



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: October 27, 2015 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

PUBLIC NOTICE:

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

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

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

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

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

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

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

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

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

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: October 27, 2015 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

6:30 PM

- STUDY SESSION

- A. COUNCIL LIAISON REPORTS **6:30 p.m. estimated time**
- B. DISCUSSION ON UPCOMING CONTRACTS **6:45 p.m. estimated time**
- C. CHRONIC NUISANCE PROPERTY TMC 7.42 UPDATE **6:50 p.m. estimated time**

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Call to Council and Staff for Non-Agenda Items
- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - A. Follow-up to Previous Citizen Communication
 - B. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - A. PROCLAIM OCTOBER 27, 2015 AS MANUFACTURING DAY IN TIGARD
 - B. APPROVE CITY COUNCIL MINUTES:
 - October 13, 2015
 - C. RECEIVE AND FILE:

Councilor Woodard's National Parks and Recreation Association Conference Notes

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

4. PRESENTATION OF THE TREE FOR ALL CHALLENGE AWARD BY CLEAN WATER SERVICES **7:35 p.m. estimated time**
5. CONSIDER RESOLUTION EXPANDING TIGARD ENTERPRISE ZONE TO INCLUDE THE CITY OF LAKE OSWEGO **7:45 p.m. estimated time**
6. CONTINUED QUASI-JUDICIAL PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE FOR FIELDS TRUST PROPERTY **7:55 p.m. estimated time**
7. CONSIDER A RESOLUTION CONCURRING WITH WASHINGTON COUNTY FINDINGS REGARDING RIGHT-OF-WAY VACATION OF AN UNNAMED STREET **8:20 p.m. estimated time**
8. BRIEFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS **8:30 p.m. estimated time**
9. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss real property negotiations, under ORS 192.660(2) (e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. **9:00 p.m. estimated time**
10. NON AGENDA ITEMS
11. ADJOURNMENT **9:15 p.m. estimated time**

AIS-2074

A.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): 15 Minutes

Agenda Title: Council Liaison Reports

Submitted By: Norma Alley, Central Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Business
Mtg - Study
Sess.

Public Hearing: No

Publication Date:

Information

ISSUE

Council will present liaison reports.

STAFF RECOMMENDATION / ACTION REQUEST

KEY FACTS AND INFORMATION SUMMARY

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.

AIS-2359

B.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): 5 Minutes

Agenda Title: Discussion on Upcoming Contracts

Prepared For: Joseph Barrett

Submitted By: Joseph Barrett, Finance and Information Services

Item Type: Update, Discussion, Direct **Meeting Type:** Local
Staff Contract
Review
Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

A discussion of an upcoming contract for the city's Dirksen Nature Park - Education Center & Pathway Improvements project that will be presented to the Local Contract Review Board for an award decision at a future business meeting.

STAFF RECOMMENDATION / ACTION REQUEST

Staff is asking Council to provide direction and inform staff of any additional information they would like to have presented during the award presentation for this contract.

KEY FACTS AND INFORMATION SUMMARY

As part of the overall development of Dirksen Nature Park, the city plans improvements to the Environmental Education Center on the site. A general description of the work includes the following:

1. Mobilization, Traffic Control, Erosion Control, Clearing and Grubbing.
2. Renovations to the Education Center Building (Roofing, Cladding, Doors, Decking, etc.)
3. Parking lot improvements.
4. Installation of a LIDA water quality facility at the Environmental Education Center Building.
5. Installation of landscaping.
6. Installation of an 8' wide concrete path from Summer Creek Bridge to the Fanno Creek Trail.

7. Performance of additional and incidental work as called for by the specifications and plans.

The city issued an Invitation to Bid for this work on September 9, 2015 with bids due back to the city on September 24th. The city received the following three bids:

1. Lee Contractors - \$180,686
2. Brown Contracting - \$252,248
3. Pac Green Nursery & Landscape - Incomplete Bid

Engineer's Estimate - \$122,610

Staff reviewed the bids and has found that Lee Contractors (the contractor that completed the entryway monuments downtown) is a responsible bidder and submitted the lowest bid. However, the bid is nearly \$60,000 higher than the city's estimate. This is in large part due to higher than expected concrete work - nearly \$30,000 higher than the city's projections - and higher than expected clearing and grubbing costs. In an effort to keep future phases of the park's development at their current projected budget levels, the city is forced to look at scaling back on the work on the Environmental Education Center due to these overages. Staff is proposing to eliminate the proposed concrete path along with other minor modifications to bring the project back in alignment with available resources. Staff has discussed this with Lee Contractors and the scaled back project cost would be \$115,886.

Staff is looking for Council to provide their thoughts on this project alteration and guidance on any additional information Council would like to see. The plan, if a new Invitation to Bid is not issued, is to bring an award presentation before the Local Contract Review Board on November 10th.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time the Council has discussed this contract.

Fiscal Impact

Cost:

Budgeted (yes or no): Yes

Where budgeted?: Parks Capital Fund

Additional Fiscal Notes:

With changes included in a 1st Quarter Supplemental, the FY 2015-2016 construction budget for the Dirksen Park Improvements is \$194,429 with an additional \$60,000 in contingency for a total of \$254,429 available. Of this, a minimum of \$116,000, funded from the Urban Forestry Fund and a contribution from Agilyx Corporation, is for the Oak Savanna project. Additionally, approximately \$8,000 in funds must be set aside for

construction administration and permitting costs. This would leave no more than \$130,429 available for this work.

Attachments

No file(s) attached.

AIS-2396

C.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): 15 Minutes

Agenda Title: Chronic Nuisance Property update TMC 7.42

Prepared For: Alan Orr, Police

Submitted By: Lisa Shaw,
Police

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Business
Mtg - Study
Sess.

Public Hearing: No

Publication Date:

Information

ISSUE

Staff recommends revisions to the Chronic Nuisance Property Ordinance (TMC 7.42) to revise and add language which will allow a broader range of enforcement in order to protect neighborhoods from nuisance properties.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends revising chronic nuisance Property Ordinance (TMC 7.42) with the following updated language and definitions as listed below.

Summary

1. **7.42.020 Item C:** Revise number of nuisance occurrences from four (4) to three (3), and time period from sixty (60) to one hundred twenty (120) days. Revised language includes a violation for three nuisance complaints received within one hundred twenty (120) days.
2. **7.42.020 Item D:** Language defining nuisance property for which a court has issued a search warrant based on probable cause that possession, manufacture, or delivery of a controlled substance occurred at the location.
3. **7.42.020 Item(s) 9-16:** Definitions added including prostitution, theft, arson, sexual abuse, contributing to the sexual delinquency of a minor, sexual misconduct, alcoholic liquor violations, offensive littering, illegal gambling, animal abuse, animal neglect, and animal abandonment.
4. **7.42.040 Items B & C:** Revise language from three (3) nuisance occurrences in sixty (60) to two (2) in one hundred twenty (120) days. After receiving two (2) nuisance occurrence complaints in one hundred twenty (120) days the homeowner or registered agent of the residence will receive a warning letter identifying the problem to be remedied or fines may be imposed after the third occurrence.

5. **7.42.050 Item 2:** Revise civil penalty from \$500.00 to up to \$1,000.00 per day for each day a nuisance activity occurred on the property after three (3) occurrences within a one hundred twenty (120) day period.

KEY FACTS AND INFORMATION SUMMARY

Chronic nuisance properties negatively effect the livability and safety of impacted neighborhoods and place a strain on City resources.

The existing Chronic Nuisance Property code does not address several crimes commonly associated with chronic nuisance properties. Staff proposes to add these crimes to the code definitions: prostitution, theft, arson, sexual abuse, sexual misconduct, alcoholic liquor violations, offensive littering, illegal gambling and animal abuse. Additionally, the current 'occurrence' and 'timing' thresholds that must be met before any consequences are triggered do not provide strong enough tools to hold property owners accountable in a timely manner. The proposed revisions would reduce the number of nuisance occurrences from four (4) to three (3) and increase the time period assessed from sixty (60) days to one hundred twenty (120) days.

Staff reviewed data related to a particularly egregious chronic nuisance property in order to estimate related costs. Over the most recent five year period, Tigard Police responded 233 separate times to one particular house. This equates to an average of 46 calls for service per year. Over the most recent three year period, Tigard Police spent at least 140 hours responding to this property. The cost to the department related to these most recent calls is estimated to have been between \$9,000 and \$18,000. Every hour spent responding to a nuisance call is an hour that is unavailable for more pro-active community policing and places a strain the department's ability to respond to other issues.

The current language associated with chronic nuisance property fines is ambiguous and not enough of a deterrent to be effective. Proposed revisions include updating the penalty from \$500 to \$1,000 and clarifying that the fine may be levied every day that a nuisance activity occurs on the property after the 120 day 3 occurrence threshold is met.

OTHER ALTERNATIVES

If the Chronic Nuisance Property Code (TMC 7.42) is not updated with the proposed revisions, the current code with less effective language and more lenient thresholds will remain in effect.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This change supports Tigard Police Department goals to "reduce crime and the fear of crime" and to "enhance the safety and security of Tigard's residents, visitors and businesses.

DATES OF PREVIOUS COUNCIL CONSIDERATION

TMC 7.42 was previously updated in March 2012. The current changes will come before Council during the November 10th Business Meeting.

Attachments

TMC markups 7.42

TIGARD MUNICIPAL CODE

Chapter 7.42 CHRONIC NUISANCE PROPERTY

Sections:

- 7.42.010 Short Title
- 7.42.015 Incorporation of State Statute
- 7.42.020 Definitions
- 7.42.030 Chronic Nuisance Property
- 7.42.040 Prefiling Notification Procedure
- 7.42.045 Commencement of Actions—
Summons and Complaint
- 7.42.050 Remedies
- 7.42.060 Defenses—Mitigation of Civil
Penalty
- 7.42.070 Closure During Pendency of
Action—Emergency Closures
- 7.42.080 Enforcement of Closure
Order—Costs—Civil Penalty
- 7.42.085 Tenant Relocation Costs
- 7.42.090 Attorney Fees
- 7.42.100 Severability
- 7.42.110 Nonexclusive Remedy

7.42.010 Short Title

The ordinance codified in this chapter shall be known as the “Chronic Nuisance Ordinance,” and may also be referred to herein as “this chapter.” (Ord. 94-11)

7.42.015 Incorporation of State Statute

Any reference to state statute incorporated into this chapter refers to the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 94-11)

7.42.020 Definitions

As used in this chapter, or any code provision referenced by this chapter, the following definitions apply.

A. “Chief of police” means the chief of the

Tigard Police Department or his/her designee.

B. “City manager” means the city manager or his/her designee.

C. “Chronic nuisance property” means property upon which ~~four~~ three (3) or more distinct occurrences of any of the following acts or behaviors take place during any ~~60-day~~ one hundred twenty day (120) period.

D. Property for which a court has issued a search warrant based on probable cause that possession, manufacture or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through ORS 475.285 and/or ORS 475.940 through ORS 475.995 has occurred within the previous 120 days and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated chronic nuisance activities at the property.

1. “Harassment,” as described in ORS 166.065;

2. “Fire or discharge of a gun or weapon,” as described in Section 7.32.120 of this code;

3. “Disorderly conduct,” as described in ORS 166.025;

4. “Public indecency,” as described in Section 7.32.110 of this code;

5. “Unlawful use or possession of weapons or firearms,” as described in ORS 166.210 through 166.275;

6. “Violation of the Uniform Controlled Substances Act,” as described in ORS Chapter 475;

7. “Assault,” as described in ORS

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163.160, 163.165, 163.175, or 163.185;

8. “Menacing,” as described in ORS 163.190.

9. “Prostitution” or related offenses as described in ORS 167.007 through ORS 167.017.

10. “Theft” as described in ORS 164.015 through ORS 164.140.

11. “Arson” or related offenses as described in ORS 164.315 through ORS 164.335.

12. “Sexual Abuse, Contributing to the Delinquency of a Minor, or Sexual Misconduct” as described in ORS 163.415 through ORS 163.445.

13. Alcoholic liquor violations as described in ORS 471.105 through ORS 471.482.

14. “Offensive Littering” as described in ORS 164.805.

15. “Illegal Gambling” as described in ORS 167.117, and/or ORS 167.122 through ORS 167.127.

16. “Animal Abuse or Neglect”, ORS 167.315 through ORS 167.330; “Animal Abandonment”, ORS 167.340; “Animal Fighting”, ORS 167.355; or “Dog Fighting”, ORS 167.365.

D. “Code enforcement officer” means the chief of police or the city attorney, as designated by the city manager.

E. “Hearings officer” or “civil infractions hearings officer” means the municipal judge of the City of Tigard.

F. “Owner” means the person or persons having legal or equitable title to the property.

G. “Property” means any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, apartment, house, building or structure or any separate part or portion thereof, whether permanent or not.

H. “Responsible party” includes each of the following:

1. The owner of the property, or the owner’s manager or agent or other person in control of the property on behalf of the owner; or

2. The person occupying the property, including bailee, lessee, tenant or other person having possession. (Ord. 03-08; Ord. 94-11)

7.42.030 Chronic Nuisance Property

A. The acts or omissions described herein are hereby declared to be public nuisances of the sort that commonly recur in relation to a given property, thereby requiring the remedies set out in this chapter.

B. Any property within the City of Tigard which becomes chronic nuisance property is in violation of this chapter and subject to its remedies.

C. Any person who is a responsible party for property which becomes a chronic nuisance property shall be in violation of this chapter and subject to its remedies. (Ord. 94-11)

7.42.040 Prefiling Notification Procedure

A. Except as otherwise noted herein, notwithstanding Section 1.16.060.B of this code, this section sets out procedures to be used in processing an infraction of this chapter.

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B. After ~~three~~ two (2) occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a ~~sixty (60)~~ 120-day period, the chief of police shall provide notification via certified mail, stating the times and places of the alleged occurrences and the potential liability for violation of this chapter, to all responsible parties for the property. Responsible parties for a given property shall be presumed from the following:

1. The owner and the owner's agent, as shown on the tax rolls of Washington County;
2. The resident of the property, as shown on the records of the water department.

C. After ~~three~~ two occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a ~~60-day~~ 120 day period, notification shall be provided as described in subsection B of this section. (Ord. 12-01 §2; Ord. 94-11)

7.42.045 Commencement of Actions— Summons and Complaint

A. A uniform infraction summons and complaint, containing the following parts, may be served upon any responsible party for chronic nuisance property, citing that party into municipal court.

1. The summons;
2. The complaint; and
3. A description of the alleged occurrences leading to violation of this chapter, stating the times and places of those occurrences.

B. The uniform infraction summons shall contain the following information:

1. The file number;

2. The name and address of each respondent;

3. The infraction with which the respondent is charged;

4. The date, time, and place at which the hearing on the infraction is to take place;

5. An explanation of the respondent's obligation to appear at this hearing, and that failure to appear may result in a default judgment being taken against the respondent;

6. An explanation of the respondent's right to a hearing, right to representation by counsel at personal expense, right to cross examine adverse witnesses, and right to compulsory process for the production of witnesses;

7. Notice that the cost of the hearing, including witness fees, may be charged to the respondent if the final order of the court finds that the property is a chronic nuisance property.

C. The uniform infraction complaint shall contain the following information:

1. The date, time, and place the alleged infractions occurred;

2. The date on which the complaint was issued;

3. A notice to the respondent that a civil complaint has been filed with the Municipal Court.

D. Service of the summons and complaint shall be accomplished as described in Section 1.16.230 of this code. In addition to the affidavit described in subsection G of that section, a return receipt of certified mailing which indicates

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delivery of the summons and complaint to the respondent's last known address, or a certified mailing which has been returned by the post office "unclaimed," shall also create a rebuttable presumption that the respondent had the required notice.

E. The hearing for determination as to whether an infraction has been committed shall take place in the manner described in Sections 1.16.250 through 1.16.300 and 1.16.320 of this code.

F. Subject to the limitations of Section 1.16.230.G of this code, a default judgment may be entered against a respondent who fails to appear at the scheduled hearing. Upon such judgment, the court may prescribe the remedies described in this chapter. (Ord. 12-01 §2; Ord. 94-11)

7.42.050 Remedies

A. Upon finding that the respondent has violated this chapter, the court may:

1. Require that the chronic nuisance property be closed and secured against all use and occupancy for a period of not less than 30, but not more than 180, days; and/or

2. ~~Assess a civil penalty not to exceed \$500; and/or~~ If the court determines a property to be a Chronic Nuisance Property, the court may impose a civil penalty of up to \$1,000.00 per day for each day a nuisance activity occurred on the property after three (3) nuisance activities have occurred on the property within a 120 day time period.

3. Employ any other remedy deemed by the court to be appropriate to abate the nuisance.

B. In lieu of closure of the property

pursuant to subsection A of this section, the respondent may file a bond acceptable to the court. Such bond shall be in an amount set by the court not to exceed the value of the property closed as determined by the court, and shall be conditioned upon the non-recurrence of any of the acts or behaviors listed at Section 7.42.020.C of this chapter for a period of one year after the judgment. Acceptance of the bond described herein is further subject to the court's satisfaction of the respondent's good faith commitment to abatement of the nuisance. (Ord. 94-11)

7.42.060 Defenses—Mitigation of Civil Penalty

A. It is a defense to an action brought pursuant to this chapter that the responsible party at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the finding that the property is chronic nuisance property. However, it is no defense under this subsection that the party was not at the property at the time of the incidents leading to the chronic nuisance situation.

B. In implementing the remedies described in this chapter, the court may consider any of the following factors, as they may be appropriate, and shall cite those found applicable:

1. The actions taken by the owner(s) to mitigate or correct the problem at the property;

2. The financial condition of the owner;

3. Whether the problem at the property was repeated or continuous;

4. The magnitude or gravity of the problem;

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5. The cooperativeness of the owner(s) with the city in remedying the problem;

6. The cost to the city of investigating and correcting or attempting to correct the condition;

7. Any other factor deemed by the court to be relevant. (Ord. 94-11)

7.42.070 Closure During Pendency of Action—Emergency Closures

In addition to any other remedy available to the city under this chapter, in the event that the chief of police finds that a property constitutes an immediate threat to the public safety and welfare, the city may apply to any court of competent jurisdiction for such interim relief as is deemed by the city manager to be appropriate. In such event, the notification and commencement of action procedures set forth in Sections 7.42.040 and 7.42.045 need not be complied with. (Ord. 03-08; Ord. 94-11)

7.42.080 Enforcement of Closure Order—Costs—Civil Penalty

A. The court may authorize the city to physically secure the property against use or occupancy in the event that the owner(s) fail to do so within the time specified by the court.

B. The court may assess on the property owner the following costs incurred by the city in effecting a closure of property:

1. Costs incurred in actually physically securing the property against use;

2. Administrative costs and attorney's fees in bringing the action for violation of this chapter.

C. The city manager may, within 14 days of written decision by the court, submit a signed and detailed statement of costs to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, a copy of the statement, including a legal description of the property, shall be forwarded to the office of the city finance director who thereafter shall enter the same in the city's lien docket in the same manner prescribed by Section 1.16.710 of this code.

D. Persons assessed the costs of closure and/or civil penalty pursuant to this chapter shall be jointly and severally liable for the payment thereof to the city. (Ord. 12-01 §2; Ord. 03-08; Ord. 94-11)

7.42.085 Tenant Relocation Costs

A "tenant" (as defined by ORS 90.100(16)) of chronic nuisance property may be entitled to reasonable relocation costs, if without actual notice the tenant moved into the property after the property owner or his/her agent received notice of an action brought pursuant to this chapter. Any allowable costs will be determined by the city, and shall be a liability upon the owner of the chronic nuisance property. (Ord. 94-11)

7.42.090 Attorney Fees

In any action brought pursuant to this chapter, the court may, in its discretion, award reasonable attorney's fees to the prevailing party. (Ord. 94-11)

7.42.100 Severability

If any provision of this chapter, or its application to any person or circumstance, is held to be invalid for any reason, the remainder of the chapter, or the application of its provisions to other persons or circumstances, shall not in any way be affected. (Ord. 94-11)

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7.42.110 Nonexclusive Remedy

The remedy described in this chapter shall not be the exclusive remedy of the city for the acts and behaviors described in Section 7.42.020.C. (Ord. 94-11) ■

AIS-2383

3. A.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): Consent Item

Agenda Title: Proclaim 10/27/15 as Manufacturing Day in Tigard

Prepared For: Joanne Bengtson, City Management

Submitted By: Joanne Bengtson, City Management

Item Type: Receive and File

Meeting Type: Proclamation

Public Hearing: No

Publication Date:

Information

ISSUE

Should Mayor Cook proclaim October 27 as National Manufacturing Day?

