Agenda Item: 6
Hearing Date: December 15, 2014 Time: 7:00PM

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

TIGARD

120 DAYS = 1/28/2015

SECTION I. APPLICATION SUMMARY

FILE NAME: A + O Apartments Planned Development

CASE NOS.:

Comprehensive Plan Amendment	**(CPA) 2014-00002**
Planned Development Review	**(PDR) 2014-00003**
Site Development Review	**(SDR) 2014-00004**
Sensitive Lands Review	**(SLR) 2014-00002**

REQUEST:

Comprehensive Plan Amendment approval is requested to remove Goal 5 protection (allow conflicting uses) from 0.42 acres of significant wetlands, designated as significant on the Comprehensive Plan's "Wetlands and Stream Corridor Map." The remaining 6.20-acres of significant wetlands on the site would continue to prohibit conflicting uses and be protected under Goal 5 Safe Harbor/Significant Wetlands.

Sensitive Lands Review approval is requested to allow modification to the 100-year floodplain of Ash Creek on the site to include reshaping the existing ground surface to decrease the areal extent of the floodplain on the site without modifying the flood storage capacity or floodwater transmission capacity of the floodplain on the site.

Planned Development Concurrent Concept Plan and Detailed Development Plan approval is requested for the plans to develop 215 multi-family residential dwelling units in four buildings on an 11.17-acre site on the south side of SW Oak Street within the Washington Square Regional Center Plan Area. The proposed planned development would preserve over 6-acres of the site as permanent open space including wetlands and riparian area adjacent to Ash Creek, and would include the provision of pedestrian trail easements to the City for development of future pedestrian trails in this area.

APPLICANT:
DBG Oak Street, LLC
c/o Skip Grodahl
2164 SW Park Place
Portland, OR 97204

OWNER:
Oland, Ltd.
c/o The Othman Group
215 SW Washington Street, Suite 202
Portland, OR 97204

LOCATION:
8900, 8950, 8960, 8980, and 9000 SW Oak Street; south of SW Oak Street opposite SW 90th Avenue; WCTM 1S135AC Tax Lots 4000, 4100, 4200, 4300, and 4400 and WCTM 1S135AD Tax Lot 1303.

ZONE/ COMP PLAN DESIGNATION:

MUE-1 and MUE-2: mixed use employment districts. The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.

MUR: mixed use residential districts. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district.

APPLICABLE REVIEW CRITERIA:

Community Development Code Chapters: 18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements.

Comprehensive Plan Goals: Goal 5 Natural Resources, Goal 6 Environmental Quality, Goal 7 Hazards, Goal 8 Parks Recreation and Open Space; Statewide Planning Goal 5; applicable Federal (USACE), Oregon Department of State Lands, and Metro (Titles 3 and 13) statues and regulations.

SECTION II. STAFF RECOMMENDATION

Staff recommends that Planning Commission find that the proposed Comprehensive Plan Amendment, Sensitive Lands Review, and Planned Development Review will not adversely affect the health, safety and welfare of the City and meets the Approval Standards as outlined in Section VI of this report. Therefore, Staff recommends that the Planning Commission recommend to City Council **APPROVAL,** subject to the following recommended Conditions of Approval and any modifications that result from the Commission's deliberations.

RECOMMENDED 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: Gary Pagenstecher, 503-718-2434. 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. 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.

3. Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.

4. Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.

5. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).

6. Prior to any ground disturbance work, the applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

7. The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

8. The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, as recommended by the Planning Commission and approved by City Council.

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

9. Prior to any work on site, 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. Six (6) 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.

10. Prior to any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.

11. Prior to any work on site, the applicant shall obtain approval from the City Engineer for the Oak Street design which is anticipated to include a 20 foot paved half width, plus 8 foot planter with street trees and underground utilities, and 12 foot sidewalk in a 40 foot right of way half width.

12. Prior to any work on site, the applicant shall obtain city approval of a design access report.

13. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.

14. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.

15. Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.

16. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.

17. Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.

18. Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.

19. Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

20. 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 FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

21. Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.

22. Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.

23. Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL 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: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

24. Prior to final inspection, the applicant shall contact the Planning Division (Gary Pagenstecher, 503-718-2434) for a final site review to ensure consistency with this land use decision.

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

25. Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance

26. Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include 20 foot paved with, 8 foot planter with trees lights and utilities in a 40 foot row width.

27. Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.

28. Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.

29. Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. 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.

30. Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.

31. Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

THIS APPROVAL SHALL BE VALID FOR 18 MONTHS FROM THE EFFECTIVE DATE OF THIS DECISION.

SECTION III. BACKGROUND INFORMATION

Site History and Description

The subject property is bordered on the west by the abandoned Oregon Electric Railroad alignment and has been used in recent times as pasture. The property is comprised of six parcels, four of which are currently developed with vacant single family residences along their Oak Street frontages. According to Washington Country records, the dwellings were built in the late 50s and early 60s. The property annexed into the City in 1987.

Vicinity Information:

The site is located within the Washington Square Regional Center District and is zoned MUE-1, a high density mixed use employment district and MUR-1, a high density mixed use residential district. Lincoln Center north of Oak Street is an example of high-density mixed use employment development within this district, which generally extends east of Greenburg between Hall and Hwy 217. The MUR-1 district lies between the MUE-1 district to the west and Hall Blvd to the east, extending south of Locust to Hwy 217. The subject site is centrally located within these zones with like-zones adjacent. The immediate vicinity south of Oak Street is characterized by the Ash Creek drainageway and associated wetlands. The subject property contains an approximately 1100 foot reach of Ash Creek at its southern boundary located mid-way between its confluences with Fanno Creek to the west and the South Fork of Ash Creek to the northeast.

Proposal Description:

The applicant's narrative states that "The general objectives in proposing the Planned Development Combined Concept Plan and Detailed Development Plan for the A+O Apartments and the open space protection for a large portion of the site are to:

- Help meet the need for multi-family housing in Tigard;
- Provide market rate multi-family housing within a reasonable distance from the Washington Square Shopping Center, Lincoln Center, and other nearby commercial uses in a location that is (or is planned to be) well connected to those areas by pedestrian and bicycle pathways, public transit, and roads;
- Provide an attractive living environment for project residents;
- Border the apartment project with preserved open space to the south in order to provide a buffer between the apartments and Highway 217, as well as between the apartments and a developed neighborhood of detached single-family homes to the southeast;
- Preserve and enhance valuable open space areas while utilizing portions of the overall site which are not significantly constrained by floodplain, wetlands, riparian areas, or significant vegetation for residential purposes;
- Provide adequate parking for the needs of residents and visitors; avoid parking overflow into nearby neighborhoods."

The proposed development plans provide for development of 215 multi-family residential dwelling units within four 4-story multi-family residential buildings located on an 11.17-acre gross area development site. The plans for the project provide for dedication of 0.32 acres of additional right-of-way for the widening of SW Oak Street across the site's frontage leaving a site area of 10.85 acres. 6.62 acres of the site is delineated wetlands (See Wetland Delineation Report and map by Pacific Habitat Services, Impact Assessment Report B). 4.23-acres of the net site is upland without either mapped 100-year floodplain or wetlands. The proposed development plans provide for the filling of 0.42 acres of previously degraded wetlands adjacent to the southern edge of the upland portion of the site. The development plans also use 0.21-acres of non-wetland area which juts southward into the wetlands as permanent open space. All of this area and the remaining wetlands area will be located to the south of a retaining wall (6.41-acres total south of wall) which will separate this area from the development site area of 4.44-acres.

SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET AND INTERESTED PARTIES

The applicant held a neighborhood meeting to present the conceptual development plans for the project and to gather comments on those plans at Metzger Elementary School on February 20, 2014. Approximately 60 people attended that meeting including many nearby residents, representatives of CPO 4M, representatives of the Friends of Fanno Creek and the Tualatin Riverkeepers, and a reporter for the Tigard Times. Meeting notes from that

meeting are included in Appendix B of the applicant's submittal, along with a copy of the notice which was mailed to owners of property within 500 feet of the site. Affidavits regarding mailing of the notice and posting the site with a sign regarding the meeting are also included in Appendix B. Representatives of the project development team also met with CPO 4 on September 24, 2014 to discuss the plans with the CPO members. In addition, representatives of the project development team met onsite with representatives of the Tualatin Riverkeepers organization on August 28, 2014 to discuss the plans for the project and the status of the wetland-related permitting process.

The city sent notice of a Public Hearing to neighboring property owners within 500 feet of the subject site boundaries and interested parties on November 3, 2014. The City received seven written comments identified below:

Jim Long, 10730 SW 72nd Avenue, Chair CPO-4M, writes in opposition to the proposed impacts to wetlands and floodplain and to the parking exception, and further highlights issues associated with economic liabilities of buildings in the floodplain and impacts on views.

Nancy Lou Tracy, 7310 SW Pine Street, writes in opposition to the proposed wetland impacts, in favor of their benefits for storm water filtration and habitat values.

Kristin Prince, 10455 SW 90th Avenue, writes in favor of improving SW Lincoln Street through to SW Oak Street as part of the project approval to address potential adverse impacts to local streets. She notes that ownership of the property required for extension is the same as the owner of the property subject to the proposed development.

Jill Warren, 9280 SW 80th Avenue, as a participant in the Washington Square Regional Center Planning process, raises plan implementation issues associated with wetland and floodplain impacts.

Dave Fahlman, 9055 SW Oak Street, writes in favor of improving SW Lincoln Street as a condition of approval to address increased traffic and the limited capacity of SW 90th Avenue.

Dr. Gene Davis, 10875 SW 89th Avenue, writes in favor of extending SW Lincoln Street and to full improvements to SW Oak Street.

Brian Wegener, Tualatin Riverkeeper Advocacy & Communications Manager, questioned whether wetland impacts have been sufficiently avoided by reducing building footprints through increased building height. He further questions the applicant's proposed use of a remote Tualatin River wetland mitigation bank over available local Ash Creek sites.

RESPONSE: Commenters are generally concerned with the proposed development's adverse impacts on significant wetlands and on neighborhood livability due to increased traffic, particularly on SW 90th Avenue, and off-site parking demand due to the requested minimum parking space exemption. The review criteria and findings in this staff report substantively address these issues.

SECTION V. ISSUES SUMMARY

NOTE: Procedure for review: according to TDC18.390.080.D.2.b.ii, the decision on the Wetland and Stream Corridors map amendment (**CPA**) shall precede other actions. A decision on impacts to the floodplain, drainageways, and wetlands (**SLR**) follows as it can affect the net buildable area subject to the planned development proposal. According to TDC18.350.020.D, in the case of concurrent applications for concept plan and detailed development plan (**PDR**) . . . The Planning Commission shall take separate actions on each element of the planned development application i.e., the **concept approval** must precede the **detailed development approval**; however each required action may be made at the same hearing.

Wetland Impacts (CPA)
TDC18.775.130 states "The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource."

Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center Plan District. See page 11.

Planned Development (PDR)
Parking Exemption
TDC18.350.050.4. requires that "The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc."

The plans for the project include public pedestrian easements for the future development of a trail along Ash Creek, a trail to connect between that trail and the sidewalk along SW Oak Street, Oak Street sidewalks along the property's frontage, and primary pedestrian routes through the site. However, given the applicant's request for a parking exemption of 9.1%, should the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014? See page 21.

TDC18.350.070.C.5.d is one of five criteria that must be addressed to warrant the requested parking space exemption: "Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses;"

Although the site is relatively well served by transit as is reported and detailed in Impact Assessment Report F, staff finds that the availability of transit may not be sufficient to ensure its use. In considering the parking exemption and the potential for mitigating the adverse effects on adjoining uses, shall the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014? See Page 24.

Funding future transportation
TDC18.630.010.C. states: "developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center."

To meet required participation in funding future transportation and public improvements projects (subject to rough proportionality) should the applicant be asked to consider, for example, a range of improvements associated with Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement? See page 28.

SECTION VI. SUMMARY OF APPLICABLE CRITERIA

The following summarizes the criteria applicable to this decision in the order in which they are addressed:

A. COMP PLAN AMENDMENT REVIEW CRITERIA
18.775.130 Sensitive Lands, Plan Amendment Option

B. SENSITIVE LANDS REVIEW CRITERIA
18.775.070.B Floodplain
18.775.070.D Drainageways
18.775.070.E Wetlands

C. PLANNED DEVELOPMENT REVIEW CRITERIA
18.350 Planned Developments
18.520 Commercial Zoning districts
18.630 Washington Square Regional Plan Standards
18.705 Access, Egress and Circulation

18.715 Density Computations
18.725 Environmental Performance Standards
18.745 Landscaping and Screening
18.765 Off-street Parking and Loading Requirements
18.790 Urban Forestry Plan
18.795 Vision Clearance Areas
18.810 Street and Utility Improvement Standards

SECTION VII. APPLICABLE REVIEW CRITERIA AND FINDINGS

A. COMP PLAN AMENDMENT REVIEW CRITERIA

The following criteria apply to the proposed Comprehensive Plan Amendment (CPA) to the City of Tigard "Wetland and Stream Corridors" map.

Applicable Provisions Of The City's Implementing Ordinances:

18.775.090 Special Provisions for Development within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek

A subject property contains locally significant wetlands identified on the City of Tigard "Wetlands and Stream Corridors" map.

A. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0030) pertaining to wetlands, all wetlands classified as significant on the City of Tigard "Wetlands and Streams Corridors Map" are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130.

The applicant has applied for the Plan Amendment Option to remove Goal 5 protections from .42 acres of significant wetlands to allow the proposed development.

18.775.130 Plan Amendment Option
Any owner of property affected by the Goal 5 safeharbor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek may apply for a quasi-judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an alternatives analysis, as described in Section 3.02.5 of the CWS "Design and Construction Standards." The applicant shall demonstrate that such an amendment is justified by either of the following:

The applicant has chosen to demonstrate the amendment is justified through an ESEE analysis.

A. ESEE analysis. The applicant may prepare an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040.

The applicant has submitted an ESEE analysis (Appendix C of Application and a revised ESEE analysis dated 12-8-14) prepared in accordance with OAR 60-23-040, to justify removal of Goal 5 protection from 0.42 acres of significant wetlands on the subject property.

This provision is met.

1. The analysis shall consider the ESEE consequences of allowing the proposed conflicting use, considering both the impacts on the specific resource site and the comparison with other comparable sites

within the Tigard Planning Area;

The applicant's ESEE analysis dated December 8, 2014 addresses the consequences of allowing the proposed conflicting use, identifying the impacts to the resource site and a comparison of comparable sites within the Tigard Planning area. Although the wetlands identified for removal are degraded, their association with Ash Creek makes them continue to be significant. Sites that could accommodate the proposed program were few and included a smaller site in the WSRC vicinity that could accommodate 75 units and a larger site at Hunziker Road and Wall Street with some wetlands but zoned I-P which does not allow the multi-family use. The lack of readily available sites of sufficient size and zoning led the applicant to choose the proposed development site as the preferred development site.

This provision is met.

2. The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;

The applicant's ESEE analysis states that "Prohibiting conflicting uses would keep the wetland intact and likely limit the footprint of the proposed development activity to the existing houses on SW Oak Street. The houses would be remodeled or torn down and replaced by new houses. As there will be no change in density, prohibiting conflicting uses would impact the potential densities planned for (and required) in the *Washington Square Regional Center Implementation Plan*. The economic benefits for local businesses from developing a high density apartment complex would not be realized. The applicant would also realize far less economic benefit from remodeling or replacing the four houses. There will be a loss in short term construction jobs required when the apartment complex is developed."

This provision is met.

3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use;

The applicant states: "Developing the property, while achieving the Washington Square Regional Center Plan's minimum density requirements, would be very difficult without the proposed wetland filling to provide a more regular shaped development site. If the site configuration is not "squared up," a very inefficient site development pattern would be necessary with a resultant increase in residential building heights in order to meet the minimum prescribed density for the site. While we have not done a final site and building design for development on a non-reconfigured development site, the project team estimates that it would be necessary to have residential buildings with four- to six-stories of residential units atop two levels of parking garages within the buildings on such a site. Six- to eight-story buildings would provide a much more significant variation from the existing single-story through three-story residential buildings to the north, east and south of the site than the proposed three-story above single level parking garage buildings than are currently proposed with the proposed reconfigured site. The taller buildings that would be necessary would require significantly different and much more expensive building construction techniques than is proposed. The current proposal is for wood frame construction over concrete single-level parking garages or concrete slabs. Additional parking levels would require ramps between levels at a significant construction cost. Additional levels of residential units would, at a minimum, require more expensive wood frame construction, or alternatively push the construction type to steel frame or concrete construction. DBG, LLC is trying to develop an economically viable residential development at close to the minimum density prescribed for the site by the zones applied to it, while making a reasonable attempt to respect the lower building heights of the existing residential neighborhood to the north, east and southeast of the site. In order to bear the additional costs of construction that would be necessary to develop on the non-reconfigured site, we would likely need to increase the density further to bear the costs, and that would result in even taller buildings adjacent to the relatively low profile neighborhood."

Several sites were identified in the Tigard Planning Area which included a smaller site in the WSRC vicinity that could accommodate 75 units, a site adjacent that was unavailable, and a larger site at Hunziker Road with some

wetlands but zoned I-P which does not allow the multi-family use. The lack of readily available sites of sufficient size and zoning led the applicant to choose the proposed development site as the preferred development site.

This provision is met.

4. The ESEE analysis shall be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;

The ESEE analysis has been prepared by wetlands biologist John van Staveren, PWS of Pacific Habitat Services based upon their on-site delineation of the wetlands on the site and an assessment of the quality and condition of the area which is proposed to be filled. The ESEE analysis was reviewed by other team members including land use attorney Steven Pfeiffer, land use planner Jerry Offer, and civil engineer Mike Peebles.

This provision is met.

5. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" shall be amended to remove the site from the inventory.

On approval of this request the site would be removed from the inventory.

This provision can be met.

FINDINGS: As shown in the analysis above, the ESEE analysis addresses the requirements of this section. The subject property contains Goal 5 safeharbor protection of significant wetlands. The applicant has applied for a quasi-judicial comprehensive plan amendment under a Type IV procedure. The application is based on a specific development proposal for 215 apartments, the A+O Apartments. The applicant has demonstrated that such an amendment is justified by and ESEE analysis consistent with OAR 660-23-040.

The applicant concludes that "limiting conflicting uses would result in the most positive consequences of the three decision options. A limit decision will avoid many of the negative consequences attributed to either allowing or prohibiting all conflicting uses. Through the application of site design and development standards to conflicting uses, the impacts on the significant wetland can be minimized (only 6% of wetlands on site will be impacted) and the remaining resource can be enhanced. There will be a relatively high level of economic, social, environmental and energy benefits achieved. Limiting conflicting uses offers the most benefit to the wetland (through its enhancement) and to the community, and strikes a balance between conflicting uses and planning goals. The recommendation is to limit conflicting uses within the significant wetland."

Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center (WSRC) Plan District. It is clear that the development proposal substantially implements the planning goals, including density, for the WSRC and minimizes its footprint given the project's 215-unit goal and the requested parking exception. A majority 94% of the wetlands are protected and enhanced on site, with a 3.2:1 off-site mitigation for the 6% of wetlands being adversely affected. Appendix D of the applicant's submittal (CWS SPL, reverse of Figure 2) provides a CWS Tier II Site Alternatives Analysis for impacts to the Vegetated Corridor, which is also useful for comparing incremental adverse economic consequence of not allowing conflicting uses.

If Council approves the application for Comprehensive Plan Amendment, then the ESEE analysis will be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" will be amended to remove the site from the inventory.

CONCLUSION: Staff recommends that the Planning Commission recommend to City Council approval of the proposed Comprehensive Plan Amendment.

B. SENSITIVE LANDS REVIEW CRITERIA

The following criteria apply to the proposed Sensitive Lands Review (SLR) for impacts to the Ash Creek floodplain, drainage ways, and wetlands/associated vegetated corridor.

18.775.020 G. Sensitive lands permits issued by the hearings officer.
1. The hearings officer shall have the authority to issue a sensitive lands permit in the 100-year floodplain by means of a Type IIIA procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.775.070.

The proposed sensitive lands permit request for these landform alterations would normally be reviewed by means of a Type IIIA procedure by the City of Tigard's hearings officer. However, since the sensitive lands permit request is being reviewed as a combined application request including a Comprehensive Plan amendment, the concurrent applications will be heard by the Planning Commission and City Council, with the City Council being the actual decision-making body.

2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:
a. Ground disturbance(s) or landform alterations in all floodway areas;
b. Ground disturbance(s) or landform alterations in floodway fringe locations involving more than 50 cubic yards of material;
c. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50% of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;
d. Structures intended for human habitation; and
e. Accessory structures which are greater than 528 square feet in size, outside of floodway areas.

According to the applicant's submittal, the A+O Apartments include approximately 423 cubic yards of material removal and 3,423 cubic yards of fill material within significant wetlands and 395 cubic yards of fill within the floodplain outside of the wetlands portion of the site. The plans do not include any ground disturbances or alterations within the Ash Creek floodway. The proposed development within the floodplain does not include any activities related to existing structures, accessory structures or utilities, or any structures proposed for human habitation.

18.775.030 Administrative Provisions
A. Interagency coordination. The appropriate approval authority shall review all sensitive lands permit applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.

Appendix F of the applicant's submittal includes a Joint Corp/DSL permit application (APP056389) for development within wetlands associates with Ash Creek, a tributary to Fanno Creek and the Tualatin River. The necessary permits have been applied for. This provision is met.

As governed by CWS "Design and Construction Standards," the necessary permits for all "development," as defined in Section 18.775.020.A, shall include a CWS service provider letter, which specifies the conditions and requirements necessary, if any, for an applicant to comply with CWS water quality protection standards and for the agency to issue a stormwater connection permit.

Appendix D of the applicant's submittal includes a CWS Service Provider Letter (SPL) and Natural Resources Assessment Report by Pacific Habitat Services. The SPL specifies conditions and requirements necessary for the applicant to comply with CWS water quality and protection standards. Implementation of these requirements will be ensured by a condition of approval of the Council's final order. This provision is met.

18.775.040 General Provisions for Floodplain Areas
Permit review. The appropriate approval authority shall review all permit applications to determine whether proposed building sites will minimize the potential for flood damage.

According to the applicant's narrative, proposed buildings B, C, and D are located outside of the existing floodplain area. Building A will be located on fill within the existing floodplain. Garage finished floor elevation will be approximately 2' above the existing floodplain elevation. The habitable finished floor elevation will be approximately 12' above the existing floodplain elevation. The proposed building site minimizes the potential for flood damage. This provision is met.

Base flood elevation data. When base flood elevation data has not been provided in accordance with subsection B of this section, the director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsections M and N of this section.

Base flood elevation (BFE) has been determined for this project area. The BFE is shown on Federal Emergency Management Agency (FEMA) map number 410276059C for the City of Tigard, Oregon, Washington County revised February 18, 2005. The floodplain boundary is shown (elevation 163) on the Existing Conditions plan (Sheet P1.1). This provision is met.

18.775.050 General Provisions for Wetlands
Code compliance requirements. Wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map," and to a vegetated corridor ranging from 25 to 200 feet wide, measured horizontally, from the defined boundaries of the wetland, per "Table 3.1, Vegetated Corridor Widths," and "Appendix C, Natural Resource Assessments," of the CWS "Design and Construction Standards." Wetland locations may include but are not limited to those areas identified as wetlands in "Wetland Inventory and Assessment for the City of Tigard, Oregon," Fishman Environmental Services, 1994.

According to the Pacific Habitat Services, Inc. May 9, 2014 Natural Resource Assessment for the subject site, the proposed development would impact .42 acres of significant wetlands and 1.02 acres of vegetated corridor measured 50 feet wide. Therefore, the following wetland regulations would apply to 1.44 acres of the site.

Delineation of wetland boundaries. Precise boundaries may vary from those shown on wetland maps; specific delineation of wetland boundaries may be necessary. Wetland delineation will be done by qualified professionals at the applicant's expense.

According to the applicant's narrative, a wetland delineation of the wetland areas on the site was done by the professional wetland scientists of Pacific Habitat Services. The delineated wetland boundary stakes provided by that on-site delineation were surveyed and mapped by the surveyors of Otak, Inc. The actual locations of wetlands on the site vary slightly from what is shown on the City of Tigard "Wetland and Streams Corridors Map. A copy of the Wetland Delineation report for the site by Pacific Habitat Services is included in the applicant's submittal as Impact Assessment Report B. The wetland boundary and associated vegetated corridor are illustrated clearly on Figure 3, PHS Natural Resource Assessment Report, Appendix D. This provision is met.

18.775.070 Sensitive Land Permits
Permits required. An applicant, who wishes to develop within a sensitive area, as defined in Chapter 18.775, must obtain a permit in certain situations. Depending on the nature and intensity of the proposed activity within a sensitive area, either a Type II or Type III permit is required, as delineated in 18.775.020.F and G. The approval criteria for various kinds of sensitive areas, e.g., floodplain, are presented in subsections B through E of this section.

This application includes proposed development in the Ash Creek floodplain, drainageways, and within wetlands (and associated vegetated corridor). The City Council is the decision-making body under concurrent review with the requested comprehensive plan amendment Type IV procedure. Impacts to these sensitive areas are addressed in findings for their respective approval criteria below.

18.775.070.B Within the 100-year floodplain. The hearings officer shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:

applicant's submittal includes Impact Assessment Report E, Preliminary Storm Drainage Report by Otak, Inc. According to the report, the fill area is approximately 0.35 acres. Figure 3 shows the proposed development in relation to the 100-year floodplain boundary (elevation 163). Proposed buildings B, C, and D are located outside of the existing floodplain area. Building A will be located on fill within the existing floodplain. Garage finished floor elevation will be approximately 2' above the existing floodplain elevation. The habitable finished floor elevation will be approximately 12' above the existing floodplain elevation.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;

A zero rise analysis has been completed and is included in the applicant's submittal as Appendix E in the Preliminary Drainage report. Based on the analysis of potential floodplain impacts associated with the proposed development, there will not result in any increase in flood levels during the base flood discharge. This criterion is met.

3. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 18.120 of the community development code shall be allowed in areas designated residential subject to applicable zoning standards;

The site of the proposed development includes both commercial plan designations and residential plan designations. The proposed development plans show floodplain modifications within portions of the site which have a Comprehensive Plan Map designation of MUE-1. Portions of the site which include the residential MUR-1 Comprehensive Plan Map designation include proposed modifications to wetlands. However, no modifications to the 100-year floodplain are proposed within the MUR-1 area. This criterion is met.

4. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

A zero rise analysis has been completed and a memorandum is included as Appendix E in the Preliminary Drainage Report. Based on the analysis of potential floodplain impacts associated with the proposed development, there will not be an increase in the 100-year water surface elevation. This criterion is met.

5. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the hearings officer as untimely;

The proposed development plans for the A+O Apartments include a public pedestrian easement to the City of Tigard for the future development of the City's planned Washington Square Regional Center Trail. Staff has determined that the Center Loop Trail alignment on SW Oak Street is preferred to the Ash Creek alignment along this reach of Ash Creek. The City Engineer has determined that a 12-foot wide multi-modal path within the Oak Street right of way along the property's frontage will be a required public facility improvement for this project. This criterion is met.

6. Pedestrian/bicycle pathway projects within the floodplain shall include a wildlife habitat assessment that shows the proposed alignment minimizes impacts to significant wildlife habitat while balancing the community's recreation and environmental educational goals;

The proposed development plans for the A+O Apartments propose the dedication of a public pedestrian easement to the City of Tigard for the future development of the City's planned Washington Square Regional Center Trail. A wildlife habitat assessment, further floodplain analysis and other related studies will need to be completed prior to construction of this trail. The actual alignment of the trail will need to be determined by the City in concert with resource permitting agencies prior to the final design and construction of the trail.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained; and

The applicant's submittal includes a CWS SPL (Appendix D) and a U. S. Army Corps of Engineers (COE)/Oregon Department of State Lands (DSL) permit application (Appendix F). This criterion is met.

8. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the city shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

The proposed development plans include a public pedestrian easement to the City of Tigard for the development of the City's planned Washington Square Regional Center Trail. Because the alignment across the property is not yet known, the City will require a blanket ped/bike easement over the entirety of Wetland A. This criterion is met.

FINDINGS: According to the analysis above, the floodplain criteria are met.

18.775.070.D Within drainageways. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:

A storm water ditch, or drainageway, 475 square feet in area (0.01 acre) is located in the northwestern portion of the site that carries stormwater from SW Oak Street and the adjacent condominium complex to the north of Oak Street. The Natural Resource Assessment by PHS characterizes this ditch as non-jurisdictional and therefore without an associated vegetated corridor.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;

According to the applicant's narrative, the proposed development plan for the A+O Apartments minimizes impacts to wetland/floodplain/drainageways by pushing the proposed area of development towards SW Oak Street. This results in impact to an existing ditch in existing public drainage easement on the western portion of the site. It is proposed that the existing ditch/drainageway be relocated into a public storm sewer pipe with an outfall to the wetlands to the south. The proposed alteration of this section of the drainageway on the southern portion of the site is limited to only the area that is necessary to construct the proposed storm sewer to replace the existing open drainage ditch, and therefore will limit drainageway disturbances to only what is necessary for the proposed use. This criterion is met.

3. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

According to the applicant's narrative, the proposed development plan for the A+O Apartments will replace an existing open drainage ditch into a public storm drainage pipe located in a public drainage easement that will extend the existing public storm drainage system and convey existing runoff from the upstream basin. The proposed public

storm drainage pipe will outfall to a rip-rap pad and drain into wetlands and Ash Creek. The plans provide for appropriate erosion control plans designed to City and CWS standards so that the proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property. This criterion is met.

4. The water flow capacity of the drainageway is not decreased;

According to the applicant's narrative, the open drainage ditch to be removed will be replaced with a public storm pipe in a new alignment that will have adequate capacity to convey to the upstream runoff. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, a small portion of the existing drainage ditch at its southern end will not be covered by structures or impervious surfaces. This portion will be replanted with seed mix to prevent erosion. The area to be replaced and put into a storm drainage pipe will be covered by pavement and landscaping associated with the proposed apartments designed consistent with the requirements of Chapter 18.475 and related standards as addressed elsewhere in this report. This criterion is met.

6. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;

According to the applicant's narrative, the existing drainage ditch will be replaced with a public storm sewer pipe in a new alignment (to be covered by a public drainage easement). The proposed storm drainage pipe has been sized to provide adequate capacity to convey the maximum anticipated flow from upstream basin in accordance with the 1981 Master Drainage Plan. The public easement will be located within the drive-aisle/parking area of the proposed multi-family development. The City will have access to public storm manholes for maintenance of the proposed public storm sewer. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the city shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

The proposed development plans propose the dedication of a public pedestrian easement to the City of Tigard for the development of the City's planned Washington Square Regional Center Trail. Because the alignment across the property is not yet known, the City will require a blanket ped/bike easement over the entirety of Wetland A.
This criterion is met.

FINDINGS: According to the analysis above, the drainageways criteria are met.

18.775.070.E Within wetlands. The director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:

Pursuant to TDC 18.775.050, General Provisions for Wetlands, wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map," and to a the 50-foot vegetated corridor for

Wetland A, as shown in Figure 3 of Pacific Habitat Services' Natural Resource Assessment for the subject site. The proposed development would impact .42 acres of significant wetlands and 1.02 acres of vegetated corridor. Therefore, the following wetland regulations apply to a total of 1.44 acres of the site.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the comprehensive plan floodplain and wetland map nor is within the vegetative corridor established per "Table 3.1 Vegetative Corridor Widths" and "Appendix C: Natural Resources Assessments" of the CWS "Design and Construction Standards," for such a wetland;

The applicant has requested wetlands to be removed from the designation of locally significant wetlands on the City of Tigard "Wetlands and Streams Corridors" Map by the Comprehensive Plan Amendment portion of this application. If that request is approved, these wetlands will no longer be designated as significant wetland on the Plan's floodplain and wetland map. As such, a sensitive lands permit can be approved in accordance with this section for both the wetland and its associated vegetative corridor. This criterion is met.

3. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;

According to the applicant's narrative, the proposed filling of 0.42 acres of wetlands is limited to only what is necessary to "square up" the developable portion of the site to accommodate the proposed 215-unit apartment complex and related parking and recreation facilities without creating any more wetland site disturbance than is absolutely necessary. The proposal includes ground level parking under two of the proposed residential buildings, a request for an exception to the minimum required number of on-site parking spaces in order to limit the area of development, and a retaining wall along the full width of the project's southern development boundary to limit impacts to sensitive areas. Given the findings in the applicant's ESEE analysis, this criterion is met.

4. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;

According to the applicant's narrative, the 0.42 acres of proposed encroachment into the wetlands on the site has been designed to be on the edges of or outside of the floodplain on the site. A storm sewer system has been proposed to replace the surface drainage through the wetlands on the western portion of the site. These measures have been designed in order that on-site and off-site drainage will not be adversely affected by the proposed wetlands modifications. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, an erosion control plan addressing the City and Clean Water Services' erosion control requirements will be submitted as part of final grading plans, as well as part of any state or federal permit applications. Disturbed areas will be replanted if not covered by impervious surfaces. This criterion is met.

6. All other sensitive lands requirements of this chapter have been met;

All other applicable sensitive lands approval standards related to the proposed development application are reviewed in findings within this staff report. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. The provisions of Chapter 18.790, Tree Removal, shall be met;

The provisions of Chapter 18.790, Urban Forestry Plan, are addressed further in this staff report, below. This criterion is met.

9. Physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, recreation and open space policies of the comprehensive plan have been satisfied.

The following Comprehensive Plan policies address physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, and recreation and open space. Findings address satisfaction of these policies with regard to the proposed plans for wetland modifications.

Natural Resources

1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:

A. contribute to the City's scenic quality and its unique sense of place;

B. provide educational opportunities, recreational amenities, and buffering between differential land uses;

C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and

D. result in healthy and naturally functioning systems containing a high level of biodiversity.

7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.

8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.

11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.

The City addresses the above policies dealing with wetlands, water resources, riparian areas and wildlife habitat through the development and administration of the sensitive lands permit process. The application of and satisfaction of the standards of that permitting process to the A+O Apartments development plans, including proposed modifications to the wetlands, habitat, and floodplain area on the site, are a demonstration that these plan policies have been satisfied. In addition, application of the planned development parking exemption has been requested to help minimize the development footprint.

Hazards

1. The City shall not allow development in areas having the following development limitations except where the developer demonstrates that generally accepted engineering techniques related to a specific site plan will make the area suitable for the proposed development:

A. areas having a severe soil erosion potential;

B. areas subject to slumping, earth slides, or movement;

C. areas having slopes in excess of 25%; or

D. areas having severe weak foundation soils.

The City of Tigard's development review application process implements this policy through the requirement of a geotechnical report as part of the required impact assessment of a proposed development. The current application includes a site specific geotechnical report prepared by Geotechnical Resources, Inc. that report demonstrates that

the proposed development site will be suitable for development without undue soil erosion and that the site does not contain slopes in excess of 25%; areas subject to slumping, sliding, or earth movement; or weak soils.

7. The City shall comply with the Federal Emergency Management Agency (FEMA) flood regulations, which include standards for base flood levels, flood proofing, and minimum finished floor elevations.

8. The City shall prohibit any land form alterations or developments in the 100- year floodplain which would result in any rise in elevation of the 100-year floodplain.

9. The City shall not allow land form alterations or development within the 100-year floodplain outside the zero-foot rise floodway unless:

A. The streamflow capacity of the zero-foot rise floodway is maintained; and

B. Engineered drawings and/or documentation shows there will be no detrimental upstream or downstream effects in the floodplain area.

10. The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.

11. The City shall comply with Metro Title 3 Functional Plan requirements for balanced fill and removal in the floodplain.

The City has addressed these above policies dealing with floodplain development and landform alterations through the development and administration of the sensitive lands permit process. The application of and satisfaction of the approval standards of the sensitive lands permitting process to the A+O Apartments development plans, including proposed modifications to the floodplain area on the site, are a demonstration that these plan policies have been satisfied.

Parks Recreation and Open Space

8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:

A. developed areas with facilities for active recreation; and

B. undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

22. City-owned property may be used for private wetlands mitigation considered on a case-by-case basis.

This policy allows, but does not require developers to provide local wetlands mitigation. The applicant has proposed off-site mitigation with this project. The City Parks Director has commented that private wetland mitigation on city-owned property has proved difficult administratively in the past and that city property will need to be used in the future for city projects that require mitigation. In this case, city owned property is not available for private wetland mitigation.

Goal 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.

Policy 1. The City shall create and interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban centers and regional recreational opportunities utilizing both public property and easements on private property.

The proposed development plans for the A+O Apartments include the provision of a public pedestrian trail easement within the privately owned wetland area adjacent to Ash Creek. This trail easement segment is provided to serve the Washington Square Regional Center Trail that is called for in the Parks Master Plan and is called for as multi-use path M-9 on maps and tables of the Tigard 2035 Transportation System Plan. The development plans also provide for a public pedestrian path easement for the future development of a connecting trail between SW Oak Street and the future Washington Square Regional Center Trail.

FINDINGS: As shown in the analysis above, the wetlands criteria are met.

CONCLUSION: Staff recommends that the Planning Commission find, and recommend to Council, that the applicable sensitive lands review criteria for floodplain, drainageways, and wetlands are met or can be met as conditioned, subject to a determination that Goal 5 protections can be removed, as requested by the applicant.

C. PLANNED DEVELOPMENT REVIEW CRITERIA

The following criteria apply to the proposed Planned Development Concept and Detailed Plan Reviews (PDR) for the 215 unit planned development.

18.350 PLANNED DEVELOPMENTS

18.350.020 Process

A. <u>Applicable in all zones.</u> The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.

D. <u>Concurrent applications for concept plan and detailed plan.</u> In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the planned development application (i.e., the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.

The applicant has elected to develop this project through the planned development process. In this case, the applicant is also applying for a concurrent review of the planned development concept plan and the detailed development plan. Separate concept plans and detailed plans have been submitted, requiring separate actions by the commission and council.

18.350.050 Concept Plan Approval Criteria

A. The concept plan may be approved by the commission only if all of the following criteria are met:

1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.

The Planned Development Concept Plan, Sheet P2.2, illustrates areas on the site that are intended to be preserved as open space in the form of wetlands and enhanced wetland; active open space and recreation areas near the proposed building locations; and passive landscape areas. The applicant's narrative, along with the applicable supplemental reports in the Appendix, describe how the natural open space, active open space, and passive open space areas are to be used and how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

2. The concept plan identifies areas of trees and other natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.

The planned development concept plan illustrates how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.

The Planned Development Concept Plan, Sheet P2.2, along with the aerial photo of the site and its environs, Sheet P2.1, illustrates how the proposed development will fit into the street and land use pattern of the neighborhood. This criterion is met.

4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

The plans for the project include the provision of an 8-foot wide sidewalk along the site's frontage. The Planned Development Concept Plan, Sheet P2.2, illustrates the general areas on the site where the applicant is offering to provide public pedestrian easements for the future development of a trail along Ash Creek, and a trail to connect between that trail and the sidewalk along SW Oak Street. Primary pedestrian routes through the site are also illustrated. However, given the applicant's request for a parking exemption of 9.1%, staff recommends that the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.

The planned development concept plan illustrates the proposed development pattern for four multi-story multi-family residential buildings on the northern portion of the site, along with associated recreation and parking facilities. The concept plan provides for approximately 4.16 acres of the site to be developed with multi-family dwellings at a net density of between 50 and 60 units per net acre, and for approximately 6.2-acres of the site to be retained as wetlands and floodplain associated with Ash Creek. Limited public access to the wetlands area is provided for through the provision of public pedestrian access easements to be dedicated to the City of Tigard for future trail development. This criterion is met.

6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.

The proposed development plan for the A+O Planned Development provides for the long term preservation of wetlands and floodplain associated with Ash Creek, along with significant enhancements to the wildlife habitat values of the wetlands through the removal of invasive vegetation and the planting of significant number of native trees. This work to restore the wetlands on the site would not occur unless there was a development project occurring primarily on the upland portion of the site, along with a relatively minor amount of wetland filling to create additional developable area. The practicality of intensive development of the upland portion of the site is dependent upon the proposed wetland filling to create a more usable development footprint, and is also dependent upon having flexibility with regard to certain development standards such as by reducing the amount of on-site parking to be provided; by not providing individual decks or porches for all units as would be required through the Site Development Review approval standards; and by accounting for shared open spaces through looking at the larger development plan.

In addition, it is noted that proposed A+O Apartments Planned Development will further the objectives of the Washington Square Regional Center plan by providing desired relatively intense residential development in close proximity to shopping opportunities at Washington Square and other nearby centers; close proximity to employment opportunities at Washington Square, Lincoln Center, and other nearby office and commercial centers; and within close proximity to transit opportunities on SW Greenburg Road, SW Locust Street, and SW Hall Boulevard. While the proposed development will be fairly intensive compared to the existing neighborhoods consisting primarily of detached single-family residences to the south and east of the site, the proposed A+O

Planned Development will provide a step down in intensity from Washington Square and Lincoln Center to those existing neighborhoods. The A+O Planned Development will be developed at a density (52 units/acre) which is low in the range of residential densities allowed by the MUE-1 and MUR-1 zoning districts applied to the site of the proposed development (50 units/acre minimum, no maximum). This criterion is met.

FINDINGS: According to the analysis above, the concept plan approval criteria are substantially met. However, staff recommends that the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014, as conditioned below.

CONCLUSION: Staff recommends the Planning Commission find that the proposed Concept Plan substantially meets the approval criteria and recommend approval of the Concept Plan to the City Council, subject to consideration of an enhanced mobility plan.

18.350.060 Detailed Development Plan Submission Requirements

C. <u>Compliance with specific development standards</u>. The detailed development plan shall show compliance with base zone provisions, with the following modifications:

1. Lot dimensional standards. The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.

There is no applicable minimum lot size in the underlying MUE-1 and MUR-1 districts. The site size will be 10.95 acres after dedication of additional road right-of-way for SW Oak Street. This standard is met.

2. Site coverage. The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks.

The concept plan provides for less than 40% of the gross planned development site area to be developed and over 60% of the site to be retained as natural and enhanced wetlands. Therefore, the proposed concept plan clearly meets this standard. Additionally, 25% percent of the portion of the site which is planned to be developed with the apartments will be landscaped and not covered by buildings or pavement. This standard is met.

3. Building height. In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be set back from the perimeter of the site a distance of at least 1-1/2 times the height of the building.

No increase in building height is request beyond that allowed by the underlying zones. This standard is met.

4. Structure setback provisions:

No exceptions to the applicable base zone setback standards are requested. All buildings within the proposed A+O Apartments Planned Development will be required to meet all applicable setback and building separation standards of the underlying zones and of the Uniform Building Code and Fire Code. No garage entrances will enter onto SW Oak Street. Both parking garages will have entrances internal to the site. This standard is met.

5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.

No exceptions are requested to any other standards of the base MUE-1 and MUR-1 zoning districts. This standard is met.

18.350.070 Detailed Development Plan Approval Criteria

A detailed development plan may be approved only if all the following criteria are met:

A. The detailed plan is generally consistent with the concept plan.

According to the applicant's narrative, the proposed detailed development plan has been designed to be completely consistent with the concept plan, except for providing additional details on how the site is to be developed. No changes to the residential densities, amounts of open space and landscaping, land usage; effects upon environmentally sensitive areas or hazardous areas; or the proposed pattern of development are proposed. This criterion is met.

B. All the provisions of the land division provisions, Chapters 18.420, Partitions, and 18.430, Subdivisions, shall be met if applicable;

No land division is proposed. Therefore, the provisions of Chapters 18.420 and 18.430 are not applicable to the proposed final development plan. This criterion is met.

C. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the commission that promotes the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.

2. Chapter 18.705, Access, Egress and Circulation. The commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).

No exception to the applicable access, egress and circulation standards is requested.

3. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

No density bonus is requested.

4. Chapter 18.745, Landscaping and Screening. The commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.

No exception to the applicable minimum landscaping requirements is requested.

5. Chapter 18.765, Off-Street Parking and Loading Requirements. The commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if:
a. The minimum number of parking spaces is not reduced by more than 10% of the required parking; and

An exception to the minimum required on-site parking space standard is requested to allow the proposed A+O Apartments to be served by 278 on-site parking spaces rather than the 306 on-site spaces which normally would be required for this type and size of development. The requested 28 fewer parking spaces would represent a 9.1 percent reduction from the normally required amount of on-site parking. Criterion (a) is met.

b. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or

The proposed mix of apartment units in the project with a relatively high number of smaller unit types (64 studios and 98 1-bedroom units) and the absence of larger dwelling units should result in fewer residents per dwelling unit than would be typically expected in a suburban multi-family project. Therefore, it is reasonable to anticipate that the lesser number of residents per unit would translate to a lesser demand for on-site parking spaces as compared to a typical suburban multi-family development. The applicant argues that the City of Tigard's minimum parking space standard is oriented more to the demand for parking spaces for a typical multi-family project with larger dwelling units than is currently proposed. Criterion (b) is met.

c. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or

The applicant has not identified any opportunities for shared parking.

d. Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or

According to the applicant's narrative, the site is relatively well served by transit as is reported and detailed in Impact Assessment Report F. A portion of the site is located within one-quarter mile of several transit stops. This is illustrated by the Transit Availability Map in that report which shows one-quarter mile radii from the closest transit stops to the site at: 1) the west side of SW Greenburg Road at the entrance to the Washington Square shopping center; and 2) at the intersection of SW Hall Boulevard and SW Locust Street. The TriMet Trip Planner service provided on TriMet's website says that there currently are three transit stops within one-half mile walking distance of the SW 8900 SW Oak Street within the site for TriMet Bus Route 43 on Hall Boulevard or SW Locust Street. The TriMet Trip Planner indicates that there are three transit stops within six-tenths of a mile walking distance for TriMet Bus Routes 76 and 78 on SW Greenburg Road. Maps of these routes and basic schedules are included in the Impact Assessment report. The proximity of the site to these bus transit stops and the frequency of transit service means that good public transportation service will be available to serve the proposed multi-family development.

However, staff finds that the availability of transit may not be sufficient to ensure its use. In considering the parking exemption and the potential for mitigating the adverse effects on adjoining uses, staff recommends the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

e. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.

The request for the reduction in the number of required parking spaces derives from efforts to minimize the amount of wetland area needed to be filled to provide on-site parking. Multiple attempts were made to lay out the site plan to provide all of the normally required parking on-site without providing on-street parking. All such alternative plans would have required additional wetland filling and/or increased building heights to provide additional parking. Additional wetland filling would not have been in the public's interests in preserving this existing resource area. Criterion (e) is met.

FINDING: The proposed 9.1% (28 spaces) exception to the minimum parking requirement is less than 10% allowed. The proposed mix of studio and one bedroom units and the availability of nearby transit can reasonably be expected to lower the demand for on-site parking. It is in the public interest to preserve wetlands to the south of the development site (Wetland A). Therefore, the commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone. However, staff finds that the availability of transit may not be sufficient to ensure its use and recommends the following condition of approval:

CONDITION: The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site,

including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

6. Chapter 18.780, Signs. The commission may grant an exception to the sign dimensional requirements in the applicable zone.

No exception to the dimensional standards for signs is requested.

7. Chapter 18.795, Visual Clearance Areas. The commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;

No exception to the vision clearance requirements is requested.

8. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks, and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the city engineer to grant an exception. The commission has the authority to reject an exception request. The commission can only grant an exception to street sanctions if it is sanctioned by the city engineer. The city engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

An exception to the public street improvement standards is requested to allow a narrower than the normal WSRC Plan minor collector street.

TDC Section 18.630.100 states the recommended roadway functional classification map and street cross-sections in the Washington Square Regional Center (WSRC) Plan shall govern the improvement and construction of major streets within the WSRC Plan District. The WSRC Plan calls for a minor collector section along SW Oak Street which includes 43.5-feet from centerline right-of way and a 29.5-feet from centerline paved width (5.5-foot half center lane, 11-foot travel lane, 5-foot bike lane, 8-foot parking).

The applicant proposes a modified minor collector section for this street to provide 40-feet from centerline collector street right-of-way, and 26-feet of pavement from centerline to curb (12-foot travel lane, 6-foot bike lane, 8-foot parallel parking). The 3.5-foot reduction in the street width is the result of removing the center lane in the street section (subtract the 5.5-foot half center lane) and widening the travel lane (add 2-feet to travel lane). A supplemental memo to the Transportation Impact Study addressing turn lane warrants is included in report C in the Impact Assessment portion of the applicant's submittal.

The City Engineer agrees with the applicant's assertion that the center turn lane is not warranted but has determined an alternative design will better serve multimodal transportation options: the SW Oak Street half section will 40 feet from center line and include a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

a. Public safety will not be compromised; and

The Washington Square Regional Center (WSRC) description refers specifically to improving accessibility to the Lincoln Center commercial district. Not having a left-turn along the site frontage does not impact the ability to provide multimodal access into the office/commercial uses. The WSRC also highlights improving access to residential areas specifically for pedestrians and cyclists with autos as a secondary consideration ("as well.") and the need for traffic management techniques to protect neighborhood streets. The proposed design helps accomplish these objectives by: 1) Removal of center left-turn lane reduces north-south pedestrian crossing distance/exposure; 2) Narrower cross section reduces potential traffic speeding issues through more compact environment and reduces appearance of a wide street that might otherwise encourage cut-through traffic; and 3) still accommodates on-street parking and sidewalks.

SW Oak Street is currently posted with 25 MPH speed signs. This speed will help keep travel on the street safe with on-street parking. This criterion is met.

b. In the case of public streets, maintenance costs will not be greater than with a conforming design; and

Maintenance costs would not be anticipated to be increased due to the reduced right-of-way and street width that are requested. The reduced 3.5-feet of pavement width would require less street sweeping and pavement overlay/maintenance in the future. This criterion is met.

c. The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

The reduced pavement width will also decrease the impervious surface which will reduce stormwater runoff from Oak Street. The proposed planter strip width will provide area for LIDA-facilities (stormwater planters, swales) that can provide stormwater quality treatment for the impervious area within the public right-of-way. In addition, the narrower right-of-way allows the proposed development to be constructed further north, reducing impacts to wetlands located to the south of the site. This criterion is met.

FINDING: The city engineer has determined that the applicant's proposed exception to the street standards is not permissible. Instead, the City Engineer adopts a revised section for SW Oak Street 40 feet from center line including a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

For those chapters not specifically exempted under the planned development chapter, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested. The following standards apply to the proposed planned development.

18.520 COMMERCIAL ZONING DISTRICTS

B. Use table. A list of permitted, restricted, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

The western portion of the site is zoned MUE-1 and the eastern portion of the site is zoned MUR-1, as illustrated on the Existing Conditions/Site Assessment Plan, Sheet P1.1.

Table 18.520.1 of the Community Development Code lists use types that are permitted, restricted, conditional, and prohibited in the various commercial zoning districts in the City of Tigard. Household living is listed as a permitted use in both the MUE-1 and MUR-1 districts in this table, with a footnote which says that all permitted and conditional uses may be subject to special development standards of Section 18.630. The proposed multi-family residential use is considered a Household Living use type, and thus is permitted in both zoning districts applied to the site.

18.520.040 Development Standards

A. Compliance required. All development must comply with:

1. **All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370;**
2. **All other applicable standards and requirements contained in this title.**

Any development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

MUE-1	Standard	Proposed
Minimum lot size:	None	10.85 acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-feet min. total site width

Minimum/maximum setbacks:		
Minimum front yard:	0	10.5-feet (Buildings B and C)
Maximum front yard setback:	20 feet	10.5-feet (Buildings B and C)
Minimum side yard:	0	28-feet (Building A west side)
Minimum rear yard:	0	over 300-feet to south property line
Minimum building height:	2 stories	4-stories
Maximum building height:	200 feet	53-feet
Maximum site coverage:	85%	75% of total apartment site
Minimum landscape requirement:	15%	25% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./net acre total
Maximum density	None	53.1 d.u. /net acre total

MUR-1

Minimum lot size:	None	10.85-acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-feet min. total site width
Minimum/maximum setbacks:		
Minimum front yard:	0	6.9-feet Building D stair tower)
Maximum front yard setback:	20 feet	11.2-feet (remainder of Building D face)
Minimum side yard:	0	15-feet (Building D east side)
Minimum rear yard:	0	over 300-feet to south
Minimum building height:	2 stories	4 stories
Maximum building height:	75 feet	53-feet
Maximum site coverage:	80%	75% of total apartment site
Minimum landscape requirement*:	15%	20% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./acre total
Maximum density	None	53.1 d.u./acre total

FINDING: Table 18.520.2 above, shows that the proposed development plans are consistent with the applicable development standards in the MUR-1 and MUE-1 zoning districts. The applicant has not applied for any variances or adjustments in accordance with Chapter 18.370. All other applicable standards and requirements contained in this title are addressed further in this staff report. The applicable commercial development standards are met.

18.630 WASHINGTON SQUARE REGIONAL CENTER PLAN DISTRICT

18.630.010 Purpose and Applicability

A. Purpose.

1. This chapter will implement the vision, concepts and principles contained in the Washington Square Regional Center Plan, and the recommendations contained in the Phase II Implementation Plan Summary Report, prepared by a task force appointed by the City of Tigard.

2. Metro's Regional Urban Growth Management Functional Plan target growth capacity for the Washington Square regional center will be met by permitting mixed use development within the regional center at densities appropriate for an urban center.

3. A mixed use regional center will contain a variety of districts that vary in scale, predominant use, and character. Distinct districts, connected to each other and to the rest of the region by a multi-modal transportation system, will provide a range of working, living and shopping opportunities.

4. Improved multi-modal transportation links, higher densities, variety of land uses, and enhanced environmental qualities will all contribute to create a desirable, livable community in the face of dramatic population and employment growth.

5. New mixed-use zoning districts, along with existing residential zoning districts in established areas, are appropriate for the regional center.

B. Design principles. Design standards for public street improvements and for new development and renovation projects have been prepared for the Washington Square Regional Center Plan District. These design standards address several important guiding principles adopted for the Washington Square

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

C. Development conformance. All new developments, including remodeling and renovation projects resulting in new non-single-family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the development and building codes, developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center.

As reviewed in this staff report, the project meets or has been conditioned to meet the design standards in this Chapter and other development standards required by the development and building codes and would contribute to the character and quality of the area. In addition, developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. The applicant's submittal did not address this provision.

Both public comment and the WSRC plan identify the continuation of SW Lincoln Street through to SW Oak Street as a critical future transportation infrastructure improvement. Public commenters worry that the limited capacity of SW 90th Avenue will not be able to handle increased traffic generated by the development. The Regional Center Plan identifies a collector system at Oak-Lincoln-Locust to distribute east/west traffic between Locust and Oak Streets and improve accessibility to the Lincoln Center commercial district and to improve access to residential areas for bicyclists and pedestrians, as well as autos.

According to the WSRC plan, District C, Lincoln Center-Ash Creek, is an area "slated for high density office and residential development. Adjacent to a residential neighborhood, it will be important for this area to provide easy pedestrian and bicycle access between homes and jobs. A particular goal is to protect the Metzger neighborhood from impacts of increased traffic, while assuring free-flowing vehicular movement throughout the district." In addition, "Metro has established goals for the region to reduce the number of trips by auto relative to those made by transit, pedestrian and bike travel. Pedestrian and bike facilities developed in concert with new housing and offices will be a step toward achieving theses regional goals."

The applicant's traffic analysis concludes that intersections remain functional with the development's added traffic, but does recommend improvements to the SW Oak and 90th Avenue intersection. However, it does not satisfactorily address the additional traffic on SW 90th, a 50-foot local street, as the primary route north to SW Locust for southbound Greenburg/Hwy 217 trips originating from the proposed development.

To meet required participation in funding future transportation and public improvements projects (subject to rough proportionality) the applicant could consider, for example, a range of improvements associated with Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement.

The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality.

18.630.020 Development Standards
A. Compliance required. All development must comply with:
1. All applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370 and subsections C through E of this section;
2. All other applicable standards and requirements contained in this title.

Development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

18.630.040 Street Connectivity

A. Purpose. The standards provide a way for creating continuity and connectivity within the Washington Square regional center (WSRC). They provide incremental street and accessway development that is consistent with WSRC needs and regional and state planning principles for connectivity. The primary objective is to create a balanced, connected transportation system that distributes trips within the WSRC on a variety of streets.

B. 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 530 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 major building entrance 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 major building entrance to a collector or greater facility is no more than 1-1/2 the straight-line distance.

The site of the proposed development is located on the south side of SW Oak Street. Ash Creek and its associated floodplain and wetlands are located on and to the south of the subject site, with Oregon State Highway 217 – a controlled access highway- located further to the south. These existing conditions make the development of further streets to the south impracticable. Local streets to the north include SW 90th Avenue directly to the north, SW 87th Avenue to the east, and the planned intersection with the SW Lincoln Street to the west. SW Oak Street in front of the subject site is designated a collector street. All of the proposed buildings will have major entrances within 100 feet of SW Oak Street. This standard is met.

18.630.050 Site Design Standards

<u>Compliance.</u> All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan may 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.

A. <u>Building placement on major and minor arterials.</u>

1. **Purpose. Architecture helps define the character and quality of a street and can make a strong statement about the overall community and city at large. The placement and design of buildings provides the framework for the streetscape and defines the edges of the public right-of-way. Architecture and ground floor uses can activate the street, either by its design presence or by those who come and go from it. At intersections, investing in building frontages can create gateways and special places that add to the character of the area.**
2. **Standard. 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.**

The site fronts only on SW Oak Street. SW Oak Street is a collector (minor arterial). Buildings B, C, and D occupy approximately 66% of the frontage. This standard is met.

B. <u>Building setback.</u>

1. **Purpose. Buildings and investment in architecture is most conspicuous when it is visible from the street. The presence of buildings closely sited at the edge of the right-of-way creates an envelope for the street and a sense of permanence.**
2. **Standard. The minimum and maximum building setback from public street rights-of-way shall be in accordance with Table 18.520.2.**

As addressed above under the Section 18.520, the front yard setbacks from SW Oak Street are met.

C. <u>Front yard setback design.</u>

1. **Purpose. The front yard is the most conspicuous face of a building and requires special attention. Places for people and pedestrian movement helps create an active and safer street. Higher level of landscape anticipates a more immediate visual result.**
2. **Standard. For setbacks greater than 0 feet, 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 subsection E of this section. 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 18.520.040.B and Table 18.520.2.**

The front yard area between the sidewalk along SW Oak Street and the fronts of proposed buildings B, C and D and parking areas to the sides of buildings will be landscaped with a combination of lawn, planter beds, and trees which will enhance the pedestrian environment along SW Oak Street. This standard is met.

D. <u>Walkway connection to building entrances.</u>

1. **Purpose. As density increases and employee and resident populations increase, it is expected that more people will move between businesses within the WSRC. Provisions should be made to encourage people to walk from business to business, and housing to business rather than use automobiles.**
2. **Standard. 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 adjacent to a public street intersection are required. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.**

According to the applicant's narrative and plans, all building entrances will be connected to the public sidewalk along SW Oak Street by a network of internal site sidewalks. All private sidewalks between the building entrances and SW Oak Street sidewalk will be at least six feet wide and constructed of concrete. This standard is met.

E. <u>Parking location and landscape design.</u>

1. **Purpose. The emphasis on pedestrian access and a high quality streetscape experience requires that private parking lots that abut public streets should not be the predominant street feature. Where parking does abut public streets, high quality landscaping should screen parking from adjacent pedestrian areas.**
2. **Standard. Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified by the city where this requirement applies. In general, streets with higher functional classification will be identified as primary streets unless specific design or access factors favor another street. If located on the side, parking is limited to 50% of the primary street frontage. When abutting public streets, parking must be behind a landscaped area constructed to an L-1 parking lot screen standard. The minimum depth of the L-1 landscaped area is eight feet or is equal to the adjacent building setback, whichever is greater. All other site landscaping shall be landscaped to an L-2 general landscaping standard. The L-1 and L-2 standards are more fully described in Section 18.630.090. (Ord. 12-09 § 1)**

According to the applicant's narrative and plan set, all parking areas on the project will be located to the sides or rear of proposed buildings, or within first level parking garages of buildings A and D. Parking areas to the sides of buildings are no further forward than even with the adjacent front building elevation. Parking areas adjacent to buildings along SW Oak Street are will be screened by landscaped areas which include low level screening plant materials consistent with the L-1 parking area screening and planting size standards. All planting areas between parking areas and SW Oak Street are at least 10-feet deep, except where reduced to accommodate required patios

for ground level dwelling units. All other site landscaping will be provided at sizes consistent with the L-2 planting standard.

However, the applicant states that "landscape materials in these areas will need to be kept trimmed to allow for clear vision areas at the intersections of these driveways with SW Oak Street." According to the Preliminary Landscape Plan (Sheet L1.2) Blue Oat Grass and Kinnikinnick are specified. Pursuant to 18.630.090, Landscaping and Screening, within these landscaped areas "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." Visual Clearance Areas require 3-8 foot clear and allow trees. This standard is not met.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.630.060 Building Design Standards
All new buildings constructed in the MUC, MUE and MUR zones within the WSRC shall comply with the following design standards. Variance to these standards may be granted if the criteria found in 18.370.010.C.2, criteria for granting a variance, is satisfied.

A. <u>Ground floor windows.</u>

1. **Purpose. Blank walls along the street frontage tend to be neglected, and are not pedestrian friendly. Windows help keep "eyes on the street" which promotes safety and security, and can help create a lively street frontage by displaying activities and products within the building. Lighting at night from ground floor windows also adds to the presence of activity and the sense that someone is home.**
2. **Standard. 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 the entire requirement is located at a building corner.**

According to the applicant's narrative, only building D will have a portion of its front building face along SW Oak Street located within 10-feet of the street property line – and that is the stair tower which will be set back 6.5 feet. The front building elevations of buildings B, C, and D will all be located between 10 feet and 11.2 feet back of the street property line. Nevertheless, measured between three feet and nine feet above grade, buildings B and C will provide a minimum of 50% of their ground floor wall areas with windows and doorway openings at these distances which are just beyond 10-feet – so technically they are not subject to this standard. Buildings A and D are set back more than 10 feet; therefore, these building are not required to satisfy this standard. This standard is met.

B. <u>Building façades.</u>

1. **Purpose. Straight, continuous, unarticulated walls lack interest, character and personality. The standard provides minimum criteria for creating a diverse and interesting streetscape.**
2. **Standard. Façades 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 one foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building's structural system. No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.**

According to the applicant's narrative, all facades that face a public street provide at least one of the variations listed in the standard at intervals of no less than every 50 feet along the facade. None of the proposed buildings will exceed a length of 205 feet; therefore, the pedestrian connection through a building standard is not applicable to any of the proposed buildings. This standard is met.

C. Weather protection.

1. **Purpose. Weather protection is encouraged to create a better year-round pedestrian environment and to provide incentive for people to walk rather than drive.**
2. **Standard. 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.**

Weather protection is provided at all entrances to the buildings through the use of overhangs or canopies as shown on the building elevations plans. This standard is met.

D. Building materials.

1. **Purpose. High quality construction and building materials suggest a level of permanence and stature appropriate to a regional center.**
2. **Standard. 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.**

The project does not use materials listed above in the standard as prohibited exterior finish materials. Plain concrete is used as a foundation material, but the plain concrete will not be revealed for more than two feet. Proposed building materials will include Hardie board, Hardie panels, and vertical metal panels. Deck and patio railings will be constructed of acrylic or metal, as identified on Sheet A3.10. This standard is met.

E. Roofs and roof lines.

1. **Purpose. Roof line systems that blur the line between the roof and the walls of buildings should be avoided. This standard simply states that roofing materials should be used on the roof and that wall finish materials should be use on building walls. The premise is that future buildings in the WSRC should have a look of permanence and quality.**
2. **Standard. 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 materials of roofs and roof lines are different from the materials used on the building elevations so as to avoid blurring the distinction between the roof and walls as required by the standard. This standard is met.

F. Roof-mounted equipment.

1. **Purpose. Roof top equipment, if not screened properly, can detract from views of adjacent properties. Also roofs and roof mounted equipment can be the predominant view where buildings are down slope from public streets.**
2. **Standard. 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.**

According to the applicant's narrative, all roof-mounted equipment is screened from the view of adjacent public streets. This standard is met.

18.630.070 Signs

A. <u>Sign standards.</u> 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 MUC, MUE and MUR zones shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MUC zone shall meet the sign requirements for the commercial zones, 18.780.130.C; nonresidential development within the MUE zone shall meet the sign requirements of the C-P zone, 18.780.130.D and nonresidential development within the MUR zones shall meet the sign requirements of the C-N zone, 18.780.130.E.**

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.**
3. **Height limits. The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted.**
4. **Sign location. Freestanding signs within the Washington Square regional center shall not be permitted within required L-1 landscape areas.**

According to the applicant's narrative, an integral wall sign is provided on the west elevation of building C at the building's corner near SW Oak Street. The area of the western building face is 2,388 square foot. The area of the proposed sign is 143 square feet, or less than 6 percent of the total wall face. The sign area does not exceed 15% of the area of the building face on which it is mounted and will not extend above the building's roofline. To verify these specifications meet the applicable sign standards a sign application will be required prior to installation of any signage. This standard is met.

18.630.090 Landscaping and Screening

Applicable levels. Two levels of landscaping and screening standards are applicable. 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 a 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 the L-1 parking lot screen). For trees and shrubs required by Chapter 18.745, the L-2 standard is an additional standard. All L-2 trees shall be 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.

These landscape standards apply to the areas adjacent to SW Oak Street between Buildings B and C, and between C and D. As reviewed above, the applicant has not met the standard for L-1 and has been conditioned to meet it.

FINDING: The Washington Square Regional Center Plan District standards are not all met but can be met with the following conditions of approval.

CONDITIONS: The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, a recommendation by the Planning Commission and approval by the City Council.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.705 ACCESS, EGRESS, AND CIRCULATION

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.

The proposal is for 215 multi-family units and associated access and parking, which is considered development;

therefore these standards apply.

18.705.030 General Provisions

D. <u>Public street access.</u> All vehicular access and egress as required in 18.705.030.H and I 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.

As shown in the applicant's site plan, the three proposed driveways are directly connected to SW Oak St. This standard is met.

F. <u>Required walkway location.</u> 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.

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

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.

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 shown in the Preliminary Site Plan (Sheet P2.0) walkways will connect from all primary (and secondary) multi-family building entrances to the parking areas and common open spaces and facilities planned to serve the project. Primary crossings of driveway aisles will be marked by paint or contrasting pavement. These standards are met.

H. <u>Access management.</u>

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).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary 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.

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 final inspection.

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.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. This standard is met.

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.

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

I. <u>Minimum access requirements for residential use.</u>
1. Vehicular access and egress for single-family, duplex or attached single-family dwelling units on individual lots and multifamily residential uses shall not be less than as provided in Tables 18.705.1 and 18.705.2.

TABLE 18.705.2
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
MULTIFAMILY RESIDENTIAL USE

Dwelling Units	Min. Number of Driveways Required	Min. Access Width	Min. Pavement Width
1-2	1	15'	10'
3-19	1	30'	24' if two-way, 15' if one-way: curbs and 5' walkway required
20-49	1 or 2	30' 30'	24' if two-way 15' if one-way: curbs and 5' walkway required
50-100	2	30'	24' curbs and 5' walkway required

Standards for parking greater than 100 cars is not specified in Table 18.705.2. The proposed three accesses with a 24-foot paved width would provide a level of access similar to that required for the largest development size listed. The standard is met.

FINDING: Based on the analysis above, the Access, Egress and Circulation standards are not all met but can be met through the following conditions of approval:

CONDITIONS: Prior to any work on site, the applicant's engineer shall submit a preliminary 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.

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 final inspection.

18.715 DENSITY COMPUTATIONS

18.715.010 Purpose

The purpose of this chapter is to implement the comprehensive plan by establishing the criteria for determining the number of dwelling units permitted.

18.715.020 Density Calculation

A. Definition of net development area. Net development area, in acres, shall be determined by subtracting the following land area(s) from the total site acres:

1. All sensitive land areas:

a. Land within the 100-year floodplain,

b. Land or slopes exceeding 25%,

c. Drainage ways, and

d. Wetlands,

e. Optional: Significant tree groves or habitat areas, as designated on the City of Tigard "Significant Tree Grove Map" or "Significant Habitat Areas Map";

2. All land dedicated to the public for park purposes;

3. All land dedicated for public rights-of-way. When actual information is not available, the following formulas may be used:

a. Single-family development: allocate 20% of gross acreage,

b. Multifamily development: allocate 15% of gross acreage or deduct the actual private drive area;

4. All land proposed for private streets; and

5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.

B. Calculating maximum number of residential units. To calculate the maximum number of residential units per net acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot in the applicable zoning district.

C. Calculating minimum number of residential units. As required by Section 18.510.040, the minimum number of residential units per net acre shall be calculated by multiplying the maximum number of units determined in subsection B of this section by 80% (0.8).

The project site is zoned with a combination of the MUE-1 (7.88-acres) and MUR-1 (3.4 acres) zoning districts. Pursuant to Table 18.502.2, the minimum density for both zones is 50 units per net site acre, and no maximum. Based on the following density calculation, a minimum of 205 units are required.

Gross site area	11.17 acres
-Public right-of-way dedication	0.32 acres
Net site area	10.85 acres
Initial net site area	10.85 acres
-Remaining jurisdictional wetlands/floodplain	6.20 acres
-Private drive area (drive aisles required for fire access only)	0.60 acres
Net/Net site area	4.05 acres
Minimum units required	50 units/acre x 4.05 acres =205 units
proposed density	215 units/4.05 acres = 53.1 units/acre

FINDING: The proposal is for 215 units, or 53.1 dwelling units per net acre. This exceeds the minimum density required. This standard is met.

18.725 ENVIRONMENTAL PERFORMACE STANDARDS

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 proposal is for multi-family development, which is permitted within the MUR-1 and MUE-1 zones. These Environmental Performance standards will apply to the apartments after construction and be subject to compliance with the applicable code enforcement provisions.

18.745 LANDSCAPING AND SCREENING

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.

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.

As shown in the Landscape Plan (Sheets L1.1/2) the applicant proposes planting of fifteen katsura trees along the site's SW Oak Street frontage within planter strips between the curb and sidewalk is in order to provide the required number of street trees and planting locations consistent with Section 18.745.040. This standard is met.

18.745.050 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.

3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.

E. <u>Screening: special provisions.</u>

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.

As indicated in Table 18.745.1, a Type D buffer is required for parking lots with 50+ spaces along the south perimeter of the property. According to Table 18.745.2, a 10-20 foot buffer with a 6 foot hedge, fence, or wall with trees and shrubs for screening is required. As shown on the Landscape Plan (Sheets L1.1/2), the applicant proposes an alternative to the buffer and screening standards to account for the retaining wall and limited space afforded the project's proximity to wetlands to the south. The applicant proposes that slats will be added to the proposed 42 inch high chain link fence atop the retaining wall after a pathway is placed through the wetland (unlikely to occur in the near future) and before proposed screening trees planted at the base of the retaining wall become an effective screen on their own. Given the information provided, it is unclear whether the proposed alternative screening plan would sufficiently reduce or eliminate the adverse impacts of visual pollution created by the elevated parking lot as seen from the south from other vantage points besides the potential trail. To ensure the alternative screening plan is sufficient, the applicant shall provide a site line analysis that demonstrates they will be effectively screened from view.

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.

4. 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 applicant states that the refuse containers within the project will be screened from views by 6-foot tall CMU block enclosures. This standard is met.

FINDING: Based on the analysis above, the Landscaping and Screening standards have not been fully met but can be met through the following condition of approval.

CONDITION: The applicant shall provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south.

18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE

18.755.010 Purpose and Applicability

B. Applicability. The mixed solid waste and source separated recyclable storage standards shall apply to new multi-unit residential buildings containing five or more units and nonresidential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

The applicant proposes using the "franchised hauler review method" method provided for by Code Section 18.755.040.F. The 215-unit multi-family project will be served by two roughly 200 square foot trash and recycling enclosures conveniently located for use by all residents. The outdoor trash enclosures will be constructed of split-faced CMU block, with wood and metal accents. The apartment management company will contract for twice a week trash and recycling pick-up by Pride Disposal – the franchised hauler serving the area of the site. This method and frequency of pickup was suggested by representatives of Pride Disposal because of the site constraints posed by the site's slope making the location of additional collection facilities impractical and difficult to access by Pride Disposal's collection vehicles. A comment letter from Pride Disposal regarding the plans for solid waste collection and recycling facilities is enclosed as Impact Assessment Report D.

FINDING: As shown in the analysis above, the proposed mixed solid waste and recycling plan meets the standard.

18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.765.030 General Provisions

E. Visitor parking in multifamily residential developments. Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

The applicant has requested parking space exemption of 9.1% (28 spaces) as allowed under the Planned Development chapter. Provided the exemption is granted, the proposed development will meet the minimum parking standard, including the visitor parking requirement of 40 spaces (.15 x 266 minimum required spaces).

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 building code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.

Disabled parking space are provided consistent with the state requirements. This standard is met.

18.765.040 General Design Standards

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

As shown in the Preliminary Site Plan (Sheet P2.0), proposed parking areas are designed consistent with the applicable dimensional and design requirements of Figure 18.765.1 including parking space sizes and drive aisle widths for parking space orientation of 90 degrees. As permitted by that figure's allowance of up to 50% compact spaces, the proposed development plan provides for 115 of the total 278 on-site parking spaces to be compact spaces, or 48 percent of the spaces proposed. The general design standards are met.

18.765.050 Bicycle Parking Design Standards

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 locate 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.
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 long-term (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.
E. Minimum bicycle parking requirements. The total number of required bicycle parking spaces for each use is specified in Table 18.768.2 in 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 18.370.020.C.5.e.

Pursuant to Table 18.765.2, one bicycle parking space is required for every two multi-family dwelling units, or a minimum of 108 bicycle parking spaces are required. As shown in the Preliminary Site Plan (Sheet P2.0), 108 covered bike parking spaces are provided. 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 requires a minimum of 1 parking space for each studio unit below 500 sq. ft. in size; 1.25 parking space for each 1-bedroom unit; 1.5 parking spaces for each 2-bedroom unit; and 1.75 parking spaces for each 3-bedroom unit for multi-family development projects. The proposed multi-family project will include 64 studios; 98 1-bedorrm units; and 53 2-bedroom units. There will be no 3-bedroom units. Therefore, a minimum of 266 parking spaces are required based solely upon the unit types and counts. In addition, an additional 15% on top of the required parking spaces based on unit sizes and numbers is required as visitor parking facilities. Therefore, a grand total of 306 parking spaces are required. The proposed development plan provides for a total of 278 on-site parking spaces to be provided including: a) 37 garage parking spaces and b)241 surface parking spaces. The proposed plan therefore will provide 28 fewer on-site parking spaces than would typically be required for the size and make-up of the proposed multi-family residential development. The applicant has requested an exception to the required number of on-site parking spaces as allowed under Code Section 18.350.070.C.5 for Planned Developments, above. Provided the exception is granted, the proposed development can meet the standard.

D. Exclusions to minimum vehicle parking requirements. The following shall not be counted towards the computation of the minimum parking spaces as required in subsection H of this section:
1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except; religious institutions may count on-street parking around the perimeter of the use.

The applicant acknowledges that the on-street parking provided by the SW Oak Street improvement may not count toward the required minimum parking spaces.

FINDING: As shown in the analysis above, the Off-Street Parking and Loading Requirements can be met.

18.790 URBAN FORESTRY PLAN

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;

The urban forestry plan for the A+O Apartments has been prepared by David Haynes, RLA – a registered landscape architect in the State of Oregon. Appendix E of the applicant's submittal includes an Urban Forestry Plan Supplemental Report. Sheets TC.1through TC.3 of the application plan set provide the required tree canopy plan and calculations. Soil volume specifications for trees to be planted are included on Sheet TC.3. This standard is met.

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

The Urban Forestry Plan Supplemental Report of Appendix E of the applicant's submittal includes the results of an on-site assessment of the sizes, condition ratings, and preservation ratings for all of the existing trees on and immediately adjacent to the proposed development site portion of the subject property. An assessment of existing trees located within the area to be preserved as wetlands was not conducted. Sheet TC.1 is a Tree Preservation and Removal Site Plan. Protective measures for trees to be retained are included on this plan. The required right-of-way/street improvements for SW Oak Street, as well as the applicant requested additional road width for on-street parking, will necessitate the removal of several existing mature trees. This standard is met.

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

The proposed landscaping plan provides for anticipated tree canopy coverage of the parking area to cover 57,282 square feet of the 98.317 square foot total parking lot area, or 58 percent of the parking lot. The minimum parking lot tree canopy cover area required is 33 percent in both the MUE-1 and MUR-1 zoning districts applied to the site. In addition the proposed landscaping plan provides for total anticipated tree canopy coverage of 78,785 square feet of the total 180,774 square feet of development area, or 44% of the development area. Finally, the minimum 1,000 cubic feet of soil per tree standard for the Tree Canopy Site Plan has also been met. Therefore, the proposed Tree Canopy Plan satisfies the standards of Section 18.790.030.A.3. This standard is met.

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

Appendix E of the applicant's submittal includes an Urban Forestry Plan Supplemental Report prepared by David Haynes, RLA, which includes the required information and analysis required for such a report. This standard is met.

FINDING: Based on the analysis above, the urban forestry plan requirements are met.

18.790.060 Urban Forestry Plan Implementation

B. 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 applicant's proposal does not address tree establishment. Therefore, a condition of approval is added for the applicant to provide a tree establishment bond that meets the requirements of the Urban Forestry Manual Section 11, Part 2.

D. <u>Urban forest inventory.</u> 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 tree inventory and establishment standards have been met. To ensure compliance, the following conditions are applied:

CONDITIONS: 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.

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.

Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.

Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.

18.795 VISUAL CLEARANCE

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.

FINDING: The Preliminary Landscaping Plan, Sheets L1.1 and L2.2, illustrates the applicable required clear vision triangles at these intersections. This standard is met.

D. In addition, the following criteria shall be met:

1. Relationship to the natural and physical environment:

a. The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;

According to the applicant's narrative, the proposed development has been designed to preserve as much of the existing wetlands and habitat area on the site as practical, while still providing with an intensive residential development as envisioned with the intensive standards and density allowances of the Washington Square Regional Center Plan and the underlying MUE-1 and MUR-1 zoning districts. Residential development area has been limited to the northern portion of the site near SW Oak Street to minimize impacts on the wetlands and to reduce the area that needs to be committed to automobile circulation. The site slopes downward away from SW Oak Street, thereby necessitating filling the site in order to provide building and site access per ADA requirements and to provide cover/depth for the stormwater management system (water quality and detention) prior to outfall to the south into the wetland area, and to provide relatively level areas for the buildings to be located. This filling of the northern portion of the site along with the relatively dense development pattern necessitated removal of all of the existing

trees. This criterion is met.

b. Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation; and

According to the applicant's narrative, all of the proposed structures will be located on structural fill designed to accommodate the load of the buildings. The underlying ground is stable and not severely sloped. A geotechnical study has been prepared for the proposed development by Geotechnical Resources, Inc. That study is included as report C in the Impact Assessment portion of this report. The recommendations of the study will be utilized in developing the final grading plan for the project. The geotechnical report offers the following conclusion:
"The site is mantled by 1.5 to 23.5 ft of silt, which is underlain by basalt which has decomposed to the consistency of sand. Beneath the decomposed basalt, the site is underlain by predominantly decomposed, extremely soft basalt to the maximum depth explored (26.5 ft). In our opinion, the structural loads of the proposed buildings can be supported by conventional spread footings established in structural fill or in the medium stiff silt or dense to very dense sand that mantles the site. The following sections of this report provide our conclusions and recommendations concerning site preparation and earthwork, foundation support, lateral earth pressures, subdrainage and floor support, pavement design, and seismic design considerations. [Geotechnical Investigation Report by Geotechnical Resources, Inc., page 3]." This criterion is met.

c. Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible.

The four multi-family residential buildings have been situated to maximize sunlight and air into as many dwelling units as practical. This criterion is met.

2. Buffering, screening and compatibility between adjoining uses:

a. Buffering shall be provided between different types of land uses; e.g., between single-family and multifamily residential, and residential and commercial uses;

The preserved open space area on the southern portion of the site will separate the proposed multi-family development project from detached single-family development to the south by over 400-feet. Trees to be planted to the south of and near the base of the retaining wall will help screen the proposed development from views from the south, as will screening materials at the top of the wall and parking area trees. Although the areas immediately to the west of the site are currently developed with detached single-family residences, that area is zoned MUE-1 and is anticipated to be redeveloped with intensive residential, institutional, and/or office development which should be similar in intensity as the proposed A+O Apartments. Nevertheless, landscaping is proposed to be provided on the western portion of the subject site to help provide a buffer between these neighboring uses. This criterion is met.

b. In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered landscape architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745:

i. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
ii. The size of the buffer needs in terms of width and height to achieve the purpose;
iii. The direction(s) from which buffering is needed;
iv. The required density of the buffering; and
v. Whether the viewer is stationary or mobile.

Section 18.745.050.E.1 typically requires the screening of parking lots and loading areas from views from adjacent areas. Table 18.745.1 specifies that a Type D buffer of at least 10- feet to 20-feet of width and differing levels of plant materials and fences/walls or hedges between parking lots and areas of single-family development. These buffer standards would therefore apply along the southern and eastern edges of the proposed parking lot because the parking area might be visible from existing single-family development to the southeast and east, and Hwy 217 if not adequately buffered and screened.

The applicant requests an exception to the parking area buffer and screening standards, as provided. The proposed landscape plans were prepared by David Haynes, PLA, a registered landscape architect. The plans propose that an alternative buffer be allowed to the standards of Section 18.745.050.E.1 to screen the parking lots. The parking area will be well separated from the existing neighboring single-family uses to the south and southeast for which buffering and screening is required. The neighboring single-family uses will be located over 400 feet away from the proposed parking area. As such, views of the parking area would be distant and there would be little, if any, discernible noise or odor effects from use of the parking area upon those neighboring properties. In addition, the proposed wetland area plantings of ash trees and the proposed dense planting of western red cedar trees at the base of the proposed retaining wall will provide much more screening of views of the parking area than would a buffer on the actual edge of the parking lot, with such a buffer designed to the relatively narrow width and plant density standards of Table 18.745.1. The western red cedar trees especially will provide adequate evergreen screening of views of the parking area.

In addition, to address concerns on the screening from the future pedestrian path near Ash Creek, it is proposed that fence fillers (slats, fabric, etc.) be provided along the southern edge of the proposed parking lot if the trail is constructed prior to tree growth providing the required landscape buffer/screening to the parking area from the trail. Fence fillers will be added to the chain-link fence on top of the retaining wall and adjacent to the southern edges of the parking area in order to supplement the screening provided by the cedar trees for up to five years, in order for tree growth to provide adequate screening.

FINDING: The applicant submitted an alternative landscape plan to the required parking lot screening, prepared by a registered landscape architect, that arguably attains the same level of buffering and screening or better with alternate materials and methods. Staff finds that the applicant has not considered views from Hwy 217 or the effects of headlight at night and therefore recommends the applicant provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south, as conditioned above.

c. On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:

i. What needs to be screened;
ii. The direction from which it is needed; and
iii. Whether the screening needs to be year-round.

The proposed apartments will include two trash and recycling enclosures within the project's parking area. These enclosures will be constructed of CMU walls with steel gates. Landscaping will be provided adjacent to these trash enclosures to provide near-view screening. Their locations relatively deep into the parking area and site will provide them with adequate screening from adjoining properties, as will the intervening landscaping outside of the parking area.
Mechanical equipment on the rooftops of the buildings will be screened from views from neighboring properties by parapets included on the buildings. This criterion is met.

3. Privacy and noise. Nonresidential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;

This is a residential development; therefore, this criterion does not apply.

4. Exterior elevations—Single-family attached and multiple-family structures. Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

a. Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
b. Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
c. Offsets or breaks in roof elevations of three or more feet in height.

The exterior elevation articulation standards of this section are superseded by Section 18.630.060.B. The standards of that section are addressed below.

5. Private outdoor area—Residential use:

a. Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;

b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and

c. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

As illustrated on the floor plans, Sheets A2.10 through A2.40, all ground level dwelling units will be provided with patios or decks. Minimum sizes of these decks or patios will be 48 square feet. Minimum dimensions of any of the decks or patios will be 6 feet of depth. As practical, decks are oriented to maximize solar exposure, but are designed to provide a reasonable degree of privacy. This criterion is met.

6. Shared outdoor recreation and open space facility areas—Residential use:

a. Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

i. Studio units up to and including two bedroom units, 200 square feet per unit;

ii. Three or more bedroom units, 300 square feet per unit.

b. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;

c. The required recreation space may be provided as follows:

i. Additional outdoor passive use open space facilities;

ii. Additional outdoor active use open space facilities;

iii. Indoor recreation center; or

iv. A combination of the above.

The proposed 215 residential units will all be studios, 1-bedroom, or 2-bedroom units. Therefore, the proposed development would be required to provide 43,000 square feet of shared usable outdoor recreation areas to satisfy subsection (a) of this standard. The proposed development plans provide for the following areas to be provided as shared usable outdoor recreation areas:

Open area north and west of Building A:	4,247 sq. ft.
Community gardens, plaza, and other areas south of Building B:	4,307 sq. ft.
Pool, pool deck, plaza, and barbecue pavilion south of Building C:	6,769 sq. ft.
Wetlands overlook plaza south of parking area:	1,478 sq. ft.
Other usable open space and plaza area:	2,478 sq. ft.
Total Usable Active Open Space provided	**19,280 sq. ft.**

In addition, 2,196 square feet of indoor recreation space is provided within Building C, including the following: an activity/media room (492 square feet); and exercise room (487 square feet); an activity/media room and kitchen (548 square feet); and a rooftop patio (669 square feet).

Total Indoor Recreation Space	**2,196 sq. ft.**

Passive recreation areas are provided including the upland areas adjacent to the wetlands and landscape beds throughout the site.

Total outdoor passive recreation space	**24,103 sq. ft.**
Total required recreation space	**45,579 sq. ft.**

As allowed by subsection 6.c.iv. above, the combined shared usable outdoor recreation areas, additional indoor recreation area, and passive use open space facilities totals 45,579 square feet of combined area, or 212 square feet per each dwelling unit. This exceeds the minimum standard of 200 square feet of shared outdoor recreation and open space facility per unit. This criterion is met.

All of the proposed usable outdoor recreation areas will be located in fairly open areas and should be readily observable from a number of dwelling units, the parking area, and the sidewalks and drive aisles within the development site. This criterion is met.

7. Access and circulation:

a. The number of required access points for a development shall be provided in Chapter 18.705;

b. All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and

c. Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

The proposed development is consistent with the minimum number of access points required by Chapter 18.705 (minimum of two access points required; three access points provided). The site plan has been designed to provide adequate access for emergency and service vehicles. The project development team met with a representative of the Tualatin Valley Fire and Rescue District during the development of the site plans. Modifications to the plans were made to accommodate the Fire District's concerns. The plans have also been provided to Pride Disposal, the trash and recycling service provider for the site area.

The plans provide for the dedication of a 20-foot wide public pedestrian easement along Ash Creek for future development of a pathway or boardwalk, as called for by the City of Tigard Parks System Master Plan which discusses a Washington Square Regional Center Trail looping around Washington Square, and following Ash Creek as its primary route. An easement for a connecting trail to SW Oak Street is also proposed to be provided. This criterion is met.

8. Landscaping and open space—Residential development. In addition to the buffering and screening requirements of paragraph 2 of this subsection D, and any minimal use open space facilities, a minimum of 20% of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation.

The proposed development plans (Sheet P2.4, Overall Open Space Analysis Plan) call for 48,367 square feet of landscaped area on the site, or 25 percent of the 193,406 square foot development site area. This total landscaped area does not include the minimal use areas below the proposed retaining wall, which also includes the trees and shrubs which have been proposed to provide the required screening and buffering for the parking area. The landscape plan was prepared by and under the direction of David Haynes, PLA, a registered landscape architect in the State of Oregon. This criterion is met.

9. Public transit:

a. Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:

i. The location of other transit facilities in the area; and

ii. The size and type of the proposed development.

b. The required facilities may include but are not necessarily limited to such facilities as:

i. A waiting shelter;

ii. A turn-out area for loading and unloading; and

iii. Hard surface paths connecting the development to the waiting area.

c. If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

The northeastern portion of the site is located within one-quarter mile of TriMet transit service bus stops at the intersection of SW Hall Boulevard and SW Locust Street, and portions of the northwestern portion of the proposed development site are slightly more than one quarter mile of TriMet transit stops on NW Greenburg Road. There currently is no transit service on SW Oak Street adjacent to the project site. Tri-Met provided a letter dated

December 4, 2014 at the City's request which outlines measures to improve access to transit from the subject site including improved sidewalk connectivity and lighting and obtaining an easement for placement of a transit shelter. The city shared TriMet's comments with the applicant who was amenable to considering the suggested improvements.

As conditioned above, the applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014. Therefore, this criterion is met.

10. **Parking:**
    a. All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;
    b. Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

The proposed parking areas within the multi-family development project have been designed consistent with the applicable design standards of Chapter 18.765, as reviewed in the findings to that chapter, below. This criterion is met.

11. **Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.**

The proposed storm drainage system within the apartment project has been designed consistent with the applicable standards of Chapter 18.810, as reviewed in the findings to that chapter, below. This criterion is met.

12. **Floodplain dedication. Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the city shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.**

The project site includes a substantial area which is within the 100-year floodplain of Ash Creek. The applicant is proposing to preserve the floodplain area on the site within a private open space area for long-term preservation. The plans note that the applicant is willing to provide a public pedestrian easement to the City of Tigard for the future development of a pedestrian path near Ash Creek, plus an easement for a pedestrian connection between that path and SW Oak Street. This criterion is met.

13. **Shared open space facilities. These requirements are applicable to residential planned developments only. The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:**
    a. Minimal use facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100-year floodplain).
    b. Passive use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
    c. Active use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
    d. The open space area shall be shown on the final plan and recorded on the final plat or covenants.

The Detailed Planned Development Plan for the A+O Apartments planned development provides 318,849 square feet of the total site area, over 67 percent of the 472,688 square foot site area (after deduction of additional SW Oak Street right-of-way only) as shared open space areas, whereas a minimum of 20 percent of the site or only 94,538 square feet would be the minimum shared open space required to be provided for this size planned development site. See Sheet P2.4, Overall Open Space Analysis Plan. The total open space areas to be provided will consist of the following:

- 273,270 square feet as minimal use facilities or 289 percent of the minimum required area as shared open space use facilities
- 24,103 square feet of passive use facilities or 25 percent of the minimum required open space area;
- 21,476 square feet of active use facilities or 22.3 percent of the minimum required open space area.

This criterion is met.

14. **Open space conveyance: Where a proposed park, playground or other public use shown in a plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.**
    Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:
    a. Public ownership. Open space proposed for dedication to the city must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of city acceptance shall be made in writing by the parks & facilities division manager prior to final approval. Dedications of open space may be eligible for systems development charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below.
    b. Private ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the city in a form acceptable by the city. The terms of the conservation easement must include provisions for the following:
    i. The continued use of such land for the intended purposes;
    ii. Continuity of property maintenance;
    iii. When appropriate, the availability of funds required for such maintenance;
    iv. Adequate insurance protection; and
    v. Recovery for loss sustained by casualty and condemnation or otherwise.

FINDING: The Washington Square Regional Center Implementation Plan (2001) includes the Greenbelt, Parks and Open Space System Concept Plan (Figure 7) which shows greenbelt co-terminus with the wetlands on the subject site. The Tigard Park System Master Plan (2009) Map 3: Park Concept Map shows the Washington Square Regional Trail in a general alignment across the subject property. The Tigard Greenways Trail System Master Plan shows two alternate routes across the subject property, through wetlands (2A) and along SW Oak Street (2B), which is shown as a low priority on the Prioritized Project List, Table 13.

The applicant does not propose open space conveyance, but a ped/bike easement instead. The City Parks Director has determined that a dedication will not be acceptable and that a blanket pedestrian/bike easement over the entirety of Wetland A will be an acceptable reservation. As conditioned, this standard is met.

CONCLUSION: Based on the analysis above, the Detailed Development Plan Approval Criteria are met or can be met, as conditioned.

18.810 STREET AND UTILITY IMPROVEMENTS STANDARDS:

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.**

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 development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street include a 20-foot paved width, planter and a 12-foot wide separated bike path. No streets within the development are proposed. This standard is expected to be met.

Street Alignment and Connections:
Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

N. Grades and curves.

1. **Grades shall not exceed 10% 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); and**
2. **Centerline radii of curves shall be as determined by the city engineer.**

The existing grades along the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

18.810.050 Easements

A. Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse.

B. Utility easements. A property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

18.810.070 Sidewalks

A. Sidewalks. 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.

B. Requirement of developers.

2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).

The Development Review engineer has determined there are no existing sidewalks on the same side of the street as the development within 300 feet of a development site in either direction. 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.

B. Sewer plan approval. The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

C. Over-sizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

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.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

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).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

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).

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

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.

Site runoff will be directed to Ash Creek. This standard may be met by condition.

Bike lanes: Subsection 18.810.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

18.810.120 Utilities

A. Underground utilities. All utility lines including, 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:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
2. The city reserves the right to approve location of all surface mounted facilities;
3. 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
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to undergrounding requirement.

1. The developer shall pay a fee in-lieu of undergrounding 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 undergrounding 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 undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.

2. **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 the fee in-lieu of undergrounding.**

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of $35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

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

Fire and Life Safety:

The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:

Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

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 any work on site and prior to issuance of the building permit.

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 the issuance of building permits.

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. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

SECTION VIII. 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.

Section VI of the applicant's submittal includes Impact Assessment Reports on transportation, wetlands, geotechnical, waste and recycling, and storm drainage. Item F. Impact Assessment Report by Otak, Inc. summarizes the effect of the proposed development on general compatibility, noise, odors, lighting, signage, transit availability, transportation, and utilities.

The applicant has specifically concurred with and has proposed dedication of right-of-way and to make half-street improvements along SW Oak Street.

ROUGH PROPORTIONALITY ANALYSIS

The Transportation Development Tax (TDT) is a mitigation measure required for new development and will be paid at the time of building permits. Based on Washington County implementation figures for 2014/2015, TDTs are expected to recapture approximately 32 percent of the traffic impact of new development on the Collector and Arterial Street system. Based on the use and the size of the use proposed and upon completion of this development, the future builders of the residences will be required to pay TDTs of approximately $1,098,111 ($5,257 x 215 = $1,130,255 new apartment units - $32,144 for four existing single family dwellings).

Based on the estimate that total TDT fees cover 32 percent of the impact on major street improvements citywide, a fee that would cover 100 percent of this project's traffic impact is $3,431,596 ($1,098,111 ÷ 0.32). The difference between the TDT paid and the full impact, is considered as unmitigated impact.

Estimated Mitigation Value Assessment:		
Full Impact	($1,098,111 ÷ 0.32)	$3,431,596
Less TDT Assessment		- 1,098,111
Less mitigated values for off-site improvements (Lincoln Street row + full improvements)		-757,000
Estimate of unmitigated impacts		$1,576,485

FINDING: The applicant concurs with the dedication of right-of-way and improvement of SW Oak Street, a collector street, as shown in the Preliminary Site Plan (Sheet P2.0) and stated in the narrative. Any improvement to SW Lincoln Street, a collector may be TDT is creditable. Based on the analysis above, the net value of these dedications, assessments, and improvements is roughly proportional to the value of the full impact.

SECTION IX. OTHER STAFF COMMENTS

The City Police Department was notified and did not comment on the project.

The City Public Works Department was notified and commented that the wetland portion of the subject property should have a blanket public pedestrian/bike access easement for implementation of the Washington Square Loop Trail at some point in the future.

The City Development Review Engineer (Contact Greg Berry, 503-718-2468) has reviewed the proposal and provided comment in a Memorandum dated November 26, 2014, which can be found in the land use file and as an

attachment to this decision. The findings and conclusions in the Memorandum have been incorporated into this land use decision.

SECTION X. AGENCY COMMENTS

TriMet reviewed the proposal and provided a comment letter dated December4, 2014, including recommendations for sidewalk connectivity, lighting and transit station improvements on SW Greenburg.

Metro Planner Gerry Uba reviewed the proposal and commented that "Metro is confident that Clean Water Services will assist the City to implement the amendments appropriately."

Clean Water Services Jackie Sue Humphreys (503-681-3600) has reviewed this proposal and issued a letter dated November 18, 2014 stating conditions to be met in association with stormwater connection permit authorization, including compliance with the Service Provider Letter dated August 7, 2014 (File No. 14-001441).

Tualatin Valley Fire and Rescue John Wolff (503-259-1504) has reviewed the proposal and offered comments in a letter dated December 3, 2014, that endorses the proposal subject to TVF & R access hydrant location requirements.

Oregon Parks and Recreation Department, State Historic Preservation Office commented in a letter dated November 18, 2014 that in the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. A condition of approval will require notification procedures if cultural objects and/or human remains are found during site grading.

Oregon Division of State Lands provided a letter to the applicant dated June 13, 2014 concurring with the Pacific Habitat Services wetland and waterway boundaries for the subject site.

Frontier John Cousineau (503-643-0371) commented that the project site is within the CenturyLink territory.

Oregon Department of Land Conservation and Development (DLCD), ODOT (Region 1), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality, and the U.S. Army Corps of Engineers were mailed a copy of the proposal but provided no comment.

SECTION XI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

Limiting conflicting uses in Goal 5 protected wetlands (CPA)

The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center Plan District. Staff recommends limiting conflicting uses.

Planned Development (PDR)

Parking Exemption

The applicant's request for a parking exemption of 9.1% may adversely affect on-street parking in the neighborhood. Staff recommends the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership.

Funding future transportation

Developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. Staff recommends the applicant consider a range of improvements associated with SW Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement, and to construct improvements, subject to rough proportionality.

CONCLUSION

Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan, Sensitive Lands Reviews, and Planned Development are consistent or are conditioned to be consistent with applicable provisions of the Tigard Development Code Chapters:18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to City Council approval of the proposed comprehensive plan amendment, sensitive lands reviews, and planned development to City Council subject to the recommended conditions of approval and the result of any deliberations by the Planning Commission.

Exhibits:

Exhibit A	The City of Tigard Development Review Engineer Memo dated December 4, 2014
Exhibit B	TVF&R Letter dated December 3, 2014
Exhibit C	TriMet letter dated December 4, 2014
Exhibit D	Planned Development Concept Plan (Sheet P2.2)
Exhibit E	General Detailed Planned Development Plan (Sheet P2.3)

PREPARED BY: Gary Pagenstecher
Associate Planner

12-8-14
DATE

APPROVED BY: Tom McGuire
Assistant Community Development Director

12/8/14
DATE

EXHIBIT A

City of Tigard Memorandum

To: Gary Pagenstecher, Associate Planner

From: Greg Berry, Project Engineer

Re: SDR 2014-04; A+O Apartments

Date: November 26, 2014

Access Management (Section 18.705)

Section 18.705.030.B requires site plans be presented for approval showing how access requirements are to be fulfilled in accordance with this chapter.

The application includes a site and utility plan for a proposed 215 unit apartment complex.

Section 18.705.030.D states that all vehicular access and egress … 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.

A driveway directly connected to SW Oak St. will provide access to the site. This standard is met.

Section 18.705.F Required walkways

PLANNING

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).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary 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.

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 final inspection.

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 be150 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.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. 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.

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

Section 18.705.030.I includes minimum access requirements for residential use. For multifamily use developments with 50 to 100 units, two accesses are required with a minimum paved width of 24 feet with curbs and a 5-foot sidewalk within a 30-foot width.

Standards for the proposed 215 units are not provided. The proposed three accesses with a 24-foot paved width and would provide a level of access similar to that required for the development sizes listed.. The 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 18.810.030E requires minimum rights-of-way and street widths for streets adjacent to or within a development.

The development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street includes a 20-foot paved width, planter and a 12-foot wide separated bike path

No streets within the development are proposed.

This standard is expected to be met.

Street Alignment and Connections:
Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

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 the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

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.**

Additional connections in this area are precluded by surrounding wetlands and existing development.

Easements:
Section 18.810.050 states that easements for sewers, drainage, water mains, electric lines, or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a

stormwater easement or drainage right-of-way conforming substantially to the lines of the watercourse.

Section 18.810.050.B states that a property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for mainline easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

Sidewalks: Section 18.810.070.A requires that sidewalks be constructed to meet City design standards along at least one side of private and industrial streets.

No streets are proposed. This standard is met.

Section 18.810.070.B states that if there is an existing sidewalk on the same side of the street as the development within 300 feet in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality.

No additional sidewalks are required.

Bike lanes: Subsection 18.819.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

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.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

Storm Drainage:

General Provisions: Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

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).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

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).

Site runoff will be directed to Ash Creek. This standard may be met by condition.

<u>Storm Water Quality:</u>
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. 07-20) 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.

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

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 applicant's engineer has submitted preliminary detention calculations for an underground system. This standard may be met by condition.

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.

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of $35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

Fire and Life Safety:
The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:
Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

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 any work on site and prior to issuance of the building permit.

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 the issuance of building permits.

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. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

Sensitive Lands (Section 18.775.070)

Section 18.775.070.B.2 requires that land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge.

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.3 requires that land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map.

Proposed land form alterations are confined to portions of the site designated as MUE-1.

Section 18.775.070.B.4 requires that where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.5 requires that land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan.

Dedication of a public pedestrian easement is proposed. Since there are no current plans for a pathway, an easement will be required over the entirety of the floodplain. An approved easement agreement is required before beginning work and must be recorded before final inspection.

Section 18.775.070.B.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained;

The applicant has submitted applications for these permits. Approved permits will be required before beginning any work

Section 18.775.070.B.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed. .

Section 18.775.070.D.2 requires that the extent and nature of the proposed land form alteration or development in a drainageway will not create site disturbances to the extent greater than that required for the use.

The disturbance will be limited to that required to replace the portion of the drainageway along the western side of the site with a public with a public storm drain. This requirement is expected to be met.

Section 18.775.070.D.3 requires that he proposed land form alteration or development within the drainageway will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property.

Relocating the drainageway to a storm drain and providing an adequate outfall is expected to prevent these adverse effects.

Section 18.775.070.D.4 requires that the water flow capacity of the drainageway is not decreased.

The storm drain receiving the flow from the drainageway will have adequate capacity. This requirement will be met.

Section 18.775.070.D.5 where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.

Restoration will be required at the southern end of the drainageway. This work is expected to be required by the permits of other agencies.

Section 18.775.070.D.6 requires that the drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan.

The public storm drain replacing the drainageway will be sized to have the required capacity.

Section 18.775.070.D.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands and CWS approvals shall be obtained for work within a drainageway.

U.S Army Corps of Engineers, Division of State Lands and CWS permit applications have been submitted. Approved permits will be required before any work begins.

Section 18.775.070.D.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed. .

Recommendations:

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ANY WORK ON SITE:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to any work on site, 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. Six (6) 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 any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.

Prior to any work on site, the applicant shall obtain approval from the City Engineer for the street design which is anticipated to include a 20-foot paved half width plus an 8-foot planter and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to any work on site, the applicant shall obtain approval from the City Engineer of an design access report.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.

Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.

Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.

Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.

Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

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)."

Prior to any work on site, the applicant shall provide an approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.

Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.

Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance.

Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include a 20-foot paved half width plus an 8-foot planter with trees, lights, underground utilities and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.

Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.

Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. 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.

Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.

Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

EXHIBIT B

Tualatin Valley Fire & Rescue

www.tvfr.com

December 3, 2014

City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

Re: A + O Apartments Planned Development

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

1) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

2) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)

3) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)

4) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) ***Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as your water purveyor. Fire flow calculation worksheets as well as instructions are available on our web site at www.tvfr.com.***

5) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. ***Determine number of hydrants required from fire flow calculations and distribute to meet minimum distance and spacing requirements. An additional hydrant may need to be installed on SW 95th to meet this requirement.***

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.

6) **PRIVATE FIRE HYDRANTS:** To distinguish private fire hydrants from public fire hydrants, private fire hydrants shall be painted red. (OFC 507.2.1, NFPA 24 & 291)

7) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)

8) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)

9) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

10) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)

11) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)

12) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)

13) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

ADDITIONAL COMMENTS: The above listed criteria are preliminary potential applicable conditions that MAY apply to this project.

If you have questions or need further clarification, please feel free to contact me at 503-259-1504.

Sincerely,

John Wolff

John Wolff
Deputy Fire Marshal

Copy: TVF&R FIle

EXHIBIT C

December 4, 2014

Gary Pagenstecher
Associate Planner
13125 SW Hall Blvd.
Tigard, OR 97223

RE: Case File Number, CPA 2014-2

Thank you for the opportunity to comment on the proposed development on SW Oak St. TriMet Bus Lines 76 & 78 serve the area with a bus stops located on SW Greenburg Rd at Washington Square Rd. These stops see an average of 80 people boarding and alighting on weekdays. In addition 4 lifts of riders in mobility devices occur on an average month at this location. Activity may increase with development.

TriMet is interested in maintaining this stop and hopes to safely encourage ridership through supportive development. The purpose of our recommendations is to minimize traffic impacts of new development and maximize ridership by encouraging patterns that are transit, bicycle, and pedestrian supportive.

TRIMET STAFF RECOMMENDATIONS

Ensure sidewalk connectivity: Presently the south side of Oak Street has gaps in the sidewalk infrastructure. Developer should ensure that there is a safe and comfortable pathway to walk to Greenburg Rd from the new development.

Consider sidewalk lighting: The nature of the streetscape is conducive to shadows. Proper lighting will ensure new residents feel comfortable walking to and from the bus.

Consider negotiating an easement with the owner of the property at 10250 SW Greenburg Rd for the purpose of a shelter: Shelter from the elements can make taking transit much more palatable. There is not sufficient public right-of-way for a shelter. This is the property adjacent to the bus stop where residents of this development would most likely board. If an easement were to be obtained and a 5' deep by 20' wide concrete pad were placed behind the right-of-way, TriMet could place and maintain a shelter for residents wishing to take the bus.

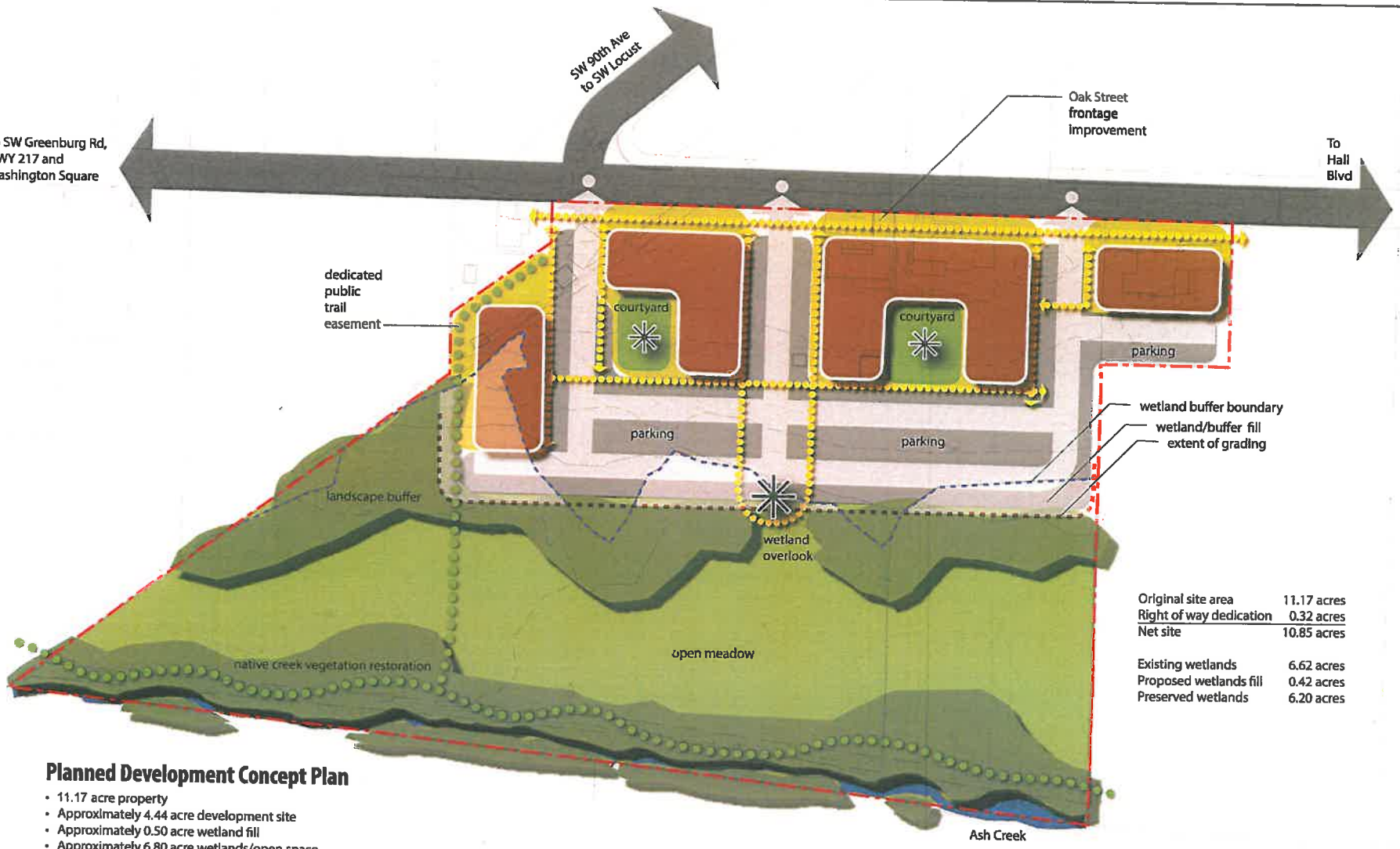
Again, thank you for your time and consideration. If you have any questions, please contact me at 503-962-6478.

Sincerely,

Grant O'Connell

Grant O'Connell, Planner II
Transit Development
Capital Projects

Exhibit D



Original site area	11.17 acres
Right of way dedication	0.32 acres
Net site	10.85 acres
Existing wetlands	6.62 acres
Proposed wetlands fill	0.42 acres
Preserved wetlands	6.20 acres

Planned Development Concept Plan

- 11.17 acre property
- Approximately 4.44 acre development site
- Approximately 0.50 acre wetland fill
- Approximately 6.80 acre wetlands/open space
- Multi-family buildings, 4 story
- 210-225 dwelling units total
- Density target 50-55 dwelling units/acre
- Pool and other recreation opportunities
- Enhanced wetland meadow
- Future trail easement to Ash Creek trail or boardwalk
- Oak Street frontage improvement

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

PLANNED DEVELOPMENT CONCEPT PLAN

DBG OAK STREET, LLC
2164 SW PARK PLACE
PORTLAND, OR 97204
(503) 244-2554

otak
Human/Global Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
Fax: (503) 415-2304
www.otak.com

17044 P17044P202
Project No. Drawing No.

P2.2
Sheet No.

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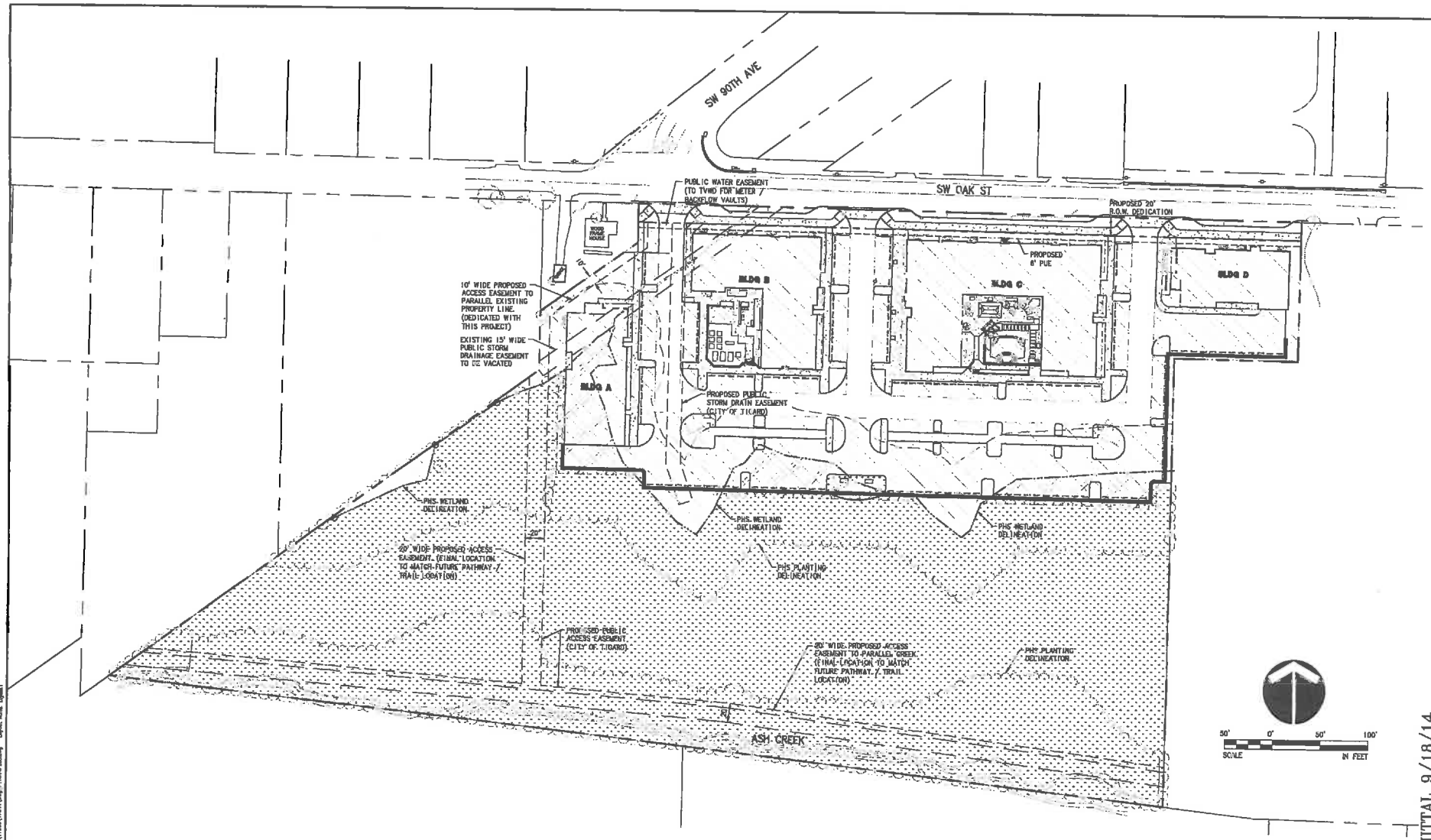
Exhibit E



DEVELOPMENT AREA:

ACTUAL DEVELOPMENT SITE: 4.44 AC

SOUTH OF RETAINING WALL: 6.41 AC

NET DEVELOPMENT SITE
(FOR DENSITY CALCULATION PURPOSES)

TOTAL SITE AREA: 11.17 AC
ROW DEDICATION: 0.32 AC
REMAINING WETLAND : 6.20 AC
PRIVATE STREETS (MAIN DRIVE AISLES): 0.60 AC

NET DEVELOPMENT AREA = 4.05 AC

SITE INFORMATION

TOTAL SITE AREA: 11.17 AC

EXISTING WETLANDS: 6.62 AC

PROPOSED WETLAND IMPACT AREA: 0.42 AC

REMAINING WETLAND AREA: 6.20 AC

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

OVERALL DETAILED PLANNED DEVELOPMENT PLAN

DBG OAK STREET, LLC
2164 SW PARK PLACE
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