DD11-16
- Exhibit D: DET Report, October 28, 2013



## City of Tigard Memorandum

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**To:** Agnes Kowacz, Associate Planner

**From:** Mike McCarthy P.E., Senior Project Engineer

**Re:** CUP 13-02; Costco Fuel Station, 7850 SW Dartmouth St.

**Date:** January 21, 2014

### **Access Management (Section 18.705.030.H)**

**Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and/or AASHTO (depending on jurisdiction of facility).**

The applicant has provided a copy of this access report along with the traffic study for this development.

Trucks turning into the Costco property at the north driveway have been observed dragging wheels across the sidewalk, curb ramp, and landscape area because the existing driveway does not provide adequate space for these large vehicles to make this turn within its curb lines. This access route is also proposed for fuel delivery trucks. Prior to public use of the proposed fueling station the applicant shall retrofit this driveway to correct this operations/safety problem so that all trucks to Costco can stay within the curb lines of the driveway as they enter the site. Prior to issuance of the site permit, the applicant shall obtain city approval of plans to retrofit the northern driveway.

Field observations have also observed queuing of entering vehicles, particularly at the southern driveway, that sometimes extends onto Dartmouth St. This is likely due to drivers waiting for pedestrians to cross near the store entrance, and drivers slowing as they consider where they might find an open parking space. The removal of parking spaces for the proposed fueling station increases the scarcity of parking, which would be likely to result in longer queues, especially when some drivers decide to stop and wait for a space to become available. This increases the likelihood of traffic queuing onto Dartmouth St, which would be a public safety issue that needs to be avoided as much as reasonably possible. Prior to public use of the proposed fueling station, the applicant shall develop, implement, and record signed agreements for the long-term

maintenance of an access/parking management plan that will minimize the likelihood of queues of entering vehicles extending onto Dartmouth St.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to public use of the proposed parking area.

**Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.**

No new access connections are proposed. Vehicle queuing from other intersections typically does not block the existing site accesses. This standard is met.

**Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.**

No new accesses are proposed to arterial or collector streets, nor are any new local streets proposed. While the northern site access is closer than 600 feet to Hwy 99W, left turns are physically prevented by a raised median. This standard is met.

**Street And Utility Improvements Standards (Section 18.810):**

**Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:**

**Streets:**

**Improvements:**

**Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.**

**Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.**

**Minimum Rights-of-Way and Street Widths: Section 18.620, Tigard Triangle Street Plan, designates Dartmouth St as a Major Arterial. The Tigard Triangle Street and Accessway Standards requires Major Arterial streets to have a 94-foot right-of-way width. Other improvements required include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.**

This site lies adjacent to SW Dartmouth St, which is classified as a Major Arterial in the Tigard Triangle Street Plan. This street has been constructed and right-of-way has been dedicated in accordance with this plan.

#### **Street Alignment and Connections:**

**Section 18.620.020 of the Tigard Triangle Design Standards includes the street connectivity requirements applicable to this development, stating that all development must demonstrate how one of the following standard options will be met. ...**

**Design Option: a) Local street spacing shall provide public street connections at intervals of no more than 660 feet; and b) Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.**

**Performance Option: a) Local street spacing shall occur at intervals of no less than eight street intersections per mile; and b) The shortest vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight-line distance; and c) The shortest pedestrian trip on public right-of-way from a local origin to a collector or greater facility is no more than one and one-half the straight line distance.**

Street connections in this case are precluded by Hwy 217 to the west and access spacing requirements and intersection influence areas on Hwy 99W to the north. There is an existing pedestrian connection to Hwy 99W to the north. This standard is met.

**Section 18.810.030.H.2 states that all local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is precluded when it is not possible to redesign, or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental**

**or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.**

Street connections in this case are precluded by Hwy 217 to the west and access spacing requirements and intersection influence areas on Hwy 99W to the north. There is an existing pedestrian connection to Hwy 99W to the north. This standard is met.

**Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.**

The existing grades along Dartmouth St are less than 10%. No grade changes are proposed to Dartmouth St. This standard is met.

**Access to Arterials and Major Collectors: Section 18.810.030.Q states that where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:**

- **A parallel access street along the arterial or major collector;**
- **Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;**
- **Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial or major collector; or**
- **Other treatment suitable to meet the objectives of this subsection;**
- **If a lot has access to two streets with different classifications, primary access should be from the lower classification street.**

The proposal does not include residential properties adjacent to or accessing an Arterial or Major Collector.

**Private Streets: Section 18.810.030.T states that design standards for private streets shall be established by the City Engineer. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement. Private streets serving more than six dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.**

No private streets are proposed with this development.

**Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.**

**Mitigation of Transportation Impacts:**

**Policy 1.9 of Tigard's Transportation System Plan states that the City shall require all development to meet adopted transportation standards or provide appropriate mitigations.**

The applicant has submitted a traffic study prepared by Kittelson & Associates, Inc. According to that traffic study "Under the 2014 Total Traffic Conditions Scenario ... the intersection of OR 99W/Dartmouth St-78<sup>th</sup> Ave ... does not meet the City of Tigard standards. Several movements on the northbound and southbound approaches to the intersection are projected to operate at a LOS [Level of Service] F and/or v/c [volume/capacity] ratio over 1.0 during both the weekday PM and weekend midday peak hours, as under existing and 2014 background conditions."

While the proposed Costco Fuel station is not the sole cause of the identified traffic problems at this intersection, as shown in the applicant's study, it will contribute to them. The amount of traffic generated at this intersection by the proposed Costco Fuel station is 110 net new trips during the afternoon peak hour and 135 net new trips during the weekend midday peak hour, for an average of 122.5 net new trips during the peak hours. As identified in the applicant's traffic study, the City of Tigard Transportation System Plan (TSP) includes a project to mitigate traffic congestion at this intersection by construction of turn lanes and/or auxiliary through lanes, at a cost of \$6 million. This project is anticipated to increase the capacity of this intersection by about 1,400 vehicles per hour. The net new trips generated by the proposed Costco Fuel station amount to 8.75% of the capacity to be provided by this project. Therefore, as a condition of approval, the applicant shall make a proportional share contribution of 8.75% of the cost of this \$6 million project, which equals a contribution of \$525,000. This will be paid to the City of Tigard to be deposited in a fund to be used for transportation capacity improvements in this area.

Two other intersections in this area have been identified as needing traffic signals; the intersection of 72<sup>nd</sup> Ave with Dartmouth St and the intersection of 68<sup>th</sup> Ave with Dartmouth St and the I-5 Ramps. As development has occurred in the Tigard Triangle, and where a development introduces additional trips to these intersections, funds have been collected from the developers that will contribute to the future capacity improvements and/or reimburse for the installation of needed capacity improvements. The precedent set by previous Council action and land use cases has been a per-trip charge of \$711.62 for each PM Peak Hour trip through the 72<sup>nd</sup>/Dartmouth intersection and \$501.25 for each PM Peak Hour trip through the 68<sup>th</sup>/Dartmouth intersection.

The proposed Costco Fuel station (according to the applicant's traffic study) will generate 30 additional peak hour trips through the 72<sup>nd</sup>/Dartmouth intersection, which gives a calculated contribution of \$21,349. The proposed Costco Fuel station would generate 10 additional peak hour trips through the 68<sup>th</sup>/Dartmouth intersection, for a

calculated contribution of \$5,012. These will be paid to the City of Tigard to be deposited in a fund to be used for transportation capacity improvements in this area.

According to the applicant's traffic study "Given that the site is essentially at [parking] capacity during the peak half hour period, the proposed reduction in on-site parking needs to be addressed so that adequate parking supply will still be available on-site for Costco members and shoppers. Costco will pursue agreements with neighboring property owners ... for employee parking during peak periods in order to free up sufficient space for Costco members." These agreements need to be established and implemented prior to removal of parking spaces.

**Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.**

**Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the right-of-way line except:**

- **Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;**
- **For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.**
- **For non-residential blocks in which internal public circulation provides equivalent access.**

Street connections in this case are precluded by Hwy 217 to the west and access spacing requirements and intersection influence areas on Hwy 99W to the north. There is an existing pedestrian connection to Hwy 99W to the north. This standard is met.

**Sidewalks: Section 18.810.070.A requires that sidewalks be constructed to meet City design standards and be located on both sides of arterial, collector and local residential streets. Section 18.620 requires sidewalks on both sides of the street in the Tigard Triangle.**

There is an existing sidewalk along Dartmouth St along the frontage of the subject property.

### **Sanitary Sewers:**

**Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services**

in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

**Sewer Plan approval:** Section 18.810.090.B requires that the applicant obtain City Engineer approval of all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

**Over-sizing:** Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

This site is served by an existing sanitary sewer system. Drainage from the area under the new canopy will be connected to this sanitary sewer system. There are no identified sanitary sewer concerns in this area and it is anticipated that this limited amount of runoff can be accommodated within the capacity of the existing system. Prior to obtaining the site permit the applicant shall obtain approval from the City Engineer and other appropriate agencies for the pollution controls and protection measures to be used before this under canopy drainage flows into the sanitary sewer.

#### **Storm Drainage:**

**General Provisions:** Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

**Accommodation of Upstream Drainage:** Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

**Effect on Downstream Drainage:** Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2007 and including any future revisions or amendments).

#### **Storm Water Quality:**

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards

**(adopted by Resolution and Order No. 00-7) which require the construction of on-site water quality facilities. The facilities shall be designed in accordance with the CWS Design and Construction Standards for Sanitary Sewer and Surface Water Management and shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.**

**In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces of more than 1,000 square feet provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention, but a fee-in-lieu would be required.**

The application did not include a computation of the net change in impervious area resulting from the proposed changes. However, it is apparent that the net change will be less than 1,000sf. Prior to issuance of the site permit, the applicant shall obtain city approval of a site plan with calculations of the net change in impervious area. If this net change is more than 1,000sf, stormwater detention will be required.

The application states that “the project will improve fifty (50) percent of the overall site to current water quality standards with the use of StormFilter catch basins.” This will be adequate to meet the water quality treatment requirements.

#### **Utilities:**

**Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:**

- **The developer shall make all necessary arrangements with the serving utility to provide the underground services;**
- **The City reserves the right to approve location of all surface mounted facilities;**
- **All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and**

- **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

**Exception to Under-Grounding Requirement:** Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

The existing utility lines along Dartmouth St have already been placed underground. Any utilities serving the subject property shall be placed under ground.

**Fire and Life Safety:**

The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to issuance of the site permit.

**Public Water System:**

Tualatin Valley Water District (TVWD) provides service in this area. The fueling station is not proposed to be connected to the water system. TVWD approval would be necessary before any connections are made.

**Grading and Erosion Control:**

**CWS Design and Construction Standards** also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

**The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.**

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

**Site Permit Required:**

The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to approval of the final plat.

**Survey Requirements**

Final plats and other survey work on that level shall contain State Plane Coordinates [NAD 83 (91)] on two monuments with a tie to the City's global positioning system (GPS) geodetic control network (GC 22). These monuments shall be on the same line and shall be of the same precision as required for the subdivision plat boundary. Along with the coordinates, the plat shall contain the scale factor to convert ground measurements to grid measurements and the angle from north to grid north. These coordinates can be established by:

- GPS tie networked to the City's GPS survey.
- By random traverse using conventional surveying methods.

In addition, the applicant's as-built drawings shall be tied to the GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).

Recommendations:

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF THE SITE PERMIT:**

**Submit to the Engineering Department (Mike McCarthy, 503-718-2462 or mikem@tigard-or.gov) for review and approval:**

Prior to issuance of a site permit, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Five (5) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

Prior to removal of existing parking spaces Costco shall establish agreement(s) with neighboring property owner(s) for 84 spaces of off-site employee parking during peak periods in order to free up sufficient space for Costco members.

Prior to obtaining the site permit the applicant shall obtain approval from the City Engineer and other appropriate agencies for the pollution controls and protection measures to be used before the under canopy drainage flows into the sanitary sewer.

Prior to issuance of the site permit, the applicant shall obtain city approval of a site plan with calculations of the net change in impervious area. If this net change is more than 1,000sf, stormwater detention is required.

Prior to issuance of the site permit, the applicant shall obtain city approval of plans to retrofit the northern driveway so that all trucks to Costco can stay within the curb lines of the driveway as they enter the site.

The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to issuance of the site permit.

An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

The applicant shall obtain a 1200-C-N General Permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO PUBLIC USE OF THE PROPOSED FUELING STATION:**

**Submit to the Engineering Department (Mike McCarthy, 503-718-2462 or mikem@tigard-or.gov) for review and approval:**

Prior to public use of the proposed fueling station all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) systems shall be in place and operational with accepted maintenance plans.

Prior to public use of the proposed fueling station the applicant shall retrofit the northern driveway so that all trucks to Costco can stay within the curb lines of the driveway as they enter the site.

Prior to public use of the proposed fueling station, the applicant shall develop, implement, and record signed agreements for the long-term maintenance of an

access/parking management plan that will minimize the likelihood of queues of entering vehicles extending onto Dartmouth St.

Prior to public use of the proposed fueling station the applicant shall make a proportional share contribution of \$525,000 towards the cost of mitigating this development's traffic impact along Hwy 99W, particularly at its intersection with Dartmouth St. This will be paid to the City of Tigard to be deposited in a fund to be used for transportation capacity improvements in this area.

Prior to public use of the proposed fueling station the applicant shall make a proportional share contribution of \$26,361 towards the cost of mitigating this development's traffic impact along Dartmouth St, particularly at its intersections with 72<sup>nd</sup> Ave and 68<sup>th</sup> Ave. This will be paid to the City of Tigard to be deposited in a fund to be used for transportation capacity improvements in this area.

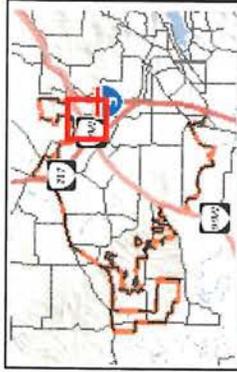
Prior to public use of the proposed fueling station, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and street connections to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

VICINITY MAP

CUP2013-00002

Costco Fuel Station

Subject Site



Information on this map is for general location only and should be verified with the Development Services Division.

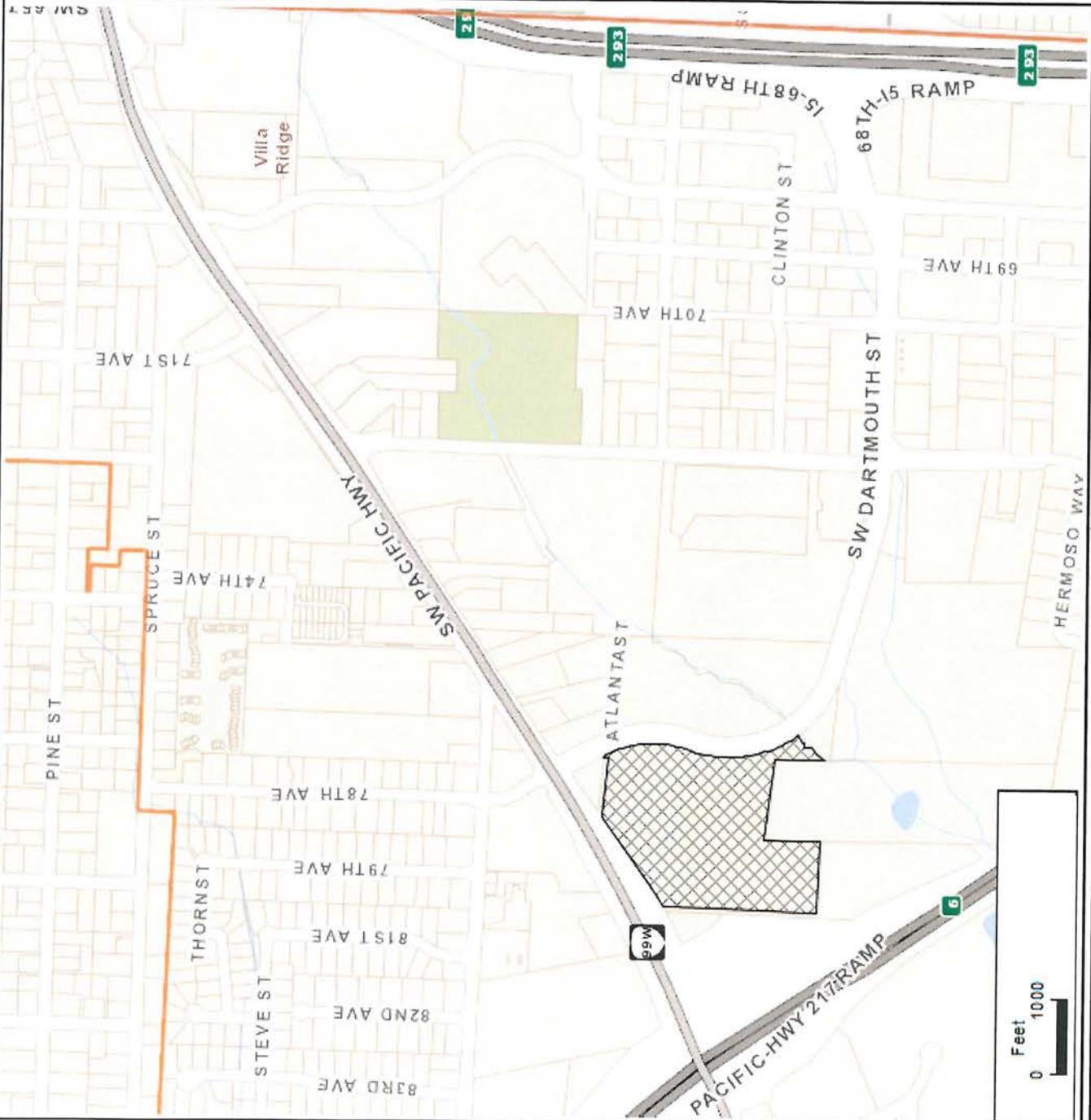
Approx. Scale 1:8,000 - 1 in = 667 ft

Map printed at 02:57 PM on 08-Jan-14

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City of Tigard  
13125 SW Hall Blvd  
Tigard, OR 97223  
503 638-4171  
www.tigard-or.gov



### PROJECT DATA

CLIENT: COSTCO WHOLESALE  
 999 LAKE DRIVE  
 ISSAQUAH, WA 98027

PROJECT ADDRESS: 7850 S.W. DARTMOUTH  
 TIGARD, OR. 97223

SITE AREA: 27.29 ACRES (1,188,962.99 S.F.)

JURISDICTION: CITY OF TIGARD

ZONING: C-G (PD) - GENERAL COMMERCIAL,  
 PLANNED DEVELOPMENT

BOUNDARIES INFORMATION: THIS PLAN HAS BEEN  
 PREPARED BY USING A  
 FRONTIER LAND SURVEYING  
 PLAN DATED 10/30/13.

LANDSCAPE DATA:  
 EXISTING AREA: 671,325.24 S.F. (56.46% OF SITE)  
 PROPOSED AREA: 671,562.34 S.F. (56.48% OF SITE)

BUILDING DATA:  
 BUILDING AREA: 140,640 S.F.  
 TIRE CENTER: 5,184 S.F.  
 TOTAL BUILDING AREA: 145,824 S.F.

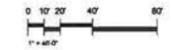
EXISTING PARKING DATA:  
 PARKING PROVIDED:  
 # 10' WIDE COMPACT STALLS 32 STALLS  
 # 10' WIDE STALLS 467 STALLS  
 # 9' WIDE STALLS 210 STALLS  
 #/HC HANDICAP STALLS 21 STALLS  
 TOTAL PARKING 730 STALLS

NO. OF STALLS PER 1000 S.F.  
 OF BUILDING AREA: (145,890 S.F.) 5.00 STALLS

PROPOSED PARKING DATA:  
 PROPOSED PARKING:  
 # 10' WIDE COMPACT STALLS 32 STALLS  
 # 10' WIDE STALLS 391 STALLS  
 # 9' WIDE STALLS 202 STALLS  
 #/HC HANDICAP STALLS 21 STALLS  
 TOTAL PARKING 646 STALLS  
 NET PARKING LOSS -84 STALLS  
 # 10' WIDE STALLS -76 STALLS  
 # 9' WIDE STALLS -8 STALLS

NO. OF STALLS PER 1000 S.F.  
 OF BUILDING AREA: (145,890 S.F.) 4.43 STALLS

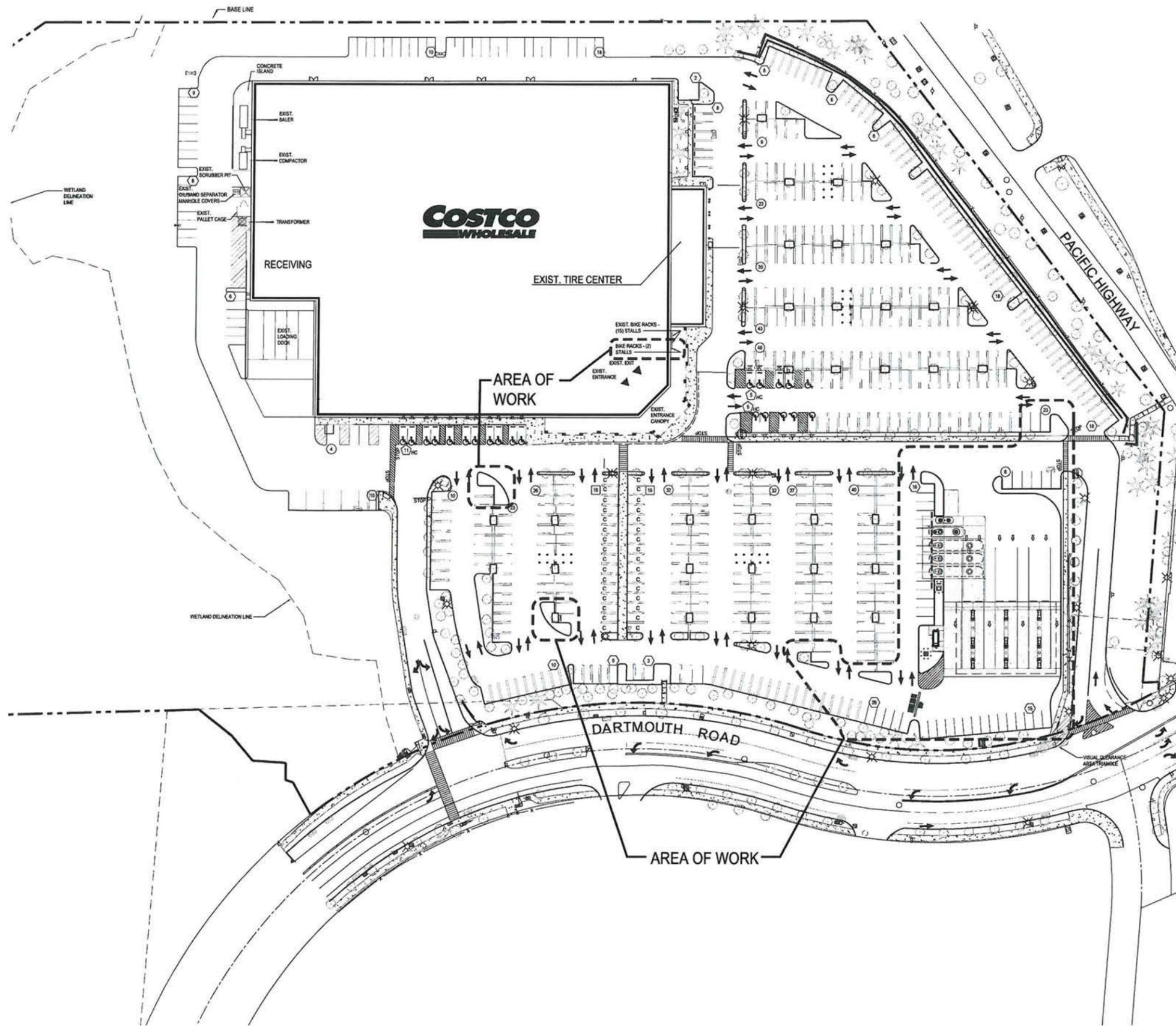
NOTES:  
 EXISTING CONDITIONS TO BE FIELD VERIFIED.



### VICINITY MAP



NOTES:  
 EXISTING CONDITIONS TO BE FIELD VERIFIED.



**COSTCO WHOLESALE**  
 TIGARD, OR  
 #111  
 7850 SW DARTMOUTH ST TIGARD,  
 OR 97223

**MULVANNY G2**

1110 112TH AVE. NE | SUITE 500  
 BELLEVUE, WA | 98004  
 1 425 483 2000 | 1 425 483 2002

MulvannyG2.com

95-1840-16  
 MARCH 31, 2014  
 CONCEPT  
 SITE PLAN

DD11-16



## City of Tigard

October 28, 2013

Costco Wholesale Corporation  
 c/o Barghausen Consulting Engineers, Inc.  
 Attn: Angelo Bologna  
 18215 72<sup>nd</sup> Avenue South  
 Kent, WA 98032

Re: Design Evaluation Team Response to Costco's Tigard Triangle Design Standards Adjustments

Dear Mr. Bologna:

The City of Tigard Design Evaluation Team (DET) convened on October 21, 2013 to review proposed adjustments to the Tigard Triangle Design Standards as outlined in a letter dated October 11, 2013 (Exhibit A). Costco is proposing a new fueling station on property located at 7850 SW Dartmouth Street; the facility would occupy the northeast corner of the site. The applicant is requesting two adjustments, one for a greater setback than allowed on Dartmouth Street, and a second to allow for less than the required minimum 50% building placement along the Dartmouth street frontage.

Based on Exhibit A, the DET recommends approval of the requested adjustments providing that the applicant meets the following recommendations and conditions.

### Applicable City of Tigard Development Code sections

#### 18.620.030 Site Design Standards

A. Compliance. All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan must be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010.C.2, governing criteria for granting a variance, is satisfied.

1. *Building placement on major and minor arterials. Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.*
2. *Building setback. The minimum building setback from public street rights-of-way or dedicated wetlands/ buffers and other environmental features shall be zero feet; the maximum building setback shall be 10 feet.*

**Applicant Request:** The applicant requests an adjustment from the minimum 50 % building placement standard. The proposed canopy structure occupies less than the minimum 50 % required of street frontage along Dartmouth Street. The applicant is also requesting a setback of 73 feet from Dartmouth Street.

**DET Discussion and Recommendation:** The DET discussed the proposed adjustments and whether the project with these adjustments still meets the intent of the Tigard Triangle design standards. The intent is to create a high quality development with a streetscape that contributes to the image of the area and provides convenient and pedestrian friendly connections. The discussion included concerns about the large setback

from Dartmouth Street, the queuing of vehicles to use the fueling station, building/canopy articulation, amount and size of signage, creating and maintaining a pedestrian environment (particularly activating the northeast corner near the entrance), and screening the parking along Dartmouth Street. With these concerns in mind, the DET felt that the intent of the Tigard Triangle design standards could still be met as long as they were mitigated through certain conditions.

The DET recommends approval of the applicant's adjustment requests with the following conditions:

**DET Conditions:**

1. Minimize the proposed setback by moving the entire structure toward Dartmouth Street a minimum of 6 to 8 feet or more if possible.
2. The landscaping and screening along Dartmouth Street where the gas station will be located shall be increased to mitigate glare resulting from vehicle headlights, screen the parking spaces along the frontage and provide a more inviting pedestrian environment.

Sincerely,



Brian Feeney



Calista Fitzgerald



Don Schmidt

AIS-1835

6.

**Business Meeting**

**Meeting Date:** 08/12/2014

**Length (in minutes):** 5 Minutes

**Agenda Title:** Contract Award - Infrastructure Financing

**Prepared For:** Joseph Barrett

**Submitted By:** Joseph Barrett, Financial and Information Services

**Item Type:** Motion Requested                      **Meeting Type:** Local  
Contract  
Review  
Board

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Shall the Local Contract Review Board award a contract for the city's infrastructure financing projects to FCS Group for transportation and parks, sanitary sewer, and stormwater in the amount of \$179,510.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends contracts for the city's infrastructure financing projects be awarded to FCS Group for transportation and parks, sanitary sewer, and stormwater in the amount of \$179,510 and authorize the City Manager to carryout the steps necessary to execute the contract.

**KEY FACTS AND INFORMATION SUMMARY**

The city currently has a number of projects that require an update to, or creation of, fees and charges to assist in the financing of system infrastructure. These projects include:

- Updates of master plans to account for needed infrastructure in River Terrace. The system master plan updates include: water, sewer, storm water, transportation, and parks. It is standard practice after updating a master plan to review and update system development charges (SDC) paid by developers when building permits are obtained.
- On April 21, 2014 the City of Tigard Budget Committee instructed staff to pursue a local revenue source for the sewer system. The Sewer Fund of the city does not have sufficient resources to pay for operations and capital. The Budget Committee determined that service level decreases would put Tigard in jeopardy of violating

environmental rules. To prevent the fund from running out of money, an additional local revenue such as a surcharge, will be examined and brought to Council for consideration.

- In November 2010, Council set water rates and charges intended to pay for Tigard's share of the Lake Oswego / Tigard Water Partnership which will provide Tigard Water customers with their own water source allowing the city to no longer depend on Portland Water. Last year, Tigard City Council agreed to change the partnership to increase Tigard's share in the water source by an additional 4 million gallons per day (mgd). This will increase Tigard's share in the project costs. Prior to making the decision to purchase the 4 mgd share, Council was advised that the purchase would most likely result in the need to further increase water rates.

Staff has organized to address financing the five infrastructure systems, combining two into one project, recognizing the need to hire expert consultants to assist with this work:

- Transportation and Parks
- Water
- Sanitary Sewer
- Stormwater

Each system has a team with a team lead and staff from Public Works, Community Development, and Finance and Information Services departments. All the teams meet in a single larger group to coordinate resources. Staff determined that issuance of a single qualification based solicitation for services that allow for an award of one to four separate contracts was the preferred process to hire firms to assist the city in developing the infrastructure financing (SDCs, water rates, sewer fees, etc.).

This contract award covers four of the five infrastructure systems:

- Transportation and Parks
- Sanitary Sewer
- Stormwater

The QBS packet was issued on June 30th and responses were due on July 16th. The city received single responses for the Transportation and Parks and the Stormwater systems and two responses for the Sanitary Sewer system. Review Teams were assembled for each system and the responses were scored in accordance with criteria detailed in the QBS packet. After review and scoring, staff determined the following firm to have submitted the most qualified proposals for each system:

- Transportation and Parks - FCS Group
- Sanitary Sewer - FCS Group
- Stormwater - FCS Group

## **OTHER ALTERNATIVES**

The LCRB can decline the contract award.

## **COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

River Terrace:

- Complete Community Plan, Zoning, Master Plans
- Building Permits Issued; Development begins

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

The Local Contract Review Board discussed this scope of this work at their July 8th meeting.

---

### **Fiscal Impact**

**Cost:** \$179,510

**Budgeted (yes or no):** Partially

**Where budgeted?:** Various Funds

#### **Additional Fiscal Notes:**

During the development of the FY 2015 Budget, portions of this effort were known and budgeted; however, in most cases the budget estimate was too low. In order to complete these system infrastructure financing processes, additional budget appropriations may be needed. The table below shows each of the infrastructure areas, the cost of the contract, the amount of FY 2015 Budget, and the additional appropriation that is necessary. The additional appropriation will be requested as part of the FY 2015 1st Quarter Supplemental that is currently scheduled for September. Each of the identified Funding Sources has adequate FY 2015 Contingency to cover the amount of the Budget Supplemental.

Summary of Project Fee and Budget

Infrastructure System	Total Contract Fee	Current Budget	Budget Supplemental	Funding Source
Sewer	\$48,285	\$20,000	\$28,285	Sewer Fund
Parks	\$23,385	\$20,000	\$3,385	Parks SDC Fund
Transportation	\$54,390	\$42,000	\$12,390	Gas Tax Fund
Stormwater	\$53,450	\$0	\$53,450	Stormwater Fund
Total	\$179,510	\$82,000	\$97,510	

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### **Attachments**

*No file(s) attached.*

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**AIS-1802**

**7.**

**Business Meeting**

**Meeting Date:** 08/12/2014

**Length (in minutes):** 10 Minutes

**Agenda Title:** FY 2015 First Quarter Supplemental Budget  
Amendment-City Center Development Agency (CCDA)

**Prepared For:** Toby LaFrance

**Submitted By:** Carissa Collins, Financial and Information Services

**Item Type:** Motion Requested      **Meeting Type:** City Center  
Resolution      Development  
Public Hearing -      Agency  
Legislative

**Public Hearing** Yes

**Newspaper Legal Ad Required?:**

**Public Hearing Publication** 07/03/2014

**Date in Newspaper:**

**Information**

**ISSUE**

A first quarter supplemental amendment to the FY 2015 Adopted Budget for the City Center Development Agency (CCDA) is requested. The purpose of the supplemental is to account for loan proceeds and the related purchase of property located at 9110 SW Burnham Street.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends approval of the supplemental budget

**KEY FACTS AND INFORMATION SUMMARY**

Section VIII of the City Center Urban Renewal Plan authorizes property acquisition from willing sellers within the urban renewal district to complete public improvements and to support development of retail, office, housing, and mixed use projects. The Miller property (9110 SW Burnham Street) is a 1.18 acre property that is located within the urban renewal district and has been identified as a future redevelopment opportunity.

The City Center Development Agency has negotiated a Purchase and Sale Agreement with the owner of the property at 9110 SW Burnham Street. On May 6, 2014 CCDA approved purchasing the property for \$1.3 million and authorized staff to issue up to \$1.4 million in debt. The purchase will be financed by a bank loan. This action recognizes the loan proceeds and increases CCDA's appropriations to allow the purchase in accordance with Oregon Local Budget Law.

## **OTHER ALTERNATIVES**

CCDA could choose not to increase appropriations and therefore not purchase the property.

## **COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

Downtown Urban Renewal

## **DATES OF PREVIOUS CONSIDERATION**

May 6, 2014 CCDA approved moving forward with the purchase.

---

### **Fiscal Impact**

**Cost:** 1,330,000

**Budgeted (yes or no):** Not Yet

**Where Budgeted (department/program):** CCDA

#### **Additional Fiscal Notes:**

This Agenda Item is requesting budget approval. This action will add \$1,330,000 in bond revenues and an equal amount of capital expenditures to the CCDA Capital Improvement Fund. There is no impact on fund balance.

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### **Attachments**

Resolution

Exhibit A

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**CITY OF TIGARD, OREGON  
CITY CENTER DEVELOPMENT AGENCY BOARD  
RESOLUTION NO. 14-**

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2015 CITY CENTER DEVELOPMENT AGENCY BUDGET.

---

WHEREAS, the city is acknowledging those items that were unknown at the time the FY 2015 Budget was prepared; and

WHEREAS, the CCDA recognizes a total of \$1,330,000 in loan proceeds into the existing budget; and

WHEREAS, the CCDA authorizes \$1,330,000 to be used purchase property at 9110 SW Burnham Street and pay related bond fees.

WHEREAS, on May 6, 2014, the city authorized staff to issue up to \$1,400,000 in debt to purchase property at 9110 SW Burnham Street and pay related bond fees.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Center Development Agency that:

SECTION 1: The FY 2014-15 Budget is hereby amended as detailed in Exhibit A.

SECTION : This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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Chair - City Center Development Agency

ATTEST:

---

City Recorder - City of Tigard

# City Center Development Agency FY 2015 First Qtr Supplemental Budget Amendment

Attachment - A

## 1. Property Purchase

In order to purchase the property at 9110 SW Burnham Street, debt proceeds and the related expenditure of the debt proceeds needs to be recognized in CCDA's capital projects fund.

	Adopted Budget	Amendment	Q1 Revised Budget
<b>Urban Renewal Capital Projects Fund</b>			
<b>Resources</b>			
<b>Beginning Fund Balance</b>	\$ 220,000		\$ 220,000
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ -		\$ -
Intergovernmental	\$ 361,000		\$ 361,000
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ -		\$ -
Miscellaneous	\$ -		\$ -
Other Financing Sources	\$ -	\$ 1,330,000	\$ 1,330,000
Transfers In from Other Funds	\$ -		\$ -
<b>Total Resources</b>	<b>\$ 581,000</b>	<b>\$ 1,330,000</b>	<b>\$ 1,911,000</b>
<b>Requirements</b>			
Policy and Administration	\$ -		\$ -
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Public Works	\$ -		\$ -
<b>Program Expenditures Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Loans	\$ -		\$ -
Work-In-Progress	\$ 361,000	\$ 1,330,000	\$ 1,691,000
Transfers to Other Funds	\$ -		\$ -
Contingency	\$ -		\$ -
<b>Total Budget</b>	<b>\$ 361,000</b>	<b>\$ 1,330,000</b>	<b>\$ 1,691,000</b>
<b>Reserve For Future Expenditure</b>	<b>\$ 220,000</b>	<b>\$ -</b>	<b>\$ 220,000</b>
<b>Total Requirements</b>	<b>\$ 581,000</b>	<b>\$ 1,330,000</b>	<b>\$ 1,911,000</b>