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

Tigard's Economic Development Manger Lloyd Purdy noted that two Tigard-based manufacturing leaders - PolyCast and Fought & Co. - gave 30 Tigard High School students a tour of their facilities on October 2, 2015 as part of [National Manufacturing Day](#). This tour exposed students to career opportunities offered in the manufacturing sector and underscored the value of an educated workforce to the local economy.

Lloyd noted that this is the first time the city has been able to connect local manufacturers with school kids for a National Manufacturing Day event.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

National Manufacturing Day

Proclamation

City of Tigard

National Manufacturing Day October 27, 2015

WHEREAS, Two Tigard-based firms, **PolyCast Inc.** and **Fought & Company Inc.** hosted facility tours for 30 Tigard-Tualatin School District CE² program students on October 2 to reveal how local firms add value to products that support and power our local, regional and national economy; and

WHEREAS, Manufacturing is the cornerstone of Oregon's economy, accounting for 81.2 percent of the Portland Metropolitan region's exports; and

WHEREAS, The manufacturing sector provides nearly 34,500 jobs for Oregonians including careers like welders, mechanics, machinists, pipefitters, engineers, accountants, IT professionals; and

WHEREAS, Manufacturing fuels Oregon's economic growth, creates new and rewarding careers, and is estimated that for every traded sector manufacturing job in Oregon (*one that produces goods and services used outside the region*), 2.5 local sector jobs are generated; and

WHEREAS, The manufacture of emerging technologies like 3D printing, unmanned aerial vehicles (UAV), solar cells, robotics, and wind turbine components provide high paying jobs for Oregonians and create a need for a well-educated workforce to continue growing this vital economic base for Oregon; and

WHEREAS, Partnering with Tigard's economic development leaders like the Columbia-Willamette Workforce Collaborative, Worksystems, Inc., the SW Washington Workforce Development Council and WorkSource Oregon, and the Tigard -Tualatin School District will assure that Tigard has a well-prepared manufacturing workforce that is ready to make Oregon products today and in the future.

NOW THEREFORE BE IT RESOLVED THAT I, John L. Cook, Mayor of the City of Tigard, Oregon, do hereby proclaim October 27, 2015 as

NATIONAL MANUFACTURING DAY

in Tigard, Oregon and urge all residents to recognize the vital role that local manufacturing firms play in developing a healthy local and national economy.

Dated this ____ day of _____, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

John L. Cook, Mayor
City of Tigard

Attest:

City Recorder

AIS-2410

3. B.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager, Central Services

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval:

- October 13, 2015

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

October 13, 2015 Minutes Placeholder

Placeholder

Minutes from the October 13, 2015 City Council Meeting will be available on October 22 and will be attached to this packet.

AIS-2401

3. C.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): Consent Item

Agenda Title: Receive and File: NPRA Conference Notes

Submitted By: Carol Krager, Central Services

Item Type: Receive and File

Meeting Type: Consent -
Receive and
File

Public Hearing: No

Publication Date:

Information

ISSUE

Receive and file Councilor Woodard's National Parks and Recreation Association Conference Notes

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; these are for information purposes.

KEY FACTS AND INFORMATION SUMMARY

Attached are Councilor Woodard's National Parks and Recreation Association Conference notes referred to in his September 22, 2015 council liaison report.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A - Receive and File Items

Attachments

Notes from NPRA 2015 Conference

Councilor Woodard's Notes on 2015 National Recreation and Park Association Conference,
September 15-17, 2015

Tuesday - General Session

Social equity means no matter the social class city recreation provides everyone an equal footing in fitness, health, recreational needs, goals and opportunities.

US Surgeon General - Dr. Murthy states "Public recreation and community centers provide healthy lifestyle activities, advocate and support walkable communities with a wheelchair emphasis in design and development. He has a call to action - to create a nation of walkers. To do this requires:

- Recreational programming with something for everyone.
- Programs that motivate and inspire people to reduce risk of diabetes and heart disease
- Places people can go they feel safe.
- Community centers now educate our children on healthy lifestyle, not our schools.
- Community recreation programs are now the policy makers where we live and where health disparity grows and the public health battle is becoming more parks and rec's oriented to mitigate this problem.
- No kid should suffer because of where they live or social economic status.
- The new city recreation build out model must be developed by the 8/80 model. Build for 8 and 80 year olds, than everything in between is addressed. Do not build programs for only 30 year olds and athletes.

Too often potholes and pavement appear to be more important than fitness and health. Social equity challenges these budget priorities with a mindset that must change if we're to develop a sustainable city. How is it that with the means to drive to fitness and recreation areas have more rights than those that do not have means to a vehicle or resources to get those recreation facilities, services and programs?

The first step to achieve a fit healthy lifestyle for all is to plan, design and develop safe neighborhood passage to activated space people can walk to near their neighborhoods. Like drivers, those that don't drive, or can't afford the luxury have the right to walk, or bike on safe public right of way. The Surgeon General proclaims that parks and recreation policies which address social equity save lives. NRPA saves lives through their multiple partnerships, grants, education, and community support events, etc.

Tuesday - Build Voter Support for a Strong Ballot Measure

Tuesday - Build an Inclusive Destination Place

- Includes special needs play area space to reduce overstimulation, and emotional needs.
- Interactive city learning experience
- Playground for all kids. (Round Rock Texas).

- Build through neighborhood fundraising partnered with city parks and recreation department MOU. A city recreation 501(c) 3 non-profit foundation (receives all donations, grants, bequests and per MOU, plans and implements CIP's).

Wednesday - Actions Sports Parks from Design 237

If you don't build skate parks to city-specific riding challenges, or they do not invite bikers, cross cycling, BMX, or razor riders than you've invested in a facility that is not cradle-to-grave useful. For instance, how many of you skateboard vs. how many of you bike? If we're thinking about a biking facility then we must consider the latest sustainable innovations in the industry. If we build it they will come and it will become a destination place. These are great revenue producers with events, tournaments, slalom competition and intramural sports, skate camps, and officer-led biking safety courses. YMCA has held such organized events. All-terrain parks include adaptive plaza concepts, such as planters designed to grind on that are designed for timeless use and competition: \$40-50sqft to build.

Wednesday - Commercial Recreation Design Blunders and Glitches 251

This presentation had at least 50 Recreation Design Blunders and Glitches and shows us lessons learned in building a publically owned 21st Century City Recreation Facility.

A list was provided of what not to do vs. to do during design and construction so tax payer dollars are not wasted. This slide presentation will be printed by city recorder and inserted into Councilor Goodhouse's weekly mail bag drop off as requested. If any other councilors would like a printed copy of this presentation or download file please make the request through staff.

Wednesday - Take your Park Foundation to the Next Level 281

What do you want to be - a recreation provider for the city or region? Do you want to be an advocacy group for recreation? Capital improvement programs, public works and parks and recreation budgets must be kept separated. Will the foundation receive dollars, receive, sell and purchase properties for public recreation use? Foundations can insert themselves between public works and parks and recreation. Ask if the MOU with city parks and recreation and council agrees to allow the foundation to be a private non-profit, not required to reveal records or audits. Or will both agree on some transparency policy? Will the MOU specify who is responsible for advocacy, legislative support, or a feasibility study? Non-profits can do a variety of things but usually not all: Concept planning with task force, policy recommendations, education, design, management/operations, land acquisition, maintenance, construction, and administrative role. Who's the decision maker? A foundation accepts money. It is a bad idea for economic development, community planning and city engineers to manage recreation projects (but they can support). Foundation can be instrumental in project management with recreation industry specialists and consultants.

An MOU may incorporate a volunteer coordinator. They should be metric driven and know how to recruit with sustained relative qualifier listings. Managing a strong volunteer base requires a full-time volunteer recruiter.

Develop mission statement, values and sustainable scope for foundation organization.

Park foundation may want to retain control over public governance. City council and staff may sit on boards with partnership recommendations.

Thursday - Creating and Maintaining a Quality Internship

IAW US Fair Labor Acts as applied to Non-Profit or For-Profit Lead Organizations. Advantages and disadvantages are in the notes.

Thursday - City Parks as Classrooms

Partner with schools for parks conservancy and education. Use in curriculum to build and sustain so the next generation learns about stewardship, ecology and taking care of the environment and parks.

Thursday - National Bike Park Destination and Development

Bike park community - Hilride Consulting specializes in this type of development facility amendments: Griffen Bike Park. NICA National and International Cycling Association. These have huge economic impact as they are a destination places.

If community building, economic development, social equity, jobs, healthy lifestyle and moral leadership are important values, then cities must invest in recreational facilities to people of all ages, abilities and socio-economic class. Where memories are made, lessons learned and positive experiences are reflected upon by everyone. I can't think of any better way to create a sustainable city model where organized city recreation not only brings community together but teaches us how to maintain fitness levels, good health and work together for the common good.

AIS-2387

4.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): 10 Minutes

Agenda Title: Tree for All Award Presentation

Submitted By: Carol Krager, Central Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Clean Water Services will present the Mayor and Council with the Tree For All award for the work the city has done in the last decade and especially in the last year to help 5.7 million native plants take root in the Tualatin Basin.

The presentation will mark the success of the Tree for All: 1 Million | 1 Year | 1 Water campaign. The presentation will also include the showing of a 3 minute video that wraps up the year (and features Tigard prominently!).

Requested agenda item:

Tree For All: 1 Million | 1 Year | 1 Water Award Presentation
Bruce Roll, Watershed Director, Clean Water Services

STAFF RECOMMENDATION / ACTION REQUEST

None

KEY FACTS AND INFORMATION SUMMARY

Tree for All (www.jointreeforall.org) is a community partnership of cities, nonprofits, farmers, volunteers and other who have joined hands (and shovels) to plant more than five million native trees and shrubs along the Tualatin River and tributaries in the last decade. The 2015-16 Tree for All Challenge was to plant one million of those trees and shrubs in one year. Clean Water Services' Watershed Director Bruce Roll will provide a report on the 1 Million, 1 Year, 1 Water campaign, the role the City of Tigard and its residents played in the campaign's success and present the Council with the Tree for All Award.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.

AIS-2342

5.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): 10 Minutes

Agenda Title: Enterprise Zone: Resolution Expanding Tigard Enterprise Zone to Include the City of Lake Oswego

Prepared For: Lloyd Purdy, Community Development

Submitted By: Lloyd Purdy, Community Development

Item Type: Resolution

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

The City of Tigard and the City of Lake Oswego have an opportunity to collaborate on an economic development project by creating a multi-jurisdictional enterprise zone called the Tigard/Lake Oswego Enterprise Zone.

STAFF RECOMMENDATION / ACTION REQUEST

Pass a resolution to expand the Tigard Enterprise Zone to include 85 industrial/commercial tax lots in Lake Oswego creating the Tigard/Lake Oswego Enterprise Zone. Authorize Tigard's economic development manager to make this request to Business Oregon and manage this expanded multi-jurisdictional program. Resolution includes two exhibits - Exhibit A is the Tigard/Lake Oswego Enterprise Zone map, and Exhibit B is the list of new tax lots to be added.

KEY FACTS AND INFORMATION SUMMARY

As discussed in the October 13, 2015 Tigard City Council Business Meeting, the Tigard Enterprise Zone was created by Council Resolution 14-51 in October 2014. Enterprise zones offer qualified businesses located within a defined boundary a three to five year tax abatement on **new** investment (equipment, buildings, and facilities) when the firm also invests in new employees by increasing their workforce by 10%. To date, three firms in Tigard are eligible to participate in this program. The Tigard Enterprise Zone currently includes all the industrial, manufacturing and commercially zoned properties in Tigard eligible for this program based upon the state's economic hardship criteria.

Currently, ten enterprise zones act as a tool for economic development in the Portland metro

region. Forest Grove/Cornelius and Troutdale/Fairview are examples of cities that work together through enterprise zones that cross municipal boundaries. A similar partnership between The City of Tigard and City of Lake Oswego would result in the creation of the Tigard/Lake Oswego Enterprise Zone.

The City of Lake Oswego asked the City of Tigard to create this partnership through an amendment to the boundary of Tigard's current zone. Based upon discussion between staff from each city, we are confident an expanded enterprise zone will improve the regional economy. Lake Oswego has at least one company ready to make a multi-million dollar investment in new equipment and increase employment, but is prepared to move to another site outside of the Portland region. The enterprise zone program is one way Lake Oswego can retain this multi-national firm. An estimated 83% of the firms located in Tigard provide goods and services as part of a regional supply chain to firms outside of the City of Tigard. Supporting growth of companies in our region is good for Tigard businesses and for Tigard residents. An estimated 28,000 Tigard residents are currently in the workforce. The majority commute to a neighboring city, including Lake Oswego, for their job. This economic development partnership also sends a signal to the business community and regional leaders that the City of Tigard is collaborative and actively engaged in supporting business growth.

Amending the Tigard Enterprise Zone boundary to support business growth in a neighboring city is allowed via a formal request to Business Oregon, the State of Oregon's economic development agency. Expanding the enterprise zone to include industrial land in Lake Oswego's Southwest Employment Area will add:

- 96 acres of property.
- 85 industrial zoned or commercial tax lots.
- 15 eligible businesses (estimated).
- 1 firm ready for an immediate investment within the next 12 months.

The City of Lake Oswego hosted a stakeholder open house to discuss this topic on October 14, 2015. Certification of a new firm to participate in the enterprise zone program typically takes six to ten hours of work for the Zone Manager. Tigard's Economic Development Manager will continue these duties. Based upon an IGA, Tigard will be reimbursed for staff time spent working with Lake Oswego firms.

OTHER ALTERNATIVES

Limit the Tigard Enterprise Zone to the boundaries of the City of Tigard.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

An expanded Tigard Enterprise Zone is consistent with the recommendations of Comprehensive Plan Goal 9 encouraging regional partnerships and economic development. This effort is also supported by the strategic vision of a more interconnected city, connecting us through an economic development collaboration with Lake Oswego.

DATES OF PREVIOUS COUNCIL CONSIDERATION

February 2014 Council discussion of Enterprise Zone program.

October 2014 Resolution to create the Tigard Enterprise Zone.

October 13, 2015 briefing to Tigard City Council to discuss expanding the zone.

Fiscal Impact

Fiscal Information:

No expense to City of Tigard. Intergovernmental Agreement will detail cost recovery of staff time.

Attachments

[Tigard/Lake Oswego Enterprise Zone Reolution](#)

[Tigard/Lake Oswego Enterprise Zone Map](#)

[New Sites in Lake Oswego Listing](#)

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15-

A RESOLUTION TO AUTHORIZE A REQUEST TO THE STATE OF OREGON FOR THE
EXPANSION OF THE TIGARD ENTERPRISE ZONE TO INCLUDE A PORTION OF THE CITY
OF LAKE OSWEGO

WHEREAS, the City of Tigard sponsors the Tigard/Lake Oswego Enterprise Zone jointly with the City of Lake Oswego and consent of other taxing authorities; and

WHEREAS, the enterprise zone as amended has a total area of 2.85 square miles. It meets other statutory limitations on size and configuration, and it is depicted here on a drawn-to-scale map (Exhibit A), and its boundary is here described in a list of parcels with tax identification number (Exhibit B); and

WHEREAS, the municipal corporations, school districts, special service districts, etc., other than the sponsoring governments, that receive operating revenue through the levying of ad valorem taxes on real and personal property in any area of the enterprise zone, as amended, were sent notice regarding this boundary change; and

WHEREAS, the City of Tigard and City of Lake Oswego shall fulfill their duties and implement provisions jointly under ORS 285C.105 or elsewhere in ORS Chapter 285C and related parts of Oregon Law; and

WHEREAS, the Tigard/Lake Oswego Enterprise Zone does not grant or imply permission to develop land within the Zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans as acknowledged by the State of Oregon Land Conservation and Development Commission; and

WHEREAS, the City of Tigard's economic development strategy focuses on encouraging private sector investment through the creation of strong relationships with public and private sector partners, as well as programs that support entrepreneurs and business owners; and

WHEREAS, the City of Tigard encourages business investment, job creation, higher incomes for residents, greater diversity of economic activity, and business growth; and

WHEREAS, the City of Tigard recognizes that regional collaboration with local partners improves the local and regional economy; and

WHEREAS, in collaboration with the City of Lake Oswego, the two communities may apply to the state for an expansion of the Tigard Enterprise Zone to include a portion of the City of Lake Oswego; and

WHEREAS, Lake Oswego and Tigard are partners using the State of Oregon's Enterprise Zone program to support collaboration in economic development in both cities; and

WHEREAS, the State of Oregon, through ORS 285C.115 allows for the expansion of an enterprise zone in areas of economic hardship to encourage additional private sector investment through a three to five year tax credit on new investments for certain businesses, made in conjunction with an increase in employment; and

WHEREAS, an enterprise zone allows industrial and some commercial firms making a new capital investment a waiver of 100 percent of the amount of real property taxes attributable to the new investment for up to a five year period after completion; and

WHEREAS, there is no loss of current property tax levies to local taxing jurisdictions because land or existing buildings, machinery or equipment is not tax exempt; and

WHEREAS, once the abatement period is over, the improvements are fully taxed for the life of the improvements resulting in a long-term return to the local taxing jurisdictions; and

WHEREAS, an enterprise zone is an economic development tool that will: provide selected Tigard and Lake Oswego based firms with assistance in growing, making larger capital investments than might otherwise occur, accelerate investment or expansion, induce hiring, improve wages, bolster the early success of a business project or investment, and attract investment and facilities that would otherwise move or locate outside of the area; and

WHEREAS, the proposed expanded enterprise zone has a total area of 2.7 square miles in Tigard and 0.15 square miles in Lake Oswego, and meets other State of Oregon statutory limitations on size and configuration with no part of the zone greater than 12 miles distant at its furthest point; and

WHEREAS, this proposed zone expansion is based on qualifying Census tracts 203.02, 204.01 and 320.05 based upon U.S. Census, American Community Survey Estimates, 2009–2013 which includes land zoned for industrial and commercial uses comprising more than 85 tax lots; and

WHEREAS, the proposed enterprise zone contains significant land zoned for industrial use, and acknowledged by the Land Conservation and Development Commission, as including industrial sites which are accessible, serviced or serviceable, and otherwise ready for use and further development.

NOW, THEREFORE, BE IT RESOLVED Under ORS 285C.115, the City of Tigard authorizes the expansion of the Tigard Enterprise Zone to include portions of Lake Oswego and seek approval from Business Oregon for this zone expansion.

The name of the zone is changed to: Tigard/Lake Oswego Enterprise Zone.

The City of Lake Oswego does hereby join the zone as a new co-sponsor.

The City of Tigard's Economic Development Manager, is authorized to submit documentation of this enterprise zone boundary to the Oregon Business Development Department (OBDD) for purposes of a positive determination under section 18, chapter 648, Oregon Laws 2015 (Enrolled House Bill 2643) on behalf of the zone sponsors.

This change of the Tigard Enterprise Zone boundary takes effect on the date that this resolution is adopted and confirmed by Business Oregon.

SECTION: This resolution is effective immediately upon passage.

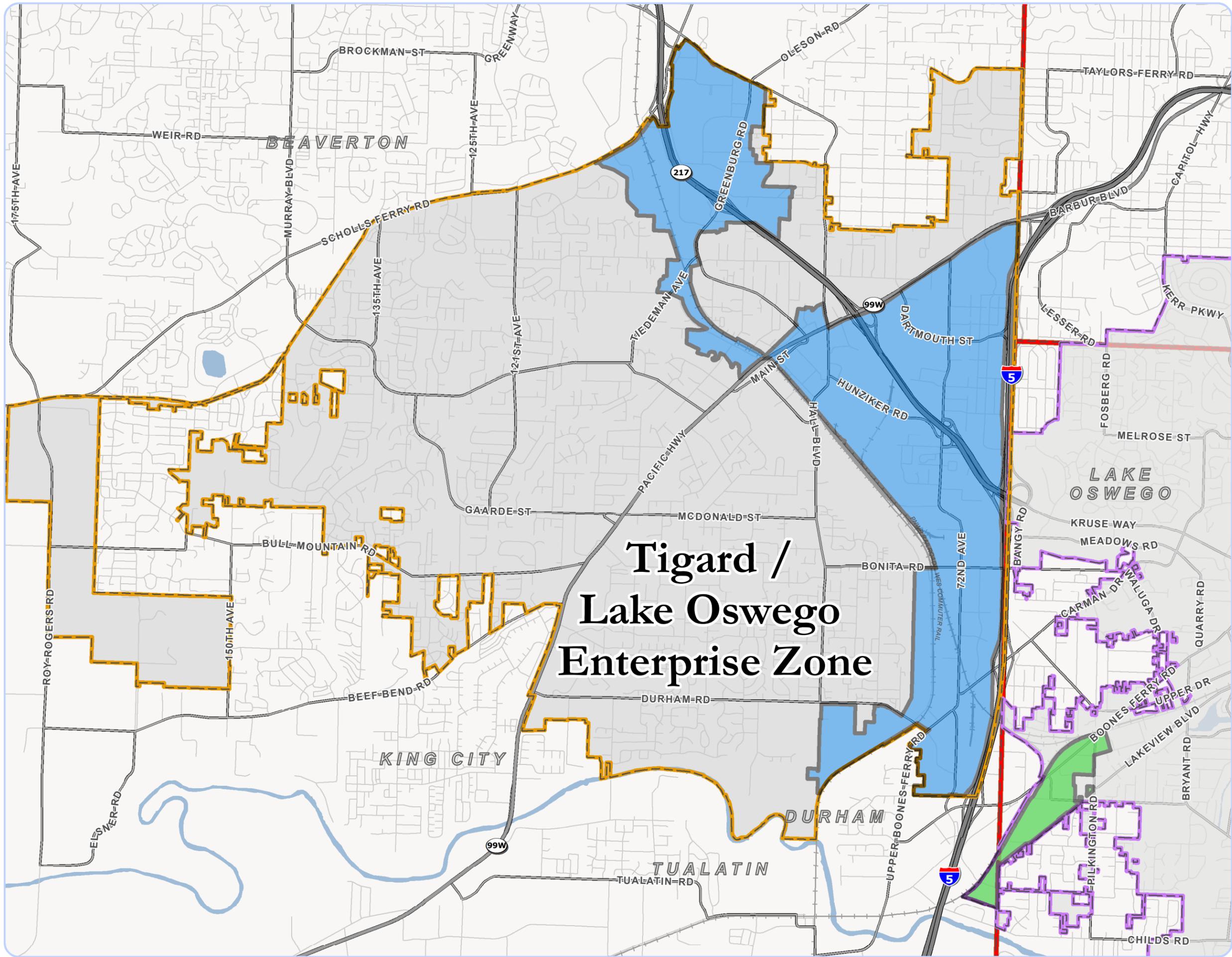
PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

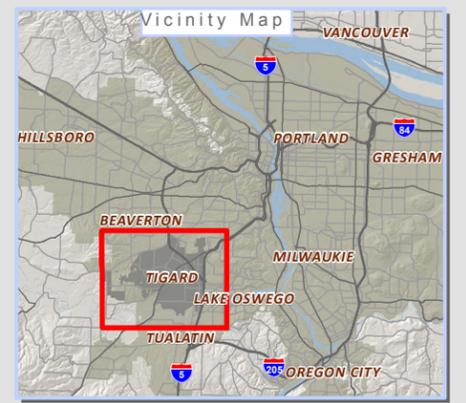
ATTEST:

City Recorder - City of Tigard

Tigard / Lake Oswego Enterprise Zone



-  Lake Oswego Portion of Enterprise Zone
-  Tigard Portion of Enterprise Zone
-  Tigard City Boundary
-  Lake Oswego City Boundary
-  County Boundary



TIGARD MAPS

Map Created: 10/6/2015

City of Tigard, Oregon
 13125 SW Hall Blvd
 Tigard, OR 97223
 503 639-4171
www.tigard-or.gov



Tigard/Lake Oswego (Amended) Property List additions

TLO EZ	Tax ID Number	Owner	Owner City	Owner State	Owner ZIP	Sq Ft	Total Value
1	21E18CB01200	MICRO SYSTEMS ENGINEERING INC	LAKE OSWEGO	OR	97035-5571	201,980.00	\$5,990,160
2	21E18BD03300	PATZER SUZANNE M	BEAVERTON	OR	97007-6056	6,398.30	\$192,267
3	21E18BD03500	CDLW VENTURES LLC	LAKE OSWEGO	OR	97035-5360	25,929.20	\$903,424
4	21E18BD03501	GREGOIRE LLC	LAKE OSWEGO	OR	97034-5661	13,483.90	\$295,933
5	2S113DD00200	CONWAY, MARY A	SALEM	OR	97302	27,442.80	\$470,200
6	2S113DD00401	CARPENTER, MICHAEL C &	LAKE OSWEGO	OR	97035	134,164.80	\$3,078,040
7	2S113DD00700	WHITE, SPENCER F REVOCABLE LIVIN	NEWBERG	OR	97132	40,510.80	\$733,580
8	2S113DD00500	WHITE FAMILY TRUST	LAKE OSWEGO	OR	97035	21,780.00	\$234,010
9	2S113DD00800	GAGE ASSOCIATES LLC	LAKE OSWEGO	OR	97034	80,150.40	\$1,353,430
10	2S113DD00600	WASHINGTON COUNTY	HILLSBORO	OR	97124	871.2	\$260
11	2S113DD00400	WASHINGTON COUNTY	HILLSBORO	OR	97124	3,049.20	\$910
12	2S124AA05800	GAGE ASSOCIATES LLC	LAKE OSWEGO	OR	97034	21,344.40	\$505,850
13	2S124AA05900	GAGE ASSOCIATES LLC	LAKE OSWEGO	OR	97034	54,450.00	\$836,650
14	2S124AA06000	GAGE ASSOCIATES LLC	LAKE OSWEGO	OR	97034	38,332.80	\$1,038,590
15	2S124AA05600	NATIONAL WATERWORKS INC	ORLANDO	FL	32802	89,733.60	\$779,630
16	2S124AA05700	GAGE ASSOCIATES LLC	LAKE OSWEGO	OR	97034	32,670.00	\$153,140
17	2S124AA06100	GAGE ASSOCIATES LLC	LAKE OSWEGO	OR	97034	77,101.20	\$1,595,390
18	2S124AA04600	HUNT, TROY E	PORTLAND	OR	97223	12,961.30	\$362,970
19	2S124AA04500	GIBBS, CATHLEEN & JAMES	OREGON CITY	OR	97045	13,164.10	\$442,870
20	21E18CC03000	HOLTMAN JANET	GILBERT	AZ	85295-9130	16,388.80	\$272,462
21	21E18CC03100	HOLTMAN JANET	GILBERT	AZ	85295-9130	1,725.60	\$7,559
22	21E18CC03200	SCO & CO LLC	LAKE OSWEGO	OR	97034-7539	104,816.10	\$1,329,510
23	21E18BA03900	EDMONDS SCOTT TRUSTEE	LAKE OSWEGO	OR	97035-0563	8,320.80	\$234,136
24	21E18BA04000	GOODWILL IND OF THE COLUMBIA	PORTLAND	OR	97214-4508	40,299.40	\$736,592
25	21E18BA04100	MPD LLC	VANCOUVER	WA	98683	42,528.50	\$935,658
26	21E18BA04200	CAREY STEVEN G	LAKE OSWEGO	OR	97035-5354	28,958.70	\$825,539
27	21E18BC01600	PAGLINAWAN PATRICIA G	LAKE OSWEGO	OR	97035-5224	10,829.00	\$278,291
28	21E18BC01700	LANDSHIRE ACRES COMPANY LLC	LAKE OSWEGO	OR	97035-5309	32,540.30	\$1,855,052
29	21E18BD00100	THE GALLARUS GROUP LLC	LAKE OSWEGO	OR	97035-3359	31,729.10	\$547,518
30	21E18BD00200	PACIFIC PARTNER COMMERCIAL LLC	LAKE OSWEGO	OR	97035-5371	38,769.40	\$802,306
31	21E18BD00300	BRISBEE PEGGY	TILLAMOOK	OR	97141-1120	39,636.20	\$614,337

32	21E18BD00400	NWB/CSPP-LAKE OSWEGO LLC	MILL CREEK	WA	98012-4740	43,406.10	\$460,807
33	21E18BD00500	HYDE JOYCE P TRUSTEE	LAKE OSWEGO	OR	97034-2753	30,829.20	\$662,835
34	21E18BD00600	SALEH HOLDINGS LLC	LAKE OSWEGO	OR	97035-4367	68,017.60	\$2,891,431
35	21E18BD00601	VARNS STREET PROPERTIES LLC	PORTLAND	OR	97223-8145	42,509.70	\$2,391,313
36	21E18BD00604	KALBERER COMPANY	PORTLAND	OR	97204-2330	58,560.90	\$1,873,970
37	21E18BD00700	DEBAUW WILLIAM & VIRGINIA	TIGARD	OR	97223-4804	39,924.20	\$1,556,478
38	21E18BD00900	SHIRAZI LLC	LAKE OSWEGO	OR	97035-5344	8,604.20	\$389,256
39	21E18BD01000	HOWARTH CHERYL L	BEAVERTON	OR	97007-4893	8,968.20	\$404,430
40	21E18BD01100	KCM PROPERTIES LLC	LAKE OSWEGO	OR	97034-7224	14,307.90	\$546,809
41	21E18BD01200	FS UNLIMITED LLC	LAKE OSWEGO	OR	97034-6718	39,075.00	\$563,982
42	21E18BD01300	WRIGHT WILLIAM TRUSTEE	PORTLAND	OR	97239-0627	67,905.20	\$1,473,143
43	21E18BD01400	WILLOW LANE PROPERTIES LLC	LAKE OSWEGO	OR	97035-5338	10,125.80	\$288,301
44	21E18BD01500	STEVENS JOINT VENTURE LLC	SHERWOOD	OR	97140-0275	70,066.30	\$1,914,441
45	21E18BD01900	CITY OF LAKE OSWEGO	LAKE OSWEGO	OR	97034-0369	41,626.00	\$446,113
46	21E18BD02000	EVERETT RICHARD C	LAKE OSWEGO	OR	97035-0513	78,418.50	\$1,652,062
47	21E18BD02200	GMS PRODUCTS LLC	LAKE OSWEGO	OR	97035-5315	31,362.50	\$801,609
48	21E18BD02300	MOHAN INVESTMENTS LLC	LAKE OSWEGO	OR	97035-5263	35,407.00	\$721,792

Enterprise Zone Expansion:

Exhibit B

49	21E18BD02400	HARP MEDICAL PLAZA LLC	LAKE OSWEGO	OR	97035-5586	57,639.50	\$4,130,544
50	21E18BD02402	WAL-MART PROPERTY TAX DEPT	BENTONVILLE	AR	72712	108,644.70	\$2,532,400
51	21E18BD02403	MARK A PETROFF LLC	LAKE OSWEGO	OR	97035-5384	25,738.40	\$1,815,731
52	21E18BD02500	JONSSON PROPERTIES LLC	AUSTIN	TX	78704-4346	21,925.60	\$1,185,805
53	21E18BD02600	WAL-MART PROPERTY TAX DEPT	BENTONVILLE	AR	72712	17,178.40	\$367,871
54	21E18BD02700	JEAN BUILDING LLC	LAKE OSWEGO	OR	97035-5303	15,334.90	\$178,031
55	21E18BD02701	JEAN BUILDING LLC	LAKE OSWEGO	OR	97035-5303	27,862.90	\$1,215,102
56	21E18BD02800	ATLAS SPECIALTIES CORP	SACRAMENTO	CA	95838-3001	49,122.30	\$900,430
57	21E18BD02900	R & D JEAN RD LLC	TIGARD	OR	97224-4715	49,203.40	\$1,484,948
58	21E18BD03000	LAKE OSWEGO EXECUTIVE PARK LLC	PORTLAND	OR	97204-3132	25,515.50	\$889,105
59	21E18BD03001	LAKE OSWEGO EXECUTIVE PARK LLC	PORTLAND	OR	97204-3132	24,608.70	\$1,302,415
60	21E18CC03201	MO & CO LLC	LAKE OSWEGO	OR	97034-7539	62,582.80	\$1,855,654
61	21E18BD03002	LAKE OSWEGO EXECUTIVE PARK LLC	PORTLAND	OR	97204-3132	44,247.00	\$1,903,388
62	21E18BD03003	LAKE OSWEGO EXECUTIVE PARK LLC	PORTLAND	OR	97204-3132	3,937.50	\$49,529
63	21E18CA03200	JMCM MORSE-JEAN RD LLC	LAKE OSWEGO	OR	97035-5306	84,258.80	\$732,042
64	21E18CA03201	BETHPAGE OSWEGO LLC	NEWBERG	OR	97132-6934	44,140.00	\$1,798,636

Enterprise Zone Expansion:

Exhibit B

65	21E18CA03300	BTLO LLC	LAKE OSWEGO	OR	97035-7047	45,143.90	\$1,712,024
66	21E18CA03400	11TH HOUR LLC	TIGARD	OR	97281-0819	34,771.90	\$618,195
67	21E18CA03500	PACIFIC-JEAN ROAD LAND CO LLC	LAKE OSWEGO	OR	97035-5306	68,580.70	\$813,083
68	21E18CA03600	MOODY MICHAEL & RONDA	LAKE OSWEGO	OR	97035-5308	9,999.60	\$202,530
69	21E18CA03700	MOODY J MICHAEL & R K	LAKE OSWEGO	OR	97035-5308	9,999.40	\$293,010
70	21E18CA03800	11TH HOUR LLC	TIGARD	OR	97281-0819	76,380.00	\$553,423
71	21E18CA04000	11TH HOUR LLC	TIGARD	OR	97281-0819	37,671.30	\$1,432,074
72	21E18AB01500	BOONES FERRY CROSSING LLC	WEST LINN	OR	97068-3631	41,500.20	\$1,753,999
73	21E18AB01700	BOONES FERRY CROSSING LLC	WEST LINN	OR	97068-3631	38,187.80	\$2,101,937
74	21E18CB00201	MICRO SYSTEMS ENGINEERING INC	LAKE OSWEGO	OR	97035-5571	326,690.40	\$9,794,002
75	21E18CB01100	ELLIOTT ASSOCIATES INC	PORTLAND	OR	97232-2730	288,814.00	\$5,381,727
76	21E18CB01101	KEYBANK NATIONAL ASSOC TRUSTEE	CLEVELAND	OH	44114	79,144.90	\$1,859,707
77	21E18CB01103	CHINOOK INVESTMENT CO	BEND	OR	97708-5309	75,888.30	\$1,493,696
78	21E18CC03300	TOTORO LLC	LAKE OSWEGO	OR	97035-7740	15,206.80	\$977,076
79	21E18CC03400	TOTORO LLC	LAKE OSWEGO	OR	97035-7740	7,405.20	\$29,924
80	21E18AB03500	TAYLOR-MADE LABELS	LAKE OSWEGO	OR	97035-0056	40,433.40	\$376,578

Enterprise Zone Expansion:

Exhibit B

81	21E18AB03600	TAYLOR-MADE LABELS	LAKE OSWEGO	OR	97035-0056	74,009.40	\$1,870,393
82	21E18BA03700	VARNS STREET PROPERTIES LLC	PORTLAND	OR	97223-8145	68,056.40	\$2,351,418
83	21E18BA03704	LES SCHWAB TIRE CTRS OF OR	BEND	OR	97708-5350	30,493.20	\$592,960
84	21E18BA03800	LES SCHWAB TIRE CTR INC	BEND	OR	97708-5350	53,746.60	\$1,796,631
85	21E18BA03801	HOFFMAN CATHERINE A	SHERWOOD	OR	97140-8489	24,525.20	\$638,435

AIS-2398

6.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): 25 Minutes

Agenda Title: Continued QJ Public Hearing: Comprehensive Plan Amendment and Zone Change for Fields Trust

Prepared For: Gary Pagenstecher, Community Development

Submitted By: Norma Alley, Central Services

Item Type:	Ordinance	Meeting Type:	Council
	Resolution		Business
	Public Hearing - Quasi-Judicial		Meeting - Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

At the October 13, 2015 hearing, City Council continued the hearing on the proposed Fields Comp Plan amendment and Zone change until October 27th. Based on Rolling Hills neighbor testimony, Council requested staff draft a resolution to prohibit vehicular traffic generated from the Fields property from passing through the Rolling Hills neighborhood (attached). Council intends to take separate action on both the **Ordinance** and the **Resolution**.

In addition, at Council's October 13th hearing, which was on the record, new information was offered by Tigard staff regarding the status of a Lot Line Adjustment being processed concurrently by the applicant on the Fields property. To be fair in the process, Staff has offered all interested parties the opportunity to submit additional information specific to the Lot Line Adjustment in writing to the Council. Written public comment related to the status of the Lot Line Adjustment may be considered by Council in their deliberation on the 27th, at their discretion.

STAFF RECOMMENDATION / ACTION REQUEST

Ordinance

The Planning Commission recommends approval to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of the attached staff report and the following recommended four conditions of approval:

1. The planned development overlay zone shall be applied concurrently with the proposed MUE zone;

2. Future development within the MUE zone shall include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA;
3. The site shall be limited to a maximum of 630 a.m. peak hour trips and 630 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Comprehensive Plan Amendment (CPA) with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council; and
4. The applicant shall record an easement, restrictive covenant or similar instrument on the subject property that is acceptable to the city to ensure a 50-foot wide forested buffer is maintained along the eastern property boundary abutting the Rolling Hills subdivision.

Resolution

Staff recommends that Council consider the attached resolution prohibiting vehicular access from passing through the Rolling Hills neighborhood, as requested. As included in the Resolution, Staff also recommends the access prohibition be qualified to allow for emergency vehicular access to the Fields Property if it is determined to be necessary by emergency response agencies at the time the property is developed. In addition, consistent with the city's Strategic Plan, staff has specifically stated in the resolution that pedestrian and bicycle access through the neighborhood be expressly allowed.

KEY FACTS AND INFORMATION SUMMARY

Ordinance

The proposed Mixed Use Employment Comprehensive Plan designation of the eastern portion of the site will allow development despite existing slope constraints. It will also reduce potential conflicts between uses on the subject property and abutting residential development. The proposed zone change from I-P to MUE has the potential to increase economic development in Tigard by allowing for a wider variety of potential development on the site that is not limited by the physical attributes of the site. [Please see additional information in the attached Planning Commission Recommendation]

Resolution

In 1979, the Citizen Action Committee for the 72nd Avenue Interchange requested the Tigard City Council to place a street plug at the west end of SW Varns Street and to place signs at the east entrance to SW Varns Street to prevent through traffic.

In 1979, the Tigard City Council passed Resolution No. 79-86 creating a street plug at the west end of SW Varns Street and required installation of signs at the east end of SW Varns Street.

On October 13, 2015 the Rolling Hills neighbors testified at City Council on a proposed zone change (CPA2015-00004/ZON2015-00005) for the adjacent Fields Trust property with concerns regarding the prospect of through-traffic associated with likely future development.

City Council directed staff to prepare a resolution to prohibit vehicular traffic originating from the Fred Fields Trust Property to pass through the adjacent Rolling Hills neighborhood.

The proposed resolution would repeal Resolution No. 79-87.

OTHER ALTERNATIVES

Ordinance

Council has the responsibility to approve, approve with modifications, approve with conditions, deny or adopt an alternative to an application for the legislative change or to remand to the commission for rehearing and reconsideration on all or part of an application transmitted to it under this title.

Resolution

Adopt, not adopt, or retain existing Resolution No.79-87.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

June 16, 2015 Fields Industrial Property Project update

March 24, 2015 Public Hearing for Post Acknowledgement Plan Amendment to Economic Opportunity Analysis.

December 9, 2014 pre-development update and presentation of draft MOU

September 9, 2014 discussion of the grant for the Public Infrastructure Finance Plan from the Department of Land Conservation and Development August 9, 2014 update on Public Infrastructure Finance Plan

February 18, 2014 Fields Property Site Analysis study

October 13, 2015 - **Quasi-judicial Hearing for Fields Comprehensive Plan and Zone Change.**

Attachments

[Resolution](#)

[Ordinance](#)

[PC Recommendation to Council](#)

[Planning Commission Minutes](#)

[Application Materials](#)

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15-

A RESOLUTION OF THE TIGARD CITY COUNCIL PROHIBITING VEHICULAR TRAFFIC ORIGINATING FROM THE FRED FIELDS TRUST PROPERTY TO PASS THROUGH THE ADJACENT ROLLING HILLS NEIGHBORHOOD. THE SUBJECT PROPERTY AS OF THE DATE OF THIS REOLUTION IS WASHINGTON COUNTY TAX ASSESSOR'S MAP AND TAX LOTS 2S1010001100, 2S101CA00100, 2S101CA00800, AND 2S101DB00400.

WHEREAS, in 1979 the Citizen Action Committee for the 72nd Avenue Interchange requested the Tigard City Council to place a street plug at the west end of SW Varns Street and to place signs at the east entrance to SW Varns Street to prevent through traffic; and

WHEREAS, the Tigard City Council passed Resolution No. 79-86 creating a street plug at the west end of SW Varns Street and required installation of signs at the east end of SW Varns Street; and

WHEREAS, on October 13, 2015 the Rolling Hills neighbors testified at City Council about a proposed zone change (CPA2015-00004/ZON2015-00005) on the adjacent Fields Trust property with concerns regarding the prospect of through-traffic associated with likely future development; and

WHEREAS, City Council directed staff to prepare a resolution to prohibit vehicular traffic originating from the Fred Fields Trust Property from passing through the adjacent Rolling Hills neighborhood.

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

SECTION 1: The City of Tigard will prohibit vehicular traffic originating from the Fred Fields Trust Property from passing through the adjacent Rolling Hills neighborhood (with the exception of emergency vehicle access).

SECTION 2: Pedestrian and bicycle access through the neighborhood will not be prohibited.

SECTION 3: This resolution repeals Resolution No. 79-87.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 15-

AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT (CPA2015-00004) AND ZONE MAP AMENDMENT (ZON2015-00005) FOR THE 42.6-ACRE FIELDS TRUST PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SW HUNZIKER ROAD & SW WALL STREET, TO AMEND THE COMPREHENSIVE PLAN MAP FROM 37.4 ACRES OF LIGHT INDUSTRIAL (IL), 3.1 ACRES OF PROFESSIONAL COMMERCIAL (CP), AND 2.1 ACRES OF LOW DENSITY RESIDENTIAL (L) TO 18.3 ACRES OF LIGHT INDUSTRIAL (IL) AND 24.2 ACRES OF MIXED USE EMPLOYMENT (MUE). THE PROPOSAL WOULD ALSO AMEND THE ZONING MAP FROM 37.4 ACRES OF INDUSTRIAL PARK (I-P), 3.1 ACRES OF PROFESSIONAL/ADMINISTRATIVE COMMERCIAL (C-P), AND 2.1 ACRES OF LOW-DENSITY RESIDENTIAL (R-3.5) TO 18.3 ACRES OF I-P AND 24.2 ACRES OF MUE. SUBJECT TO CONDITIONS OF APPROVAL 1) APPLYING THE PLANNED DEVELOPMENT OVERLAY ZONE, 2) PRESERVING EMPLOYMENT CAPACITY, 3) IMPOSING A TRIP CAP, AND 4) ENSURING A 50-FOOT FORESTED BUFFER. THE SUBJECT PROPERTY AS OF THE DATE OF THIS ORDINANCE IS WASHINGTON COUNTY TAX ASSESSOR'S MAP AND TAX LOTS 2S1010001100, 2S101CA00100, 2S101CA00800, AND 2S101DB00400.

WHEREAS, Section 18.380.030.A of the City of Tigard Community Development Code requires quasi-judicial zoning map amendments to be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection 18.380.030.B; and

WHEREAS, Section 18.380.030.A.2 of the City of Tigard Community Development Code requires the Planning Commission make a recommendation to the council on an application for a comprehensive plan map amendment; and

WHEREAS, Section 18.380.030.B.1 of the City of Tigard Community Development Code requires demonstration of compliance with all applicable comprehensive plan policies and map designations; and

WHEREAS, Section 18.380.030.B.2 of the Tigard Development Community Development Code requires demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinances; and

WHEREAS, Section 18.380.030.B.3 of the City of Tigard Community Development Code requires evidence of change in the neighborhood or community, or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and

WHEREAS, pursuant to Section 18.390.060.G of the Tigard Development Code, a recommendation by the Planning Commission, and a decision by the council, shall be based on consideration of Statewide Planning Goals and guidelines adopted under Oregon Revised Statutes; any federal or state statutes or regulations found applicable; and any applicable Metro regulations; and

WHEREAS, the Tigard Planning Commission held a public hearing on August 17, 2015, and recommended approval of CPA2014-00004/ZON2015-00005 by motion passed unanimously; and

WHEREAS, the Tigard City Council held a public hearing on October 13, 2015, to consider the request for a quasi-judicial comprehensive plan and zone map amendment and determined that the amendments will not adversely affect the health, safety and welfare of the city and meet all applicable review criteria.

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

SECTION 1: Comprehensive Plan Amendment (CPA2015-00004) and Zone Change (ZON2015-00005) are hereby approved by the City Council, subject to the conditions of approval in the Planning Commission Recommendation to Council dated August 24, 2015.

SECTION 2: The attached findings in the August 24, 2015 Planning Commission Recommendation are hereby adopted in explanation of the council's decision (Exhibit "A").

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

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2015.

Carol Krager, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2015.

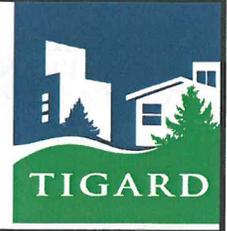
John Cook, Mayor

Approved as to form:

City Attorney

Date

**PLANNING COMMISSION RECOMMENDATION
TO CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

FILE NAME: **FIELDS TRUST PLAN AMENDMENT AND ZONE CHANGE**
FILE NOS.: **Comprehensive Plan Amendment** **CPA2015-00004**
Zone Change Amendment **ZON2015-00005**

PROPOSAL: The Fred W. Fields Trust proposes to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential (L) to 18.3 acres of Light Industrial (IL) and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE.

APPLICANT Fred W. Fields Revocable Living Trust **OWNER:** Fred W. Fields Revocable
c/o Miller Nash Graham & Dunn LLP Living Trust
Attention: Kelly Hossaini
111 SW 5th Ave, #3400
Portland, OR 97204

LOCATION: Southwest corner of SW Hunziker Road & SW Wall Street; WCTM and Tax Lots 2S1010001100, 2S101CA00100, 2S101DB00300, and 2S101DB00400.

**CURRENT ZONE/
COMP. PLAN
DESIGNATION:**

I-P: industrial park district. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

C-P: professional/administrative commercial district. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.

R-3.5: low-density residential district. The R-3.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 10,000 square feet. Duplexes are permitted conditionally. Some civic and institutional uses are also permitted conditionally.

**PROPOSED ZONE/
COMP. PLAN
DESIGNATION:**

MUE: mixed-use employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the city through the legislative process.

**APPLICABLE
REVIEW
CRITERIA:**

Community Development Code Chapters: 18.380; Comprehensive Plan Goals 1, 2, 9 and 10; Statewide Planning Goals 1, 2, 9 and 10; Oregon Administrative Rule 660, Division 9; the Oregon State Transportation Planning Rule (TPR) 660-012-0060; and Metro Title 4.

SECTION II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends **APPROVAL** to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of this Staff Report and the following recommended conditions of approval.

Amendments by the Planning Commission to the conditions of approval recommended in the staff report are indicated in bold italic, below.

CONDITIONS OF APPROVAL

1. The planned development overlay zone shall be applied concurrently with the proposed MUE zone.
2. Future development within the MUE zone shall include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city’s amended 2011 EOA.
3. The site shall be limited to a maximum of **630** a.m. peak hour trips and **630** p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Comprehensive Plan Amendment (CPA) with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council.
4. The applicant shall record an easement, restrictive covenant or similar instrument on the subject property that is acceptable to the city to ensure a 50-foot wide **forested** buffer is maintained along the eastern property boundary abutting the Rolling Hills subdivision.

SECTION III. BACKGROUND INFORMATION

Planning Commission Hearing and Deliberation

The Planning Commission held a hearing on July 20, 2015 to consider the request and take public testimony. The record was left open until August 3rd for additional testimony, and until August 10th for rebuttal testimony. All testimony was posted to the city's website for interested parties to review. The Commission continued the hearing to August 17, 2015 for deliberation.

Neighborhood Testimony

The Rolling Hills community testified, with some thirty comment letters, to a peaceful enclave, an oasis, where two generations of families have enjoyed a wonderful quality of life; where, as the traffic around them has grown intolerable, they have been able to preserve calm streets that foster close social ties among each other. Their testimony addressed four basic issues aimed at protecting the quality of life of the Rolling Hills neighborhood.

- 1) Identifying that traffic in the surrounding area currently exceeds the capacity of the street network;
- 2) Requesting closure of Varns Street at the Fields property to limit traffic through the neighborhood.
- 3) Supporting an historic 50-foot forested buffer along the full length of the neighborhood.
- 4) Requesting less intense zoning adjacent to the northern part of the neighborhood at 76th and Crestview.

The commission supported the 50-foot forested buffer, as recommended through condition #4, but found that the transportation-related issues and compatibility of adjacent uses would more appropriately be addressed at the time of development application under a planned development review procedure, as recommended through condition of approval #1.

Transportation Planning Rule Compliance

ODOT provided testimony addressing the assumptions underlying the applicant's evidence submitted to satisfy the Transportation Planning Rule requirement for zone changes. General agreement was reached on the amount of development that would represent a reasonable worst case scenario with a 0.30 Floor Area Ratio. However, a difference remains with respect to the number of trips generated as determined by the type of development anticipated. Where ODOT prefers the Business Park land use type, the city agrees with the applicant that using the Office Park land use type better reflects the slope constraint on the site that underlies the proposed zone change. The city supports the August 3rd MacKenzie Memo recommendation for a trip cap of 630 AM and 630 PM peak hour trips be applied to the 24.56 acres subject to the zone change, as recommended through condition of approval #3.

Jobs Capacity Maintained

Recommended condition of approval #2 requires future development within the MUE zone to include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA. This condition is supported by the applicant and was not an issue during the Commission hearing.

Site History

The 42.5-acre property that is the subject of this application was owned by Fred W. Fields for many years before his death in 2011. It is presently owned by the Fred W. Fields Trust. The current zoning designations on the property have been in effect for several decades. The industrially zoned portion of the property was nominally used as part of the Coe Manufacturing facility, located at 7930 SW Hunziker Road, directly across Wall Street. Although this property was never fully developed, in the late 1960s a rail spur was constructed along the western edge of the property abutting Wall Street. Beginning in the early 1950s, the southwestern end of the industrially zoned portion of the property was used as a brick-making facility. Remnants of that facility still exist, including a concrete foundation. In 2012, the Trust had an on-site horizontal mine shaft, which was used for clay removal, filled in for safety reasons. A single family home existed on the residentially zoned portion of the property, but was demolished in 2012. There have been no other uses of the property during the last 70 or so years.

City of Tigard/Fields Trust Cooperation

The City has worked with Fred Fields over the years with respect to land use issues including acquisition of property for the Library in the early 2000s and acquisition, with Metro, of adjacent property to the east for natural resource conservation. This application is the outcome of efforts between the Fields Trust and the city to unlock the development potential of adjacent upland property, which has remained undeveloped in the heart of the city. The central problem has been a mismatch between the existing Industrial Park zoning designation and the slopes on the subject site being unsuitable for industrial development as outlined in Attachment 2 of the application: Fields Property Development Analysis and Opportunity Study, dated February 13, 2014. The applicant's narrative describes this cooperative effort in detail.

In February 2014, the results of the Development Analysis were shared with the City's Planning Commission and City Council. Both bodies gave the Trust and staff feedback on the Development Analysis, and expressed support for the overall direction recommended by that analysis. Both bodies anticipated a follow-up application from the Trust requesting a comprehensive plan map amendment and zone change consistent with the Development Analysis recommendations.

Infrastructure Finance Plan

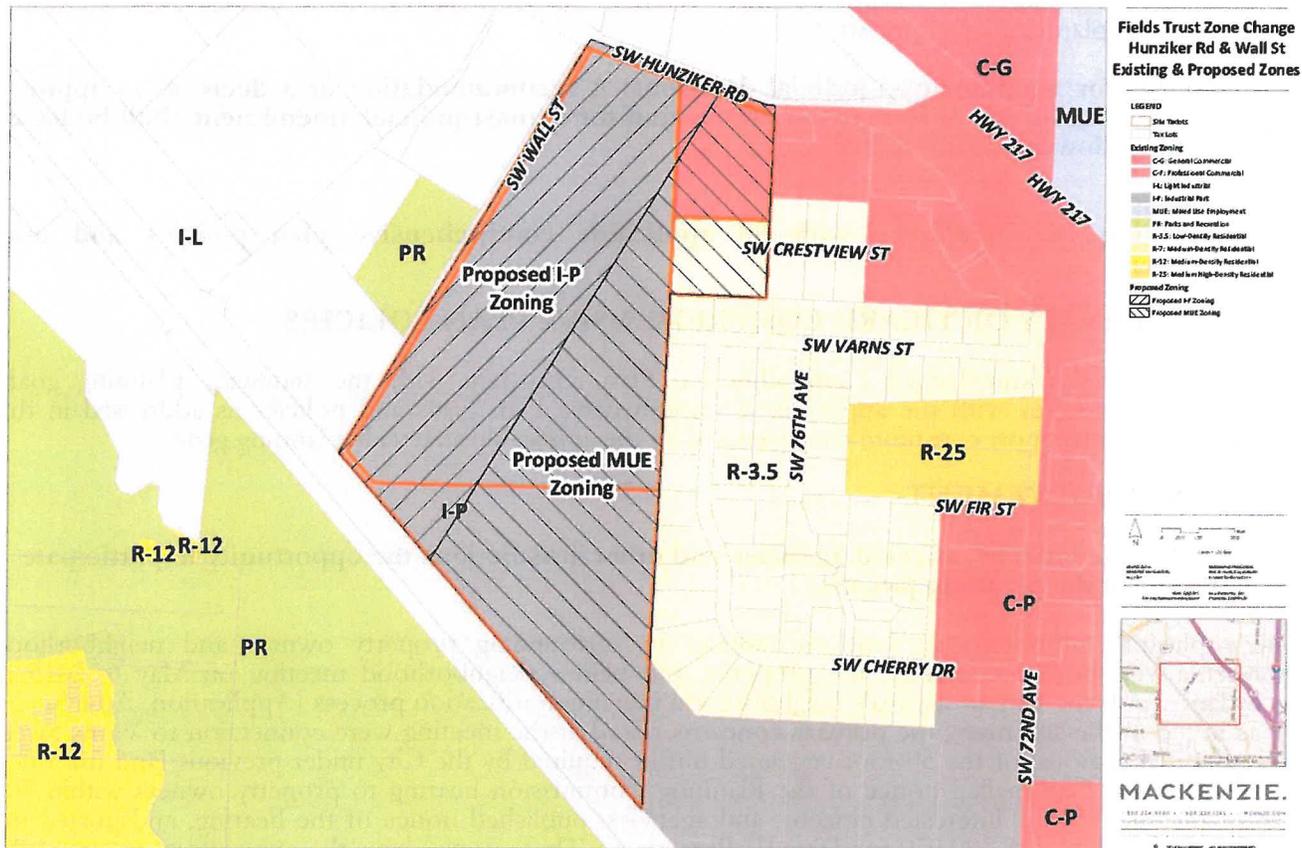
As a follow-up to the Development Analysis, the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) to prepare an infrastructure finance plan for the Fields Trust property, as well as the surrounding Wall Street/Hunziker Road industrial area to the west and north. The purpose of the study was to quantify the need for and appropriate size of public infrastructure in the area, with the hope of ultimately spurring economic development. The infrastructure study recognized that not only would the Fields Trust property need significant infrastructure investment, much of the adjacent industrial property - especially to the west of Wall Street - is substantially underdeveloped and would also benefit from public infrastructure investment. The infrastructure plan was completed late last year and continues to inform the City's actions regarding the Wall Street/Hunziker Road area, as well as the Trust's planning for its property.

Economic Opportunities Analysis Amendment

In March 2015, the City Council adopted an amendment to its 2011 Economic Opportunities Analysis (EOA) acknowledging that slope was not taken into account as a factor in determining the suitability of vacant or redevelopable land in the city for industrial uses. Both state law and Metro allow slope to be a limiting factor in the designation of industrial land. (See OAR 660-009-0015(3)(a)(B) and Metro's 2009 Urban Growth Report.) This omission resulted in an overstatement of available and suitable industrial land in Tigard, resulting in a deficit of industrial land supply. The amendment allows industrially zoned properties with significant slope, like the Fields Trust property, to be rezoned for more feasible uses and highlights the need, under an efficient land needs scenario, to consider job density in employment land development and redevelopment.

Site Information and Proposal Description

The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential to 18.3 acres of Light Industrial and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. The application is required to meet approval criteria set forth in the Tigard Municipal Code (TMC or Municipal Code) Title 18 Community Development Code. The application is submitted in response to site slopes and other constraints which make the eastern portion of the site unsuitable for industrial uses. No development plans accompany this land use application and no specific development plans exist for the majority of the portion of the property subject to the comprehensive plan map amendment and zone change. The proposed amendment and zone change is shown in the applicant's figure below.



Vicinity Information

The site is located south of Hunziker Road and east of Wall Street. The low density residential Rolling Hills neighborhood borders the subject site to the east. A railroad switching yard abuts the site on the southwest with a private rail spur running across the subject property adjacent and parallel to Wall Street. Red Rock Creek flows parallel to Wall Street to the west of Charter Mechanical and the city’s Potso Dog Park located across Wall Street from the subject site. The Hunziker Industrial Core area extends further to the west from Red Rock Creek to SW Hall Blvd between Hwy 217 and the railroad.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

TIGARD DEVELOPMENT CODE CHAPTER 18.380:

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map
 Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection B below.

A. The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the applications on the record as provided by Section 18.390.

The proposed zone change application to change the zoning on the subject site from I-P, C-P, and R-3.5

to MUE also involves a comprehensive plan map amendment from Industrial Park, Professional Commercial and Low Density Residential to Mixed Use Employment. Therefore, the Planning Commission shall make a recommendation to Council on the proposed zone change application and comprehensive plan map amendment.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

18.380.030. B.1

Demonstration of compliance with all applicable comprehensive plan policies and map designations;

APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES

The City has an acknowledged Comprehensive Plan consistent with the statewide planning goals. Therefore, consistency with the applicable Comprehensive Plan goals and policies as addressed in this section of the staff report constitute consistency with the applicable statewide planning goals.

CITIZEN INVOLVEMENT

Goal 1.1 Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

The applicant's representative sent out notices to surrounding property owners and neighborhood representatives, posted a sign on the property, and held a neighborhood meeting on May 6, 2015 in accordance with the City of Tigard's neighborhood meeting notification process (Application, Attachment 5); as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules. In addition, the City mailed notice of the Planning Commission hearing to property owners within 500 feet of the subject site, interested citizens, and agencies, published notice of the hearing, and posted the site pursuant to TDC 18.390.050 for Type III Procedures. These parties have the opportunity to attend the Planning Commission hearing and provide testimony.

FINDING: As shown in the analysis above, the proposed comprehensive plan and zone change is consistent with the applicable Citizen Involvement Goal.

LAND USE PLANNING

Goal 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard's land use planning program.

Policy 3. The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

Notice and request for comments for the proposed zone change were sent to Department of Land Conservation and Development (DLCD), Metro, Washington County and Oregon Department of Transportation (ODOT). ODOT and Metro submitted comments on the proposal, which are included in the findings of this report, below. This policy is met.

Policy 5. The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.

As shown in the applicant's materials 37.4 acres of subject property is included on Metro's Title 4 Industrial and Other Employment Areas map (January 2014) as a designated Industrial Area. Of this amount, 17.9 acres would remain in the current I-P zone and 19.4 acres would be changed from Industrial Area to Employment Area by virtue of a zone change to MUE. Given the unsuitability of the eastern portion of the property for industrial uses, changing the comprehensive plan and zoning to MUE will enable the City to promote a more intense urban development of the site. This policy is met.

Policy 6. The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability.

As stated in the applicant's narrative, the rationale for the map amendments is to allow for a range of development opportunities on the up-hill portion of the site that would offset the considerable development costs associated with site grading and public improvement requirements necessary to lead to industrial uses on the flatter, western portion. Ordinance 15-06 amended the comprehensive plan to account for the slope constraints on approximately 17 acres of the site that hamper the ability to construct large-footprint industrial buildings. The industrial uses, by themselves, would not provide sufficient economic value to fund needed public facilities and services. The costs of developing this constrained parcel to accommodate industrial activities undermine the potential economic value of the parcel itself as currently zoned, and have led to it remaining vacant. In combination with the remaining I-P land, the proposed rezoning to MUE provides a range of land use types which are of sufficient economic value to fund needed public facilities and services for the site and advance the City's social and fiscal stability. This policy is met.

Policy 7. The City's regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:

A. Residential;

B. Commercial and office employment including business parks;

C. Mixed use;

D. Industrial;

E. Overlay districts where natural resource protections or special planning and regulatory tools are warranted; and

F. Public services.

Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land. This application would change the plan designation of approximately 19.4 acres from IP to MUE. The need for industrial land is established in the city's 2011 EOA which indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant industrial is 48 acres and the 20-year supply is 50 acres. Although this action would decrease the industrial land area, there would be no net loss of acreage designated for employment since the MUE designation accommodates a variety of employment types some of which are also allowed in the IP zone, such as office use.

The simultaneous designation of 2.1 acres from R-3.5 to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. In the context of the City's overall supply of residential land, a reduction of 2.1 acres of low density residential is minimal compared to the increase in residential capacity permitted in the MUE at 25 units per acre.

The proposed MUE zone permits a number of residential, civic, commercial, and industrial uses not currently permitted in the C-P zone. Where no residential or industrial uses are permitted in the C-P zone, the MUE permits multifamily residential (R-25), light industrial, research and development, and some warehouse/freight movement. Civic uses are expanded in the MUE to include colleges, schools, and community recreation. Commercial uses such as commercial lodging, eating drinking establishments and sales oriented retail, where limited to a percentage of permitted uses in the C-P, are permitted outright in the MUE.

On balance the proposal would provide a wider range of uses under the MUE zone suitable for a sloped site, while limiting several uses currently permitted in the IP zone, such as industrial services and wholesale sales. The City's regulatory land use maps and development code will continue to implement the Comprehensive Plan by providing for needed urban land uses. This policy is met.

Policy 14. Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan, and when necessary, those of the state and other agencies.

The applicant's narrative provides evidence that the application substantially complies with applicable criteria of the Statewide Planning Goals, Oregon Administrative Rules, Metro regulations, the Tigard Comprehensive Plan, and the Tigard Community Development Code. This policy is met.

Policy 15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation.

Analysis of transportation impacts and public facility infrastructure (Application, Attachments 3 and 4) indicates that the site would have access to infrastructure with sufficient capacity to accommodate development of the site under existing zoning or proposed zoning, and future development of the site would improve both Hunziker Road and Wall Street. The Transportation Planning Rule analysis (Attachment 3) demonstrates that the PM peak trips for uses allowed in the existing and proposed zoning designations are similar; therefore, imposing a trip cap based on anticipated trip generation allowed in the current zoning will ensure the amendment has no significant impact on transportation facilities. As conditioned, this policy is met.

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services.

As noted above, the applicant requests that the city condition the approval of the requested zone change with a trip cap that does not exceed the total number of automobile trips associated with the most intense use, a medical/dental office. With a condition of approval implementing a trip cap on the subject site, this policy is met.

C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;

The applicant's Development Analysis and Opportunity Study demonstrates that, due to slope constraints, the eastern portion of the subject property is constrained for large footprint industrial type development. The proposed alternative zone, MUE, permits multi-family residential development, which has been the focus of developer and real estate market interest in the site. The applicant has shown that the physically constrained portion of the property is more suitable for residential or office development than industrial. This policy is met.

D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;

The proposal is for a change in comprehensive plan designation and zoning for land that is physically constrained and not appropriate for its existing industrial designation. Given that the current industrial designation is not appropriate for the site another more suitable designation is required. Under this action this criterion does not apply since MUE is an appropriate replacement designation but it is not necessarily related to whether there is an inadequate amount of MUE designation in other areas. This criterion does not apply.

E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled.

The applicant states uses allowed in the MUE zone can be arranged and clustered to fit into the site topography rather than requiring mass grading to create the large, flat sites that would be necessary for industrial uses. Subsequent Planned Development, Conditional Use and/or Site Development Reviews would ensure development would comply with all applicable development code regulations. The subject site is not currently designated with any overlay zones such as historic (HD) or planned development (PD). This policy is met.

F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses.

The applicant's Development Analysis and Opportunity Study identifies site constraints that any development would need to address. Constraints include slope and configuration of site, slope of Hunziker, Wall Street TSP classification and rail spur, wetlands, trees, limited access, and noise from the railroad switching yard. Surrounding land uses include low density sing-family attached and detached residential and industrial uses. The range of uses permitted in the MUE zone would require Conditional Use and/or Site Development Review to ensure development would comply with all applicable development code regulations and be compatible with surrounding land uses.

However, the complexity of the site characteristics including environmental conditions and surrounding land uses suggests a process that provides flexibility in site design to maximize the opportunities and mitigate for the constraints of the site and surrounding land uses. Use of the Planned Development overlay zone is the best way to ensure permitted uses in the MUE zone are compatible, or are capable of being made compatible, with environmental conditions and surrounding land uses. This is demonstrated through the purpose statement of the Planned Development section of the Development Code:

18.350.010 Purpose

A. The purposes of the planned development overlay zone are:

- 1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the city; and*
- 2. To provide such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and*
- 3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and*
- 4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and*
- 5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the city; and*
- 6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.*

A planned development overlay on the proposed MUE zone would best ensure development's compatibility with site conditions. With a condition requiring the PD overlay, this policy is met.

G. Demonstration that the amendment does not detract from the viability of the City's natural systems.

The subject site contains jurisdictional wetlands in the northwest area of the site, steep slopes along the southern edge of the site, and lower value significant habitat designation on the uplands portion of the site. The applicant has proposed accepting a condition of approval on the zone change requiring a 50-foot forested buffer along the eastern boundary of the site, which would support the habitat values of the site. Staff suggests that the applicant alternatively provide the buffer by recording a buffer easement on the lot line-adjusted parcel containing the boundary. As identified in the planned development purposes above, the planned development standards are designed to balance environmental resource protection with context sensitive site design. This policy is met.

Policy 16. The City may condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use(s) and per specific design /development requirements.

The applicant has determined that due to extraordinary development costs, the flatter western portion of the site (which would continue to maintain I-P zoning) is only likely to develop if the steeper eastern portion can also be developed with some mix of employment and/or residential use. Knowing that staff is interested in ensuring job capacity on the subject site, the applicant respectfully requests that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. The applicant cites the importance of flexibility in response to ever-changing market conditions in support of this request.

Staff finds, consistent with findings in the amended 2011 EOA, that slope constraints reduce the subject site's suitability for some large-footprint industrial uses, but that there is potential for employment use of slope-constrained sites. The city's limited inventory of buildable lands highlights the need to consider job density in employment land development and redevelopment within an efficient land needs scenario. Although the city supports opening the development potential of the whole site with the proposed zone change to MUE of the slope constrained portion of the site, it also must protect its employment capacity, which can best be managed through the planned development review process.

Therefore, staff recommends a condition of approval to ensure the area of the subject property zoned MUE provides a minimum of 280 non-retail jobs to preserve employment land capacity and application of the PD overlay to provide a deliberate process that balances the interests of the owner, developer, neighbors, and the city.

FINDING: As shown in the analysis above, the applicable Land Use policies have been met. Staff recommends the Planning Commission recommend to City Council a condition of approval requiring a definite land use (employment, 280 non-retail jobs) and a Planned Development Overlay be applied to allow for specific design/development requirements in order to meet the applicable Land Use policies.

ECONOMIC DEVELOPMENT

Goal 9.1: Develop and maintain a strong, diversified, and sustainable local economy.

Policy 3. The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.

The applicant states that industrial development by itself is not able to economically offset the high cost of on-site grading costs, public improvements to abutting streets, and utility extensions. MUE rates of return would allow the high infrastructure costs associated with the development of this property to be financed by the development itself. The intent of the proposed comprehensive plan amendment and zone change is to create flexibility that generates job-creating development in the City. This policy is met.

Policy 5. The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.

The applicant states that under the current zoning, the site has remained undeveloped for many years due to the development constraints outlined in Section II of the Fields Property Development Analysis. The proposal would respond to market conditions by allowing a mix of uses on the eastern portion while preserving the western portion for industrial employers. The proposed zone change would allow a more efficient use of employment land than the current underutilized condition.

Well designed and efficient development can be assured through the deliberative planned development process that provides flexibility in site design and such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. This policy is met.

Policy 6. The City shall promote actions that result in greater, more efficient, utilization of its Metro-designated Employment and Industrial Areas.

Metro's Title 4 Industrial and Other Employment Areas map (January 2014) shows the I-P-zoned parcels of the subject site (totaling 37.4 acres) as Industrial Areas. The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. The evidence in the application shows that despite relatively high demand for light industrial land and low supply, this site has not developed for light industrial use and is unlikely to do so in the future because of its unsuitable site characteristics and development constraints. The applicant states that the MUE zoning on the eastern portion allows the site to be developed with some combination of employment and multifamily workforce housing use and allows the site to be developed in a more flexible way. Development allowed under the MUE zone will help create a stronger, more diversified, and sustainable development on this site, which in turn will help

the local economy. Provided the MUE zone is indeed developed with mixed uses, including employment, the re-zone will promote greater, more efficient, utilization of Metro-designated employment and industrial lands. This policy is met.

Policy 7. The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.

The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. In accordance with Metro Title 4, Section 3.07.430, Tigard's Community Development Code limits the size and scope of commercial retail uses within the I-P zone (Table 18.530.1, Note 2). In accordance with Metro Title 4, Section 3.07.440, Tigard's Community Development Code limits the size and scope of commercial retail uses within the MUE zone (Table 18.520.1, Note 22). Approval of the proposed comprehensive map amendment would functionally convert 19.4 acres of the site into a Title 4 Employment Area from a Title 4 Industrial Area, where commercial retail uses are restricted, consistent with the purpose of Title 4 to protect a supply of sites for employment. This policy is met.

Policy 12. The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economic future.

The proposed MUE rezone should unlock the development potential of the site. The city can assure economic development promotes other community qualities, such as livability and environmental quality by placing a PD overlay over the MUE zone to provide such added benefits through the planned development process as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. This policy is met.

Goal 9.3: Make Tigard a prosperous and desirable place to live and do business.

Policy 1. The City shall focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

The subject site is located outside of the listed plan districts. The disposition of employment and housing uses across the site should acknowledge the direction of this policy and can best be considered with the planned development process. This policy is met.

FINDING: As show in the analysis above, the applicable Economic Development policies are substantially met with application of a condition of approval requiring a PD overlay and a minimum threshold of employment use within the proposed MUE zone.

HOUSING

Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

Policy 5. The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future (SW Pacific Hwy).

The proposed zoning designation, MUE, permits "medium high-density" housing at 25 units/acre as an outright use. There appears to be market support for multi-family housing at this location (Fields Development Analysis II.2). Multi-family residential use on the subject property has been a key expectation for development in the proposed MUE zone. However, the subject site is not located in a town center, regional center or along a transit corridor. Currently, the site does not provide ready access to employment opportunities, commercial services, transit, or other public services necessary to support higher population densities. However, the hope is that the rezone will catalyze the transformation of the area where some of these opportunities and services will become available. The MUE zone allows commercial uses and staff recommends a condition of approval requiring a minimum job density for the

proposed MUE zoned area. In addition, the city's Public Infrastructure Finance Strategy is likely to lead to improved street connectivity in the area, and the Southwest Corridor Plan includes new access across 217 connecting SW Beveland with Wall Street, potentially with high-capacity transit service. Staff further recommends a condition requiring application of the PD overlay concurrently with the MUE zone. Planned Development Review for future development will create the best opportunity to consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the city. As conditioned, this policy is met.

Goal 10.2: Maintain a high level of residential livability.

Policy 6. The City shall promote innovative and well-designed housing development through application of planned developments and community design standards for multi-family housing.

The proposed zoning designation, MUE, permits "medium high-density" housing at 25 units/acre as an outright use. There appears to be market support for multi-family housing at this location (Fields Development Analysis II.2). Multi-family residential use on the subject property has been a key expectation for development in the proposed MUE zone. Staff recommends a condition of approval requiring application of the PD overlay concurrently with the MUE zone. Planned Development Review for future development will provide such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. In addition a planned development process can help achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning. With the PD overlay, the proposed MUE zone will promote innovative and well-designed housing development. As conditioned, this policy is met.

Policy 7. The City shall insure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.

The proposed MUE zone allows for multifamily residential construction at a density of 25 units/acre. The subject site is distinguished by the hillside location with views out to the west, the presence of a mature stand of trees that characterizes the hill from views elsewhere in the city, and limited access to the transportation network and other services to support higher density residential development. As described above, there are transportation and access improvements being planned for the area. The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, the proposed MUE zone can promote innovative and well-designed housing development. As conditioned, this policy is met.

Policy 8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as:

- A. orderly transitions from one residential density to another;**
- B. protection of existing vegetation, natural resources and provision of open space areas; and**
- C. installation of landscaping and effective buffering and screening.**

The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, the proposed MUE zone can promote innovative and well-designed housing development. As conditioned, this policy is met.

9. The City shall require infill development to be designed to address compatibility with existing neighborhoods.

The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density Rolling Hills residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, development in the MUE zone can support unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering. As conditioned, this policy is met.

FINDING: As shown in the analysis above, the applicable Housing policies, as supported by the recommended condition of approval requiring the PD overlay zone, can be met.

18.380.030.B.2

Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

FINDING: For the purposes of the proposed comprehensive plan amendment and zone change, the applicant has satisfactorily addressed the applicable Sections of TDC Chapter 18.380, Zoning Map and Text Amendments. The standards of TDC Chapter 18.390.050 for Type III-PC procedures are applicable to this proposal, as identified in 18.380.030. The applicant has submitted an Impact Statement as required under 18.390.050.B.e. The public facilities impact study is included as Attachment 4 to the application. The applicant concurs with the requirement to dedicate right-of-way along Hunziker Road and Wall Street in conjunction with future development. Because no development is being proposed as part of this application, no right-of-way dedication is warranted at this time. Anticipated uses include multifamily residential and office. Any proposed development must meet all of the applicable Tigard Development Code standards in effect at the time an application is submitted. As shown in the analysis above, the proposed comprehensive map and zone change amendment complies with the applicable standards of the Tigard Development Code.

18.380.030.B.3

Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

FINDING: In March of 2015 the City adopted a Post Acknowledgment Plan Amendment to the City of Tigard's 2011 Economic Opportunities Analysis (Ord 15-06), which 1) acknowledges that slope was not applied as a development constraint factor in the Inventory of Suitable Sites (Land Supply), 2) applies slope as a suitability constraint for properties currently zoned industrial (I-P, I-L, and I-H), and 3) qualifies the Assessment of Potential with respect to slope constraints. The slopes on the subject property represent the majority of the lands addressed by the EOA amendment. The EOA amendment provides evidence of a mistake in the comprehensive plan in support of the proposal comprehensive plan and zone change from I-P to MUE. The proposal meets this standard for zone changes.

18.380.030.C Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.

FINDING: The land use action requested is quasi-judicial as it is limited to specific parcels and does not apply generally across the city. Therefore, the Planning Commission recommendation to Council may be for denial, approval, or approval with conditions. Staff has prepared proposed recommended conditions of approval for the Commission's consideration.

APPLICABLE STATE AND METRO REGULATIONS

OREGON ADMINISTRATIVE RULES

Economic Development
OAR 660 Division 9 – Economic Development
660-009-0010 Application

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

(c) Adopt a combination of the above, consistent with the requirements of this division.

FINDING: The City’s 2011 EOA compares demand and supply of employment lands to evaluate the land inventory over a 20-year period. The Analysis indicates that under the Efficient Land Need Scenario, the City’s 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). This application would change the plan designation of approximately 19.4 acres from IL to MUE. Although this action would decrease the area of land with an industrial designation, there would be no net loss of acreage designated for employment use since the MUE designation accommodates a variety of employment types. The simultaneous redesignation of two acres from Low Density Residential to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land.

The City of Tigard’s EOA indicates that the City has a surplus of two acres of industrial land; however, Ordinance 15-06 recognized that the City is “now potentially in deficit for industrial zoned vacant land.” The proposed zone change affecting the site would deplete the two-acre surplus by converting approximately 19.4 acres of land from I-P to MUE; however, this depletion would be partially offset by converting 0.4 acres from C-P to I-P. Taken together, the proposed zone change would need to compensate for the jobs associated with a net reduction of 17 acres of industrial land. While there is no guarantee that the site would produce jobs under the existing zoning (as evidenced by the current lack of development), for the purposes of comparison, employment density assumptions from the EOA have been used to quantify the number of jobs that could be expected on 17 industrial acres.

Based on 16.5 industrial jobs per acre (derived from the 794 jobs on 48 industrial acres identified in the EOA), 17 acres of industrial land would lead to an employment level of approximately 280 jobs. Approval of the zone change could therefore decrease the City’s employment potential by 280 jobs unless these jobs can be accommodated elsewhere. The proposed MUE zone permits a variety of employment uses, including office uses, which are also allowed in the I-P zone. To the extent the proposed MUE zone preserves the ability to create jobs on the subject site, jobs capacity will not be decreased. To ensure preservation of jobs capacity, staff recommends a condition of approval that requires 280 non-retail jobs be accommodated on the MUE-zoned portion of the site.

Analysis of Tigard’s Comprehensive Plan economic policies, as addressed above in this report, supports the recommended jobs capacity requirement.

Transportation Planning Rule
OAR 660 Division 12 – Transportation Planning

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

[...]

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: TPR compliance is demonstrated in Attachment 3 of the application. This analysis examined the “reasonable worst case” scenario for both the existing and proposed zoning (note that this scenario assesses high traffic generators allowed under the zoning, regardless of whether those uses are likely to be built). Attachment 3 analyzes the trip generation potential of the entire 42.5-acre site as well as the 24.6 acres proposed to receive new zoning. Figure 3 and Figure 6 depict the existing and proposed zoning, respectively, illustrating that the zone change area is primarily proposed to be zoned MUE except for a triangular area near Hunziker Road proposed to be zoned I-P. Development of the eastern portion of the site (the proposed zone change area) with housing and office uses under the current zoning would generate on the order of 784 PM peak hour trips. In the zone change area, if the MUE zone were entirely multifamily housing and the I-P zone office park, trip generation would be 455 PM peak hour trips (a reduction of 329 trips). In the zone change area, if the MUE zone and I-P zone were entirely office use, trip generation would be 715 PM peak hour trips (a reduction of 69 trips). In the zone change area, if the MUE zone and I-P zone were a combination of general office and medical-dental office use, trip generation would be 856 PM peak hour trips (an increase of 72 trips). To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning. As conditioned, this regulation is met.

METRO REGULATIONS

Urban Growth Management Functional Plan

Title 4 – Industrial and Other Employment Areas

3.07.410 Purpose and Intent

3.07.420 Protection of Regionally Significant Industrial Areas

3.07.430 Protection of Industrial Areas

3.07.440 Protection of Employment Areas

3.07.450 Employment and Industrial Areas Map

FINDING: Metro's Title 4 *Industrial and Other Employment Areas* map (January 2014) shows the I-P-zoned parcels of the subject site (totaling 37.4 acres) as Industrial Areas. The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. In accordance with Section 3.07.430, Tigard's Community Development Code limits the size and scope of commercial retail uses within the I-P zone (Table 18.530.1, Note 2). In accordance with Section 3.07.440, Tigard's Community Development Code limits the size and scope of commercial retail uses within the MUE zone (Table 18.520.1, Note 22). Approval of the proposed comprehensive map amendment would functionally convert 19.4 acres of the site into a Title 4 Employment Area from a Title 4 Industrial Area, where commercial retail uses are restricted, consistent with the purpose of Title 4 to protect a supply of sites for employment. This regulation is met.

Section 3.07.450 allows the City to amend the use of lands on the *Industrial and Other Employment Areas* map based on satisfaction of a number of criteria. With the exception of a transportation impact analysis addressing regional freight movement for criteria #4, this site complies with those standards since the property is 1) not surrounded by RSIA or Industrial Area land; 2) the change would increase rather than decrease the acreage devoted potentially to employment uses; 3) the site is not designated as RSIA; 5) the zone change would not lead to retail or cultural uses that compete with Central City or Regional or Town Centers; and 6) the property designated Industrial Area subject to the amendment is less than 20 acres (namely, 19.4 acres). In addition, as described in Ord 15-06, the eastern portion of the site is not suitable for industrial uses due to topographic constraints. Therefore, a Title 4 map amendment from industrial to employment would be indicated, if supported by a transportation impact analysis.

SECTION V. OUTSIDE AGENCY AND ADDITIONAL CITY STAFF COMMENTS

LCDC, ODOT, Metro, and Washington County were notified and requested to comment on the subject proposal. Of these agencies, ODOT and Metro provided comment.

Oregon Department of Transportation (ODOT) commented verbally on the proposal taking issue with the assumptions of the TPR analysis with respect to existing use trip generation. As of the publish date of this report, written comments have not been received. Condition 3 has been imposed to account for ODOT's concern and to allow for a revised TPR analysis.

Metro commented on the proposal whose comments are included in the findings in this staff report.

The City of Tigard's Public Works Department reviewed the proposal and commented that they have no objections to the proposal.

The City of Tigard's Development Review Engineer reviewed and accepted the TPR analysis prepared by MacKenzie dated May 11, 2015.

SECTION VI. STAFF ANALYSIS

ANALYSIS:

Zone Change Request

The proposed Mixed Use Employment Comprehensive Plan designation of the eastern portion of the site will allow development types which can better accommodate slope constraints while also reducing potential conflicts between uses on the subject property and abutting residential development. The proposed zone change, primarily from I-P to MUE, has the potential to increase economic development in Tigard by properly accounting for development economics applicable to the different portions of the site.

Outstanding Issues

Planned Development Overlay Zone

The complexity of the subject site's characteristics (Fields Property Development Analysis and Opportunity Study) including environmental conditions and surrounding land uses suggests a process that provides flexibility in site design to maximize the opportunities and mitigate for the constraints of the site and surrounding land uses. Use of the Planned Development overlay zone is the best way to ensure permitted uses and development design in the MUE zone are compatible with existing development and include the required employment capacity. (Condition 1)

Protect Employment Capacity

The applicant cites the importance of maintaining flexibility in response to ever-changing market conditions to support a request that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. However, the city wishes to ensure employment capacity is maintained within mixed use zones and recommends requiring as a condition of approval a minimum job density on the proposed MUE portion of the site. (Condition 2)

Transportation Planning Rule compliance

The applicant proposes limiting trip generation of future uses permitted in the MUE zone to that allowed under the existing zoning, as shown in the Mackenzie TPR analysis dated May 11, 2015 (or as amended), to avoid a significant effect finding. The city will require a trip cap to limit future development to existing trip generation rates. Transportation analyses required with new development applications must be consistent with the trip cap limitation. (Condition 3)

Rolling Hills Buffer

The applicant proposes accepting a condition of approval of the zone change requiring a 50-foot buffer between the proposed MUE zone and the existing R-3.5-zoned Rolling Hills development to the east. The buffer was an artifact of the previous Comprehensive Plan, which is no longer in effect, to buffer potentially allowed industrial uses from the existing residential uses. However, the applicant's willingness to accept a condition acknowledges that a buffer remains important to the livability of the Rolling Hills neighborhood even with more intense commercial uses permitted under the MUE zone. (Condition 4)

In lieu of a condition of approval with this zone change, the Fields Trust may otherwise record in advance of the Council hearing an easement, restrictive covenant or similar instrument to ensure a 50-foot wide forested buffer is placed on the subject property for the benefit of the city.

Metro's Title 4 compliance

The city will request an amendment of Metro's Title 4 map for the MUE zoned portion of the site from industrial to employment based on the suitability analysis of the subject site contained in the city's amended 2011 EOA.

SECTION VII. PLANNING COMMISSION CONCLUSION AND RECOMMENDATION

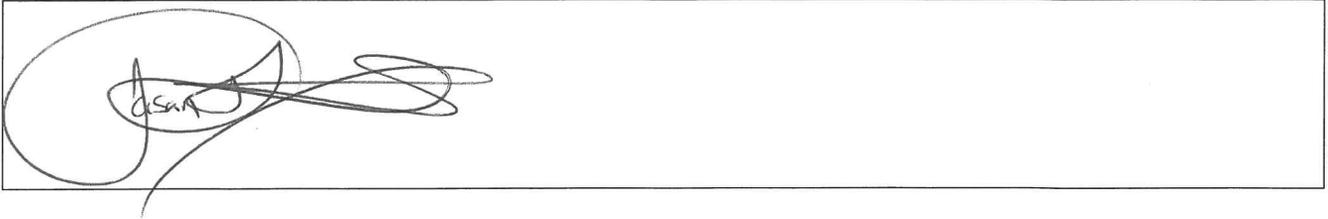
CONCLUSION:

Based on the foregoing findings and analysis, the Planning Commission finds that the proposed comprehensive plan map and zone change amendments are consistent with applicable provisions of the Tigard Comprehensive Plan, Tigard Development Code, statewide planning goals and the Transportation Planning Rule, and provides evidence of a mistake in the comprehensive plan (City of Tigard 2011 Economic Opportunities Analysis (EOA) as it relates to the property which is the subject of the development application. To ensure consistency, the Planning Commission recommends certain conditions of approval.

RECOMMENDATION:

The Planning Commission recommends to City Council approval of the proposed comprehensive plan map and zone change amendments with recommended conditions of approval and any others conditions the Council deems appropriate through the public hearing process.

PASSED: THE 17TH DAY OF AUGUST, 2015 BY THE CITY OF TIGARD PLANNING COMMISSION.

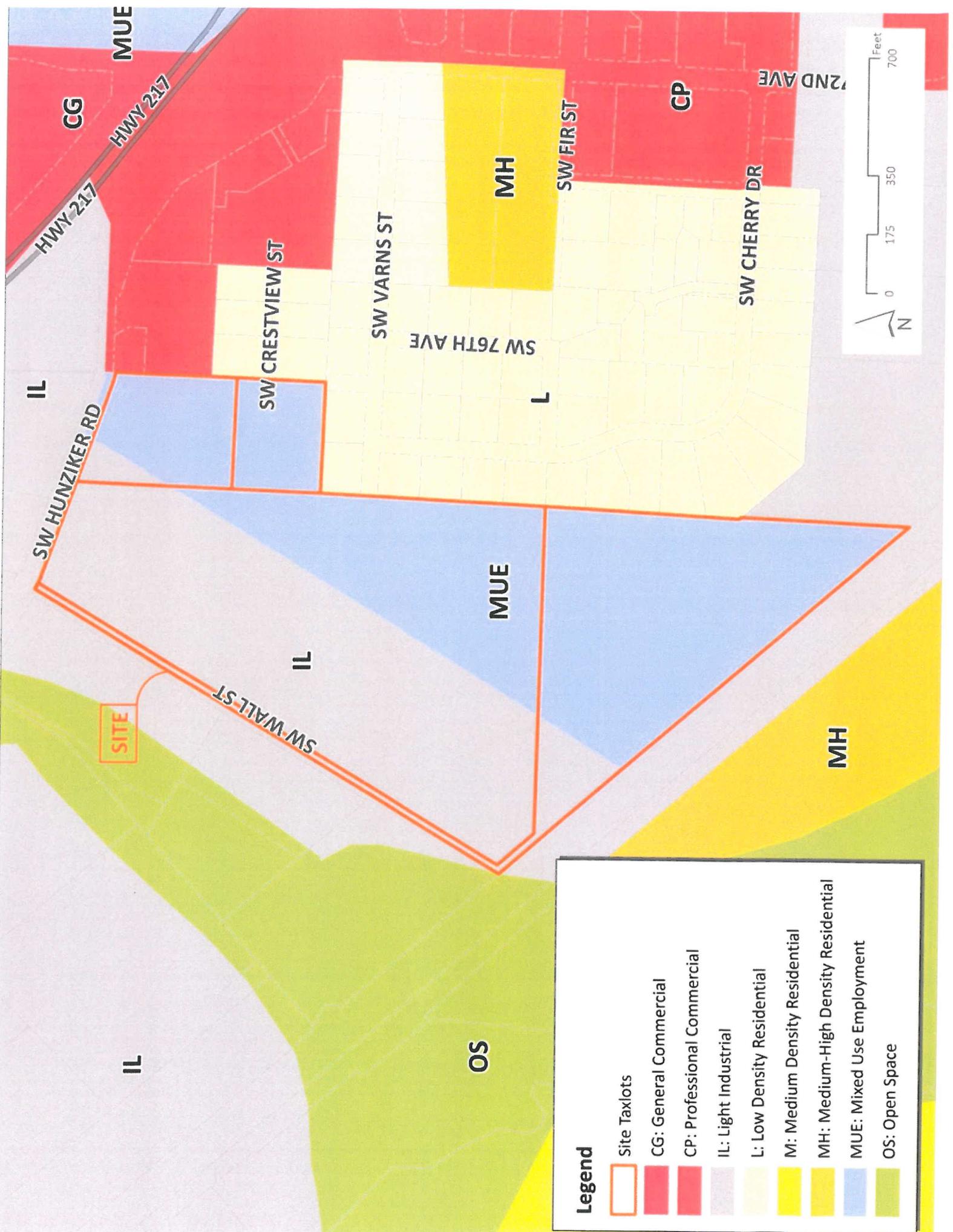


Jason Rogers, Planning Commission President

Dated this 29 day of August, 2015.

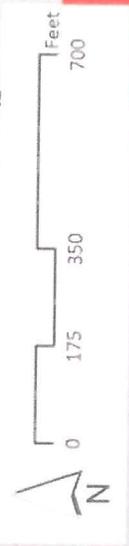
Exhibits

- A. Proposed Comprehensive Plan Designation
- B. Proposed Zoning



Legend

- Site Taxlots
- CG: General Commercial
- CP: Professional Commercial
- IL: Light Industrial
- L: Low Density Residential
- M: Medium Density Residential
- MH: Medium-High Density Residential
- MUE: Mixed Use Employment
- OS: Open Space

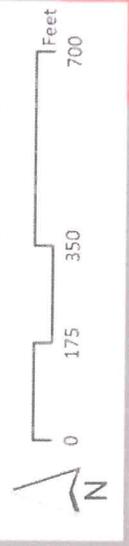


SITE



Legend

-  Site Taxlots
-  C-G: General Commercial
-  C-P: Professional Commercial
-  I-L: Light Industrial
-  I-P: Industrial Park
-  MUE: Mixed Use Employment
-  PR: Parks and Recreation
-  R-3.5: Low-Density Residential
-  R-12: Medium-Density Residential
-  R-25: Medium High-Density Residential



**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
August 17, 2015**

CALL TO ORDER

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

ROLL CALL

Present: President Rogers
Vice President Fitzgerald
Commissioner Middaugh
Alt. Commissioner Mooney
Commissioner Muldoon
Commissioner Schmidt

Absent: Alt. Commissioner Enloe; Commissioner Feeney; Commissioner Lieuallen

Staff Present: Tom McGuire, Assistant Community Development Director; Gary Pagenstecher, Associate Planner; Doreen Laughlin, Executive Assistant; Lloyd Purdy, Economic Development Manager

COMMUNICATIONS – None

CONSIDER MINUTES

August 3 Meeting Minutes: President Rogers asked if there were any additions, deletions, or corrections to the August 3 minutes; there being none, Rogers declared the minutes approved as submitted.

President Rogers explained to the audience that this is a continued hearing from July 20th and is open for Planning Commission Deliberation only. He said they will not be opening the record unless they have more questions for new information to be presented. They will consider the written testimony that had been submitted since the previous hearing.

President Rogers opened the public hearing.

PUBLIC HEARING - CONTINUED

**FIELDS TRUST PLAN AMENDMENT AND ZONE CHANGE – CPA2015-00004,
ZON2015-00005**

REQUEST: The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential (L) to 18.3 acres of Light Industrial (IL) and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. **APPLICANT:** Fred W. Fields Revocable Living Trust

LOCATION: Southwest corner of SW Hunziker Road & SW Wall Street **ZONES:** I-P: Industrial Park; C-P: Professional Commercial; R-3.5: Low-Density Residential

QUASI-JUDICIAL HEARING STATEMENTS

President Rogers read the required statements and procedural items from the quasi-judicial hearing guide. There were no abstentions; no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: Commissioners Schmidt, Middaugh, Muldoon, Rogers, Fitzgerald, Mooney had made site visits. No one wished to challenge the jurisdiction of the commission.

DELIBERATION

President Rogers asked each commissioner, one by one, to give their thoughts on the written testimony and the rebuttals that had been submitted and the case set before them. Following are comments from the commissioners:

- The main concern written about was with regard to traffic. This case isn't about a development; it's basically just a zone change at this time.
- In 1986 there was a Resolution to keep Varns Street closed. The city should recognize that when a development comes in.
- Regarding the two pieces of property not in the Rolling Hills Development – the request to be considered wouldn't be appropriate here. Again, this is just a zone change.
- This request isn't about extending the roads – this is a rezoning. When there is a planned development – we'll address that then.
- There was a concern about the commissioners not actually observing the neighborhood – we've all been there now and we've all seen it. It's a great neighborhood – I appreciate the close-knit community and kind of wish I lived there.
- I'm in support of the request. I hear the concerns, but believe they're being addressed well.
- I appreciate the testimony from the neighbors.
- A good turnout from a passionate neighborhood. Once a development comes up, the opportunity to speak again will be here.
- I'm facing the same type of thing in the Summerfield development. Everyone in my neighborhood figured the trees in our neighborhood would go on living a long, long time and now they're building garden style/cottage type apartments and my neighborhood is up in arms. I get it – the fear is that everyone's going to cut through our neighborhood and traffic flow is going to increase and they're going to bypass Scholls Ferry – and as a paramedic I don't want to see kids hurt in the neighborhood – none of that stuff. But the only thing we can do at the end of the day is participate in the public process. There are rules that are set up and I've chosen to get involved on the Planning Commission so that I can be involved on things like this. I would encourage everybody - and I know there are some open seats on this commission – so this is my plug - to get involved within the City.
- So there are a bunch of issues here (in the written comments). There's this whole concept of Varns Street. Again, I think this is not under consideration for the Planning Commission at this point. But if there was an agreement, the next step of this – regardless of what happens is - this process goes to the City Council. The City Council will hear this again. All of you here should attend. The piece about Varns Street you should bring up. If there was an agreement with the city you need to bring it to the Mayor and the Council – the elected

officials. We are all volunteers that were appointed by the current City Council. You need to contact the elected officials and make sure that hey – we had this agreement. Remember us!

- When we eventually see a plan – that’s the point where we will get involved in the design, screening, conditions, etc. Right now we’re talking about general zone changes. So that’s a different process. We’re just a little early on this one.
- Traffic Impact analysis – Undoubtedly, as I look at the 10,000 foot view, if we were to punch Varns through at that point it makes a direct shot into Hwy217; there’s no question in my mind what would happen to this neighborhood. Again, that conversation’s a little early – this is a different conversation here. What we should be encouraged with is that at the point the property is developed... there will be a traffic impact study done by the developer at that point. It’s a requirement – as well as a mitigation plan. For example, Walmart had to do a traffic study and they had to do traffic mitigation as well. That has to occur.

REVIEW OF CONDITIONS

At this point the commissioners looked at the language of the conditions and deliberated on what they wanted the motion to look like. After a short deliberation, there was a motion.

MOTION

Commissioner Fitzgerald made the following motion:

“I move for approval of application CPA2015-00004, ZON2015-00005 and adoption of the findings and conditions of approval contained in the staff report based on the testimony received. Condition 1 - regarding Planned Development Overlay Zone as stated in the staff’s recommendation. Condition 2 – Protect Employment Capacity as stated in the staff recommendation. Condition 3 – as modified by ODOT with the time city required trip cap of 6:30 am and 6:30 pm peak hour trips be applied to the 24.56 acres subject to the zone change. Condition 4 – regarding the 50 foot historical forested buffer between the zones.”

Commissioner Muldoon seconded the motion.

A vote was taken; all were in favor, none opposed.

MOTION PASSES UNANIMOUSLY

City Council will hear this case on October 13th.

PUBLIC HEARING - CLOSED

FIVE MINUTE RECESS

ATTORNEY RIHALA’S BRIEFING

City Attorney Shelby Rihala gave the commissioners a briefing regarding the differences between hearing Quasi-Judicial and Legislative cases. They had a roundtable type discussion with the commissioners and staff asking questions that Attorney Rihala answered. The attorney distributed

a flowchart regarding receiving evidence at a public hearing (**Exhibit A**). She went over the flowchart and answered various questions that the chart brought to mind. There was clarification about the 120-day rule, ex parte contacts, the jurisdiction of the commission, oral and written communications about the hearing with persons other than City staff or the City attorney, conflict of interest, etc.

Tom McGuire, staff liaison to the commission, mentioned that a more detailed learning session is being planned for the beginning of next year. There will be a chance for all the commissioners (new and seasoned) to learn or be reminded about the nuances of serving on a Planning Commission.

OTHER BUSINESS

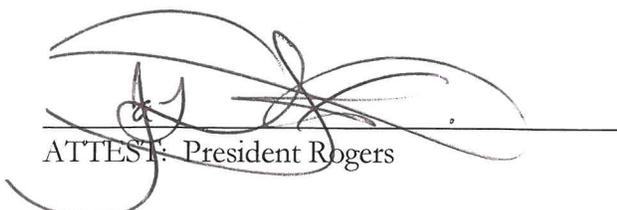
President Rogers let the commissioners know that Commissioner Smith had submitted his resignation from the commission. Commissioner Smith had missed seven out of the twelve meetings that had taken place so far this year. President Rogers reminded the commissioners that the bylaws state [under Section VIII Attendance]: "If any member is absent from six meetings within one year (or three consecutive meetings without reasonable cause), the issue shall be placed on the upcoming agenda, and upon majority vote of the commission, the commission may recommend that the position be declared vacant. The commission shall forward their action to the mayor and council, who shall vote whether to accept the commission's recommendation." President Rogers told the commissioners that he had spoken to Commissioner Smith personally and had reminded him of those bylaws. Commissioner Smith decided to resign and sent a resignation letter to President Rogers (copying staff) stating that he'd enjoyed serving on the Commission but that his life had taken a turn and at this time he was unable to commit to serving. He hoped that at some point in the future he would again re-engage and become a more involved Tigard citizen.

ADJOURNMENT

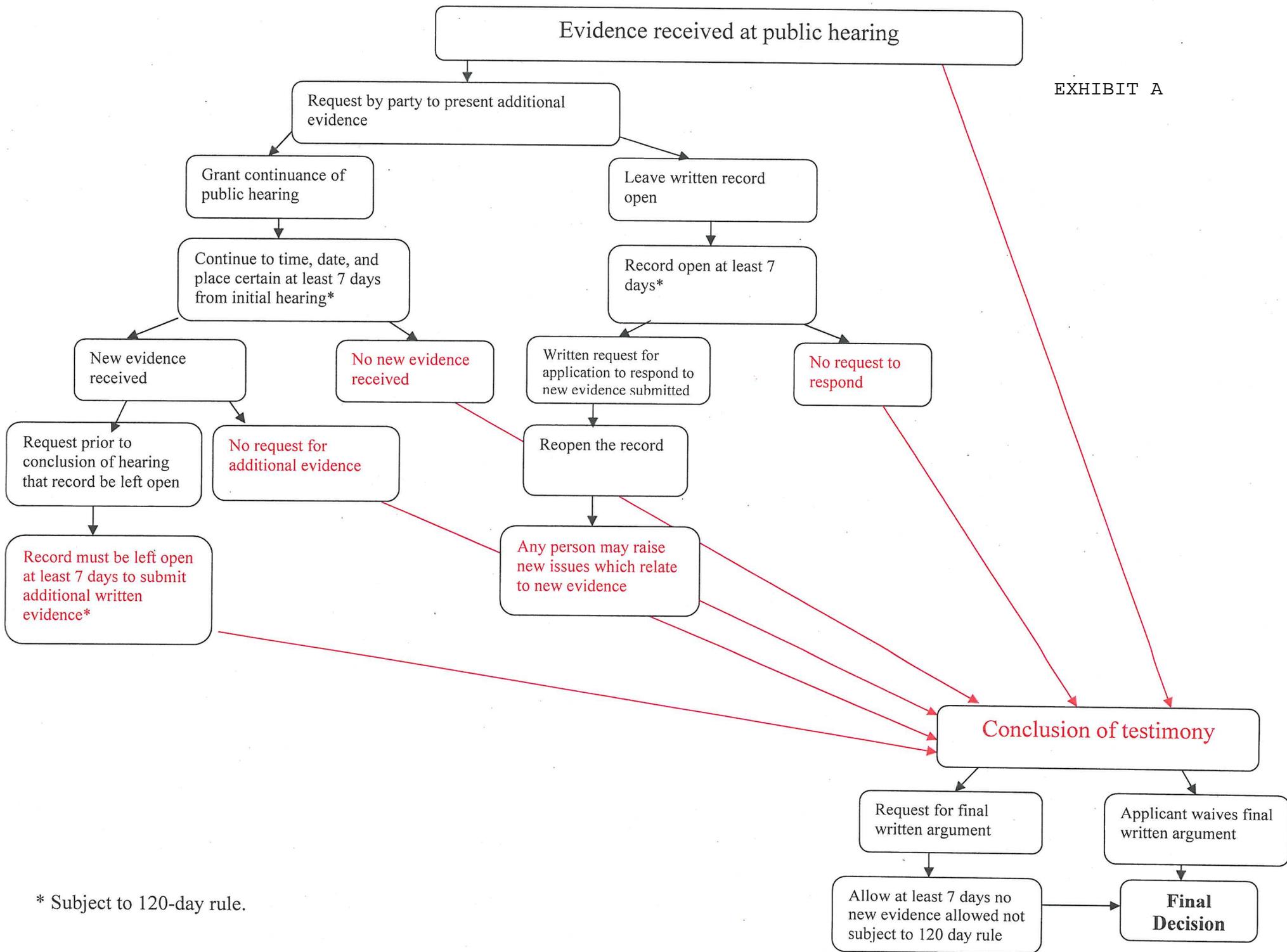
President Rogers adjourned the meeting at 8:36 p.m.



Doreen Laughlin, Planning Commission Secretary



ATTEST: President Rogers



* Subject to 120-day rule.

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE APPLICATION

To
City of Tigard

For
Fred W. Fields Trust
SW Hunziker Road & SW Wall
Street

Submitted
May 14, 2015

Project Number
2130474.02



MACKENZIE
Since 1960

RiverEast Center | 1515 SE Water Ave, Suite 100, Portland, OR 97214
PO Box 14310, Portland, OR 97293 | T 503.224.9560 | www.mcknze.com



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ATTACHMENTS

1. Legal description and exhibit map of zoning districts, dated May 11, 2015
2. Fields Property Development Analysis and Opportunity Study, dated February 13, 2014
3. Transportation Planning Rule analysis, dated May 11, 2015
4. Public facilities impact analysis, dated May 11, 2015
5. Neighborhood meeting documentation
6. Copies of deeds
7. Pre-application conference notes

One copy provided separately from bound submittal:

1. Original Application Forms and Submittal Checklists
2. Check for Application Fee



I. PROJECT SUMMARY

Applicant:	Fred W. Fields Revocable Living Trust c/o Miller Nash Graham & Dunn LLP Attention: Kelly Hossaini 111 SW Fifth Avenue 3400 U.S. Bancorp Tower Portland, OR 97204
Owner:	Fred W. Fields Revocable Living Trust
Map/Tax Lot Number:	2S1010001100 (13.2 acres) 2S101CA00100 (24.2 acres) 2S101DB00300 (3.1 acres) 2S101DB00400 (2.1 acres)
Location:	Southeast corner of SW Hunziker Road and SW Wall Street
Site Address:	Tax Lot 2S101DB00400 had an assigned address of 13085 SW 76th Avenue from the former house (since demolished); remaining tax lots do not have assigned addresses since the properties are vacant
Zoning:	Tax Lots 2S1010001100 and 2S101CA00100 are zoned Industrial Park (I-P); Tax Lot 2S101DB00300 is zoned Professional/Administrative Commercial (C-P); and Tax Lot 2S101DB00400 is zoned Low-Density Residential (R-3.5)
Comprehensive Plan:	Tax Lots 2S1010001100 and 2S101CA00100 are designated Light Industrial (IL); Tax Lot 2S101DB00300 is designated Professional Commercial (CP); and Tax Lot 2S101DB00400 is designated Low Density Residential (L)
Adjacent Zoning:	Light Industrial (I-L) to the north and south; I-L and Parks and Recreation (PR) to the west; Professional/Administrative Commercial, Low-Density Residential (R-3.5), and Industrial Park (I-P) to the east
Existing Structures:	All four Tax Lots are vacant
Request:	Comprehensive Plan Map Amendment & Zone Change to result in 18.3 acres designated Light Industrial (IL) and zoned Industrial Park (I-P) and 24.2 acres designated Mixed Use Employment (MUE) and zoned Mixed Use Employment (MUE)
Project Contact:	Mackenzie c/o Brian Varricchione 1515 SE Water Avenue, Suite 100 Portland, OR 97214 Phone: (503) 224-9560 Email: bvarricchione@mcknze.com

II. INTRODUCTION & SITE ANALYSIS

Introduction

History

The 42.5-acre property that is the subject of this application was owned by Fred W. Fields for many years before his death in 2011. It is presently owned by the Fred W. Fields Trust. The current zoning designations on the property have been in effect for several decades. The industrially zoned portion of the property was nominally used as part of the Coe Manufacturing facility, located at 7930 SW Hunziker Road, directly across Wall Street. Although this property was never fully developed, in the late 1960s a rail spur was constructed along the western edge of the property abutting Wall Street. Beginning in the early 1950s, the southwestern end of the industrially zoned portion of the property was used as a brick-making facility. Remnants of that facility still exist, including a concrete foundation. In 2012, the Trust had the related horizontal mine shaft, which was used for clay removal, filled in for safety reasons. A single family home existed on the residentially zoned portion of the property, but was demolished in 2012. There have been no other uses of the property during the last 70 or so years.

Efforts to Sell the Property

Over the years, there has been interest by industrial developers in the industrially zoned portion of the property. The issue that consistently prevented its sale, however, was that while the industrial property encompassed approximately 37.4 acres, only about half of that acreage was suitable for industrial development. The rest of the industrially zoned property was too steeply sloped to support the large-format structures typically used in such development. As discussed in the 2014 Development Analysis and Opportunity Study (“Development Analysis”), much of the western portion of the industrial property has a slope of 10-12%, while the regional standard for industrial land is a slope of less than 10% (see Attachment 2.) As a result of this inherent constraint on the usability of the industrially zoned portion of the property, offers from prospective purchasers included no value for the sloped acreage. In short, developers were only willing to pay for about 20 acres of the 37.4-acre industrial property. Further, the cost of grading the industrially zoned portion of the property to achieve even a minimally acceptable lot size and slope for industrial development increased the cost of development to the extent that the price a developer could pay for the land was even further suppressed. As a consequence, neither Mr. Fields nor the Trust ever received an acceptable offer.

Development Analysis

In 2013, the Trust decided that a holistic approach was needed to rethink how the property could be developed. The portion of the property suitable for industrial development seemed hopelessly stuck, and there had been no interest over the years in the commercially zoned or low-density residential-zoned portions of the property. The reality was that approximately 43 acres of land in the middle of a thriving suburban community, well-served by public infrastructure, seemed doomed to remain vacant even in a robust economy where developers simply could not find enough serviceable land to meet demand. It was at this point that representatives of the Trust met with City staff, including the City’s new economic development director, Lloyd Purdy. Staff agreed that allowing the 43 acres to simply languish in the current stalemate was not acceptable. The City wanted the jobs, the residents, and the tax revenue that would be unlocked by taking a fresh view of the property.

In the fall of 2013, the Trust hired Mackenzie to prepare a concept plan for the property to determine how the property could be rezoned and reconfigured to meet the City’s objectives for the area, to align with market demand, and to meet the Trust’s goal of selling the property for an acceptable price. Over

approximately four months, City staff, Mackenzie, Trust representatives, two commercial real estate brokers, and a seasoned industrial developer worked together to reach the conclusions embodied in the Development Analysis. The Development Analysis recommends that the western 20 acres or so of the Larger Property be partitioned from the remainder and retain its existing Industrial Park zone. The Development Analysis also recommends that the zoning designation for the remainder of the property be changed to Mixed Use Employment to accommodate a range of employment uses, as well as multi-family development. These recommendations coincided most closely with the objectives of the City, the market, and the Trust.

In February 2014, the results of the Development Analysis were shared with the City's Planning Commission and City Council. Both bodies gave the Trust and staff feedback on the Development Analysis, and expressed support for the overall direction recommended by that analysis. Both bodies anticipated a follow-up application from the Trust requesting a comprehensive plan map amendment and zone change consistent with the Development Analysis recommendations.

Infrastructure Finance Plan

As a follow-up to the Development Analysis, the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) to prepare an infrastructure finance plan for the Fields Trust property, as well as the surrounding Wall Street/Hunziker Road industrial area to the west and north. The purpose of the study was to quantify the need for and appropriate size of public infrastructure in the area, with the hope of ultimately spurring economic development. The infrastructure study recognized that not only would the Fields Trust property need significant infrastructure investment, much of the adjacent industrial property - especially to the west of Wall Street - is substantially underdeveloped and would also benefit from public infrastructure investment. The infrastructure plan was completed late last year and continues to inform the City's actions regarding the Wall Street/Hunziker Road area, as well as the Trust's planning for its property.

Economic Opportunities Analysis Amendment

In March 2015, the City Council adopted an amendment to its 2011 Economic Opportunities Analysis (EOA) acknowledging that slope was not taken into account as a factor in determining the suitability of vacant or redevelopable land in the city for industrial uses. Both state law and Metro allow slope to be a limiting factor in the designation of industrial land. (See OAR 660-009-0015(3)(a)(B) and Metro's 2009 Urban Growth Report.) This omission resulted in an overstatement of available and suitable industrial land in Tigard. The amendment allows industrially zoned properties with significant slope, like the Fields Trust property, to be rezoned for more feasible uses.

Summary

Much work has been done by the Fields Trust and the City since mid-2013 to arrive at this application for a comprehensive plan map amendment and zone change. This work has already begun to have the desired effect in that the industrially zoned portion of the property that is suitable for industrial development has been under contract by an industrial developer since the fall of 2014. That developer continues to work with the City to bring the industrial portion of the Fields Trust property into full development. The current comprehensive plan map and zone change application will allow the remainder of the property to realize its potential, as well.

Description of Request

The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential to 18.3 acres of Light Industrial and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. The application is required to meet approval criteria set forth in the Tigard Municipal Code (TMC or Municipal Code) Title 18 Community Development Code. The application is submitted in response to site slopes and other constraints which make the eastern portion of the site unsuitable for industrial uses. No development plans accompany this land use application and no specific development plans exist for the majority of the portion of the property subject to the comprehensive plan map amendment and zone change.¹ All future development will be required to comply with applicable sections of the Community Development Code.

Existing Site & Surrounding Land Use

The property is located just south of Highway 217 and west of the SW 72nd Avenue exit. As illustrated in Figure 1, the subject site consists of four tax lots at the southeast corner of SW Hunziker Road and SW Wall Street within Tigard city limits. The total area of the four tax lots is 42.5 acres.



¹ Approximately 0.4 acres of the C-P-zoned property will be rezoned to I-P and is currently under contract with an industrial developer, as described in the Introduction section.

Figure 1: Aerial Photo

Table 1 specifies the existing area, comprehensive plan designation, and zoning for the four tax lots, while Figure 2 and Figure 3 illustrate the existing comprehensive plan designations and zoning.

Table 1: Existing Comprehensive Plan and Zoning Designations			
Tax Lot	Area (acres)	Existing Comprehensive Plan Designation	Existing Zoning
2S1010001100	13.2	Light Industrial (IL)	Industrial Park (I-P)
2S101CA00100	24.2	Light Industrial (IL)	Industrial Park (I-P)
2S101DB00300	3.1	Professional Commercial (CP)	Professional/Administrative Commercial (C-P)
2S101DB00400	2.1	Low Density Residential (L)	Low-Density Residential (R-3.5)

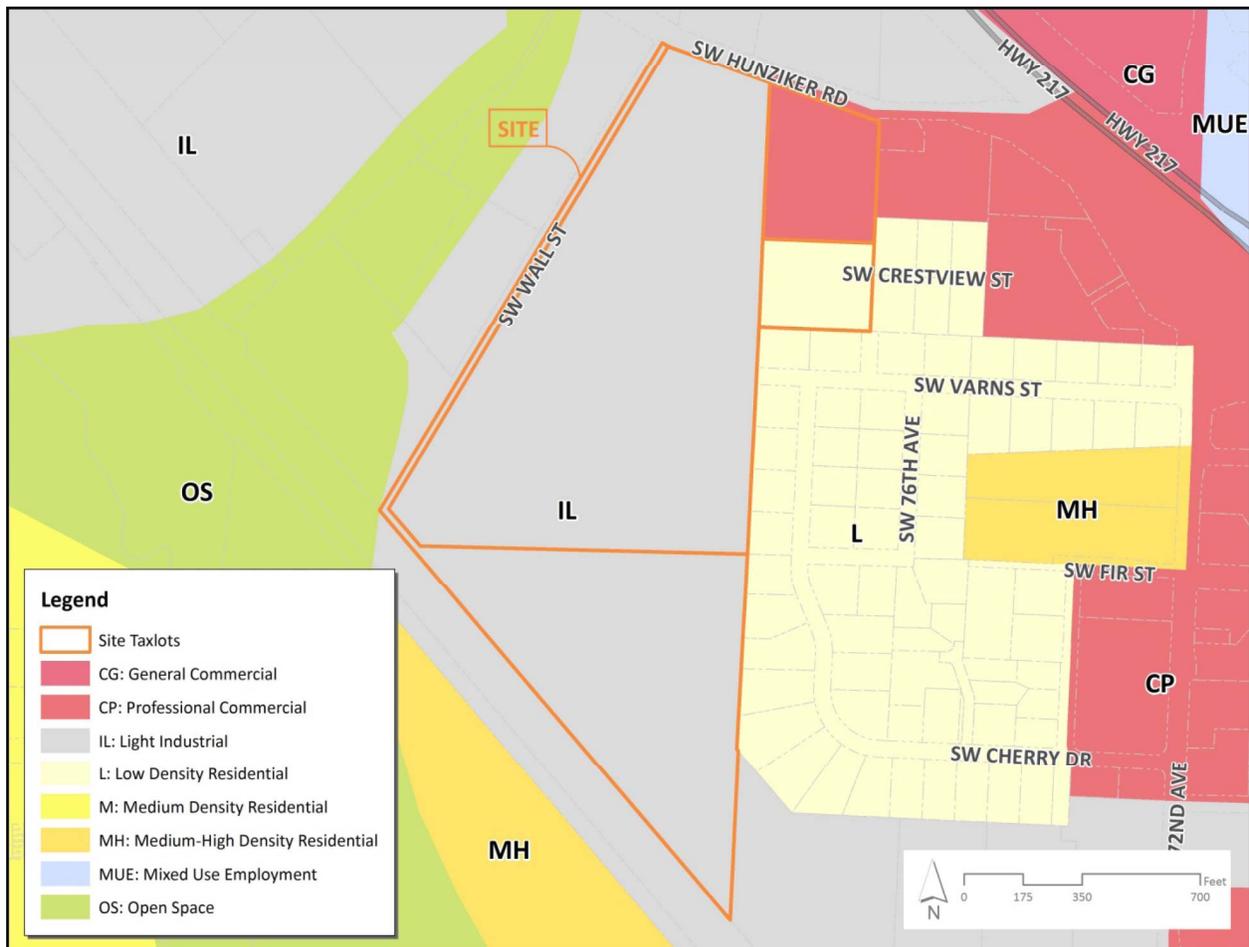


Figure 2: Existing Comprehensive Plan Designations

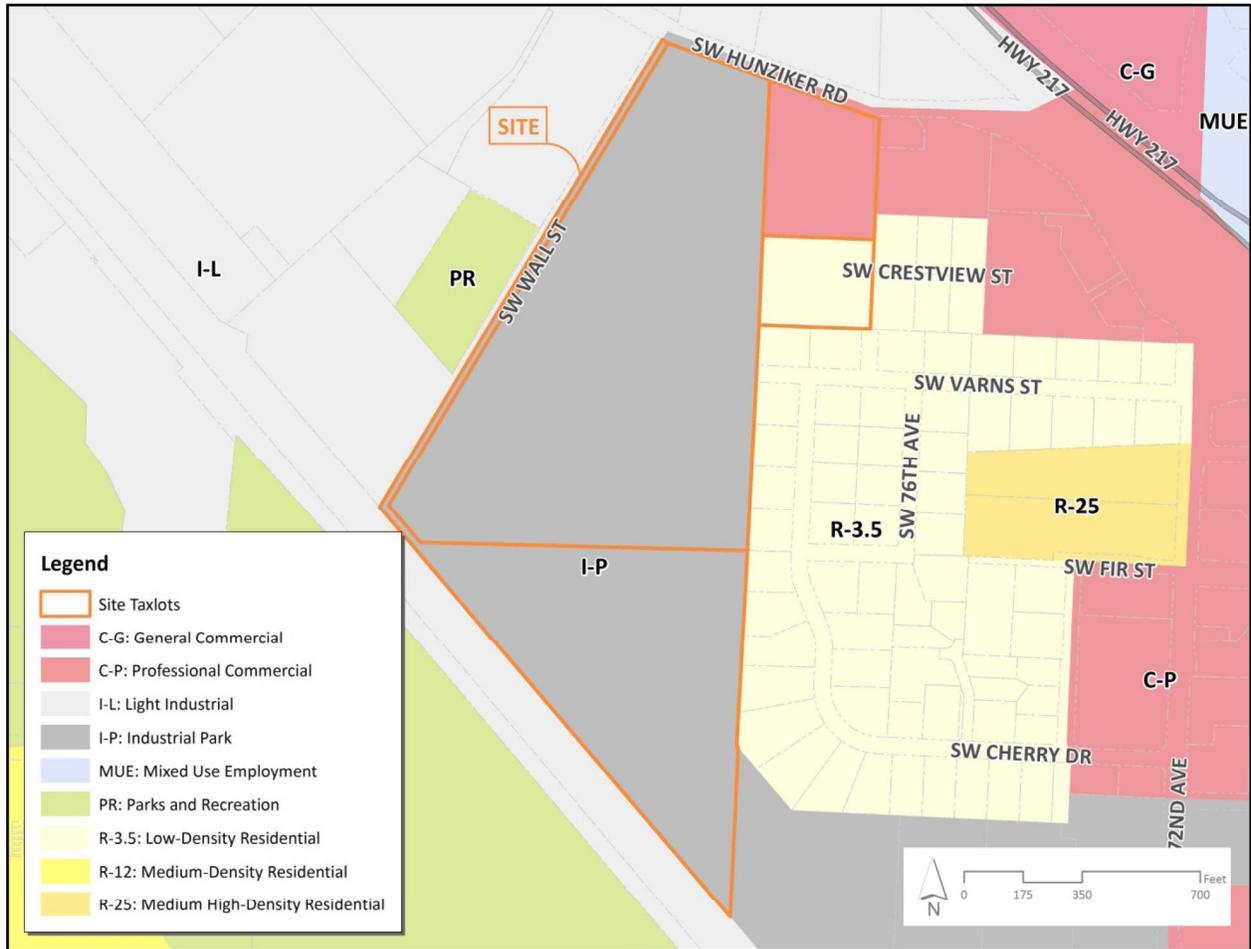


Figure 3: Existing Zoning

As illustrated in Figure 4, the site has approximately 345 feet of SW Hunziker Road frontage along its north side and abuts SW Wall Street (a private street) on its west side. Currently, the only public access to the site is from SW Hunziker Road. The site abuts the Portland & Western Railroad tracks and contains an unused rail spur along the west edge adjoining Wall Street that connects to property on the north side of SW Hunziker Road. The site contains a grove of mature evergreen trees along the eastern side which abuts existing lower density (R-3.5) residential properties. The property contains a low-quality wetland area near the northwest corner and site elevations range from approximately 240 feet along the eastern property line to approximately 150 feet along the western boundary, with slopes of ten to twelve percent on the eastern side and four to five percent on the western side. The property is currently vacant.

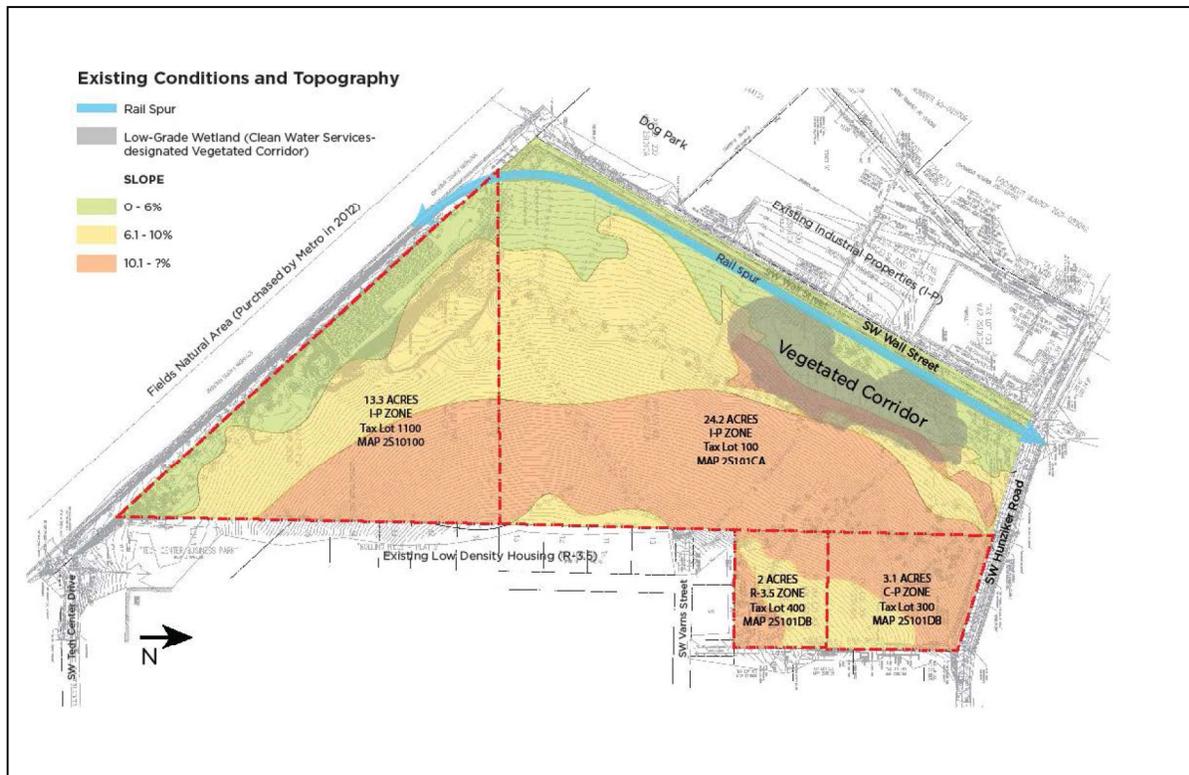


Figure 4: Existing Conditions and Topography

The site is in a transition area between low density residential properties (R-3.5) to the east and industrial properties (I-P) to the west and north. A dog park is located on the west side of Wall Street. The south side of the site is bounded by the Portland & Western Railroad tracks and beyond that is a 26-acre natural area purchased from Mr. Fields by Metro and the City in 2012.

Development Constraints

As discussed in the Introduction section, the property has been on the market for many years with the significant interest from the development community being only in the industrially zoned portion of the property. Even with that limited interest, development has thus far been deemed economically unfeasible due to site and market constraints as described in detail below. Generally, the location is desirable only for a limited set of uses due to access constraints, and there are significant topographical challenges with siting the uses allowed under the current I-P zoning designation. Previously considered uses include a bus barn for Tigard-Tualatin School District, City Public Works use, multiple industrial development users, and multi-family residential development. To date, none of these uses have been able to find a development pro forma that could be considered practical in the current market and feasible given the property’s development constraints.

The Development Analysis for this site was generated through a series of public/private joint venture workshops that included the property owner, local developers, local real estate brokers, the City of Tigard, and Mackenzie land use planners and civil engineers. The workshops and analysis were a collaborative effort to determine the highest and best use of the undeveloped Fields Property given:

- Significant site constraints
- The current and future development market
- Regional needs/City needs for employment areas

The analysis and recommendations contained in the Development Analysis were presented to the Planning Commission and the City Council in early 2014 for comment, leading to this Comprehensive Plan Map Amendment/Zone Change request. Listed below are the primary and secondary site constraints identified by the Development Analysis that significantly impact the development feasibility of the site:

Primary Site Constraints²

Primary site constraints consist of site factors which severely limit the development potential and will require significant cost or zoning modification to rectify.

Slope and Site Configuration

The slope and configuration of the majority of the site is not suitable for market-scale development allowed under current I-P zoning.

- The site slopes from east to west, corresponding to the site's narrow dimension and limiting the ability to create flat areas for large buildings.
- The western portion of the site could accommodate small industrial buildings (150-200' deep) if coupled with a 20–30' high retaining wall and/or extensive grading. The associated site costs have been cost prohibitive for several previous potential buyers.
- As noted in the City's recent EOA amendment, the eastern portion of the site could not support large-footprint industrial structures due to slopes in excess of 10%.
- Mid-scale commercial buildings such as high-end (Class A) offices could fit on the site; however, they would require partial basements and retaining walls or more extensive grading, as well as better access and vehicle connections to and through the site. Additionally, there doesn't appear to be a short or long-term market demand for Class A office with existing high vacancy rates nearby.
- Narrow buildings such as multi-family residential or mixed-use buildings could be built into the slope with small retaining walls. However, current zoning does not support housing as an allowed use.

Slope of SW Hunziker Road

The slope of SW Hunziker Road as it abuts the north side of the property is not adequate for truck access that would be needed under current I-P zoning. The majority of the slope along the property's SW Hunziker Road frontage (the only public street frontage) is approximately 10%, which is too steep for trucks servicing allowed I-P uses on the site (4 –5% is the maximum possible). The only current access to the property is along SW Wall Street (a private street). Additional access points off of Hunziker Road are needed for viable development.

Private Street (SW Wall Street) Designation/Width

The Transportation System Plan (TSP) designation and width of SW Wall Street (a private road) between adjacent development on the west side of SW Wall Street and the rail spur on the Fields Trust property is not wide enough for City Collector standards.

² Note that some of the primary and secondary constraints do not directly affect the portion of the property that will have its zone changed through this application, but they affect the overall ability to develop the entire site.

- The most appropriate vehicular access to the site has been found to be from a private street (SW Wall Street). SW Wall Street is included on the City's TSP as a Minor Collector, with a required width of 58'–96'. At different points along SW Wall Street in its current layout between the rail spur and existing buildings, the width is less than 58'. An adjacent property owner has rights to the rail spur and does not appear willing to abandon the spur, which would facilitate road improvements along Wall Street.
- The TSP could potentially be amended to designate Wall Street as a Local Industrial street, which is a more feasible design section.
- Wall Street could potentially be extended to SW Tech Center Drive (designated a Local Industrial Street in the TSP) to provide connectivity for the larger industrial area.

Secondary Site Constraints:

Secondary site constraints consist of site factors which impact the development potential and need to be addressed, but that do not appear to require zoning modification and are not cost prohibitive to the overall development.

Wetland Area

A low-quality wetland exists on the flattest parts of the site (see Figure 4 above), which is also the most appropriate location for industrial development due to slope and access considerations. The area is identified by Clean Water Services as a vegetated corridor but has not been deemed locally significant in the City's Local Wetland Inventory. This wetland could be mitigated only if applicable permits are granted by the U.S. Army Corps of Engineers and Oregon Department of State Lands.

Remaining Trees

An existing grove of mature trees exists along the eastern edge of the property. The trees act as a buffer to adjacent residential uses and could be potentially integrated into a development scheme that includes smaller scale buildings such as residential. On the other hand, the trees serve as a constraint for many of the currently approved uses in the I-P zone.

Limited Access from Major Routes

The site is in close proximity to Highway 217, SW 72nd Avenue, and Highway 99W, but is not easily accessed from all directions (e.g., from the northbound left-turn lane at the intersection on SW 72nd Avenue). Access difficulties are a potential issue for many use types currently allowed in existing I-P zoning. SW Tech Center Drive to the south of the site does not currently connect to SW Wall Street, but could be considered with future transportation improvements, subject to acquisition of the intervening property in the roadway corridor.

Railroad Switching Yard

Noise from the adjacent railroad switching yard could impact possible uses depending on needs.

Prior Collaboration with the City

Since 2013, the property owner and the City have collaborated to determine how this property may be successfully developed to benefit the community. The market strength of the site's potential future uses was discussed at workshops with City staff, the owner, and local industry/development experts. The need for and interest in potential uses that can be supported by the current market was identified by

local developers and real estate brokers with experience in the Tigard area and reviewed with the workshop team to determine how to feasibly develop employment uses on the property. This analysis identified high market demand for both light industrial/smaller office/flex space (5,000 –7,500 SF tenant spaces within larger building footprints, which typically need 150' deep x 250' wide buildings with 50' truck bays) and for multi-family residences (workforce to mid-range housing which would also support adjacent industrial and employment uses). Low demand was identified for Class A office space in suburban areas, retail, restaurants, specialty recreation (e.g., fitness centers), and “live/work” spaces in suburban areas.

City staff and the owners made presentations to the Planning Commission (February 10, 2014) and City Council (February 18, 2014) to discuss the site constraints and identify potential approaches to developing the property. Based on the site conditions, the site was divided into two subareas, as shown in the Development Analysis (Attachment 2). The western side is relatively flat and would work well for commercial or industrial uses, whereas the eastern side is steeper with many trees and is not suitable for cost-effective, market-ready I-P zone development, but may be marketable as a mix of commercial and workforce (up to mid-level) housing.

Proposed Concurrent Comprehensive Plan Map Amendment and Zone Change

Based on extensive site analysis and collaboration with the City to identify the highest and best use for the site, the applicant is proposing to rezone the site to preserve as much of the developable industrial land as possible, resulting in approximately 18.3 acres of I-P on the western, flatter side and approximately 24.2 acres of MUE on the eastern, steeper side. Since a zoning map amendment must be consistent with the comprehensive plan map, in order to allow the zone change the City would also need to amend the comprehensive plan map to result in 18.3 acres designated IL and 24.2 acres designated MUE. A description and illustration of the two zoning areas can be found in Attachment 1. **Table 2** specifies the existing and proposed comprehensive plan designation and zoning for the four tax lots, while Figure 5 and Figure 6 illustrate the existing comprehensive plan designations and zoning.

Table 2: Existing and Proposed Map Designations					
Tax Lot	Area (acres)	Existing Comprehensive Plan	Proposed Comprehensive Plan	Existing Zoning	Proposed Zoning
2S1010001100	13.2	IL	IL & MUE	I-P	I-P & MUE
2S101CA00100	24.2	IL	IL & MUE	I-P	I-P & MUE
2S101DB00300	3.1	CP	IL & MUE	C-P	I-P & MUE
2S101DB00400	2.1	L	MUE	R-3.5	MUE

Abbreviation key:

Comprehensive Plan designations

CP = Professional Commercial
 IL = Light Industrial
 L = Low Density Residential
 MUE = Mixed Use Employment

Zoning designations

C-P = Professional/Administrative Commercial
 I-P = Industrial Park
 MUE = Mixed Use Employment
 R-3.5 = Low-Density Residential

Table 3 indicates the number of acres in the existing and proposed zones for each tax lot.

Table 3: Areas of Existing and Proposed Zoning					
Tax Lot	Existing Zoning			Proposed Zoning	
	I-P (acres)	C-P (acres)	R-3.5 (acres)	I-P (acres)	MUE (acres)
2S1010001100	13.2	0	0	1.9	11.3
2S101CA00100	24.2	0	0	16.0	8.1
2S101DB00300	0	3.1	0	0.4	2.7
2S101DB00400	0	0	2.1	0	2.1

Note: Figures between existing and proposed zones differ due to rounding.

Abbreviation key:

Zoning designations

C-P = Professional/Administrative Commercial

I-P = Industrial Park

MUE = Mixed Use Employment

R-3.5 = Low-Density Residential

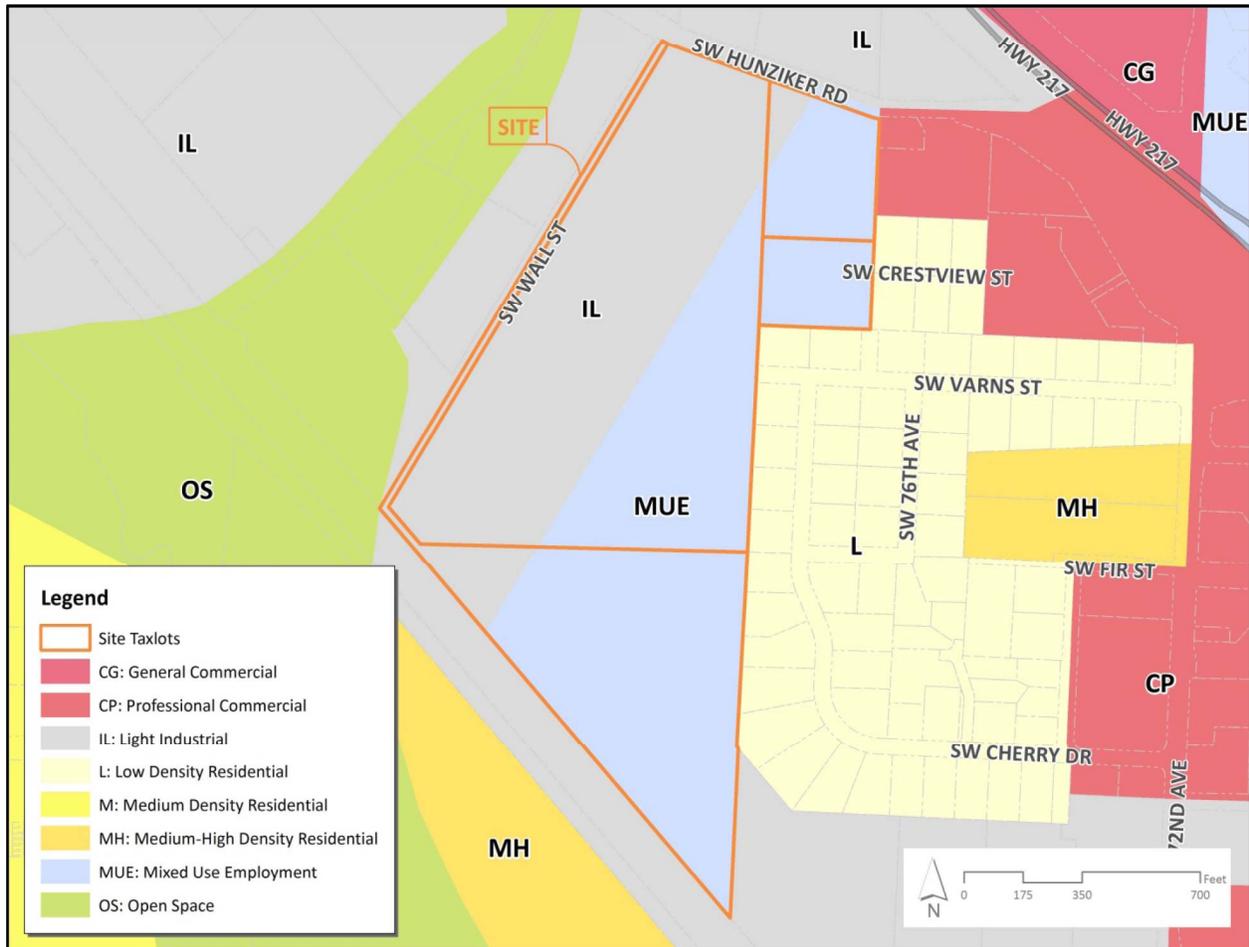


Figure 5: Proposed Comprehensive Plan Designations

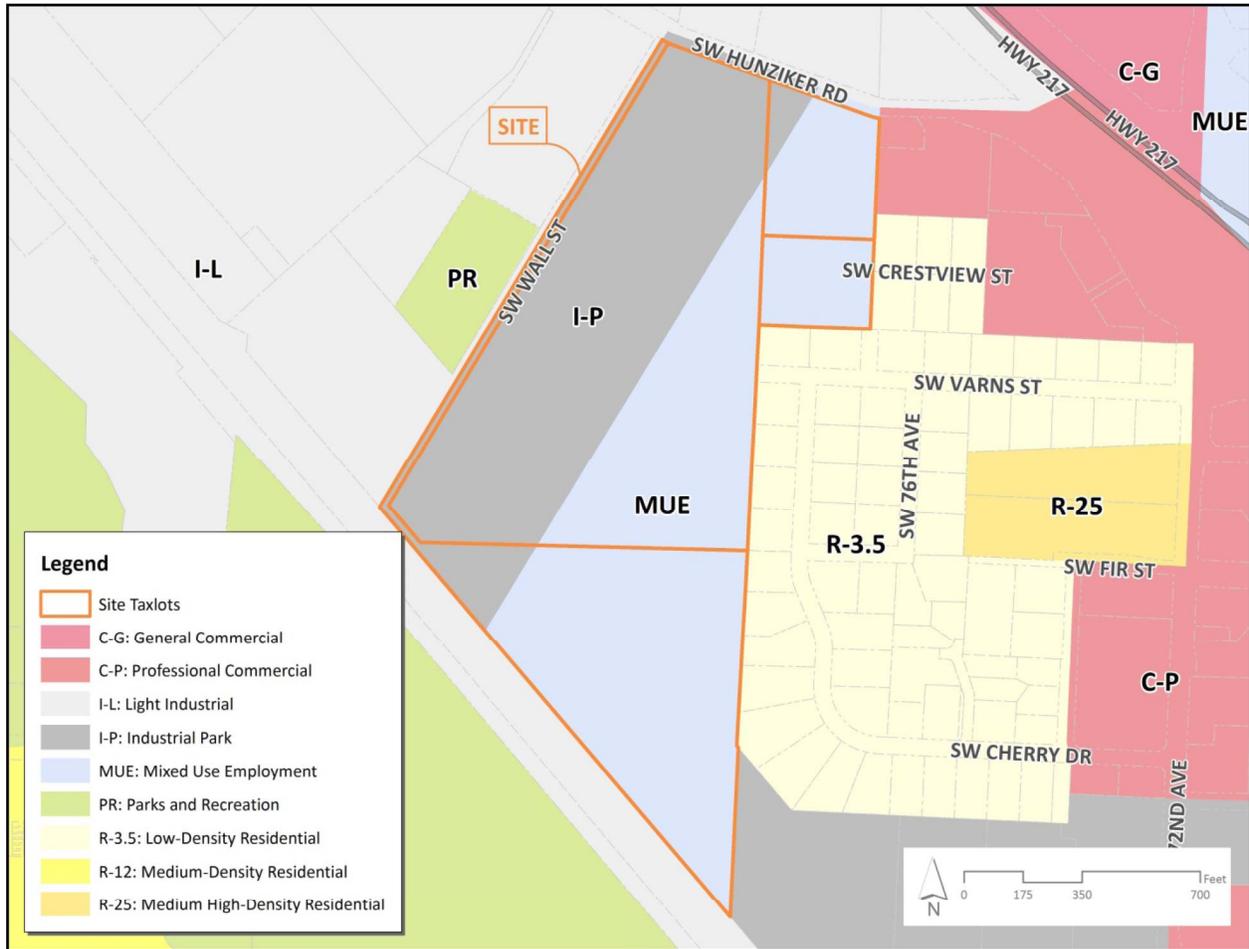


Figure 6: Proposed Zoning

Chapter 18.380 of the Community Development Code outlines the process through which the City evaluates amendments to the zoning map or comprehensive plan map, consisting of a Planning Commission recommendation followed by a City Council decision. The City’s analysis will be based on all allowable uses under the zoning regulations, since specific future uses have not been determined.

The amendment could lead to further development and job creation by allowing the economical use of an existing industrial property.

Development Economics/Feasibility

Over the course of the past few years, several development feasibility studies have been completed for this site. A PacTrust analysis demonstrated that the cost of developing even just the flatter portion of the property in the IP zone exceeded costs of other sites (primarily due to significant site grading and street construction) to a degree that would result in a development cost premium of 25-40%. By contrast, approving the zone change to apply MUE zoning to the steeper portion of the site allows development costs to be shared across the full extent of the site and brings the estimated cost of development in line with market demands.

Economic Benefit to the City

Approving the proposed map amendments would have a number of economic benefits to the City. As a result of the increased viability of the site for development, the assessed value and property tax receipts increase significantly following development. Development would also generate revenues for the City such as permit fees and system development charges. Finally, the map changes have the potential to lead to several hundred jobs and the possibility of workforce housing (if some of the MUE portion were to develop with multi-family housing).

Employment Land Issues

Although the subject property represents a portion of the buildable Industrial acreage in Tigard, the site cannot be a significant source of economic development because of the constraints outlined above. This significantly diminishes the usefulness of the site for industrial development, which generally requires relatively large unconstrained acreage. The proposed map amendment would convert a site that is currently zoned I-P, C-P, and R-3.5 into a site zoned I-P and MUE. This action would preserve 18.3 acres for industrial use and create 24.2 acres of mixed use employment land that could be developed with retail goods and services, business/professional offices, civic uses, research and development, multi-family housing, or a mix of these uses. The EOA compares demand and supply of employment lands to evaluate the land inventory over a 20-year period. This report indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial/mixed use) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial).

On March 24, 2015, the City Council adopted Ordinance 15-06 to amend the comprehensive plan and the EOA by applying slope as a suitability constraint for industrially-zoned property throughout the City. The City's updated analysis confirmed that approximately 17 acres on both I-P tax lots within this site (Tax Lots 2S1010001100 and 2S101CA00100) are slope-constrained for industrial uses requiring large-footprint buildings due to site slopes greater than 10%. The ordinance found that citywide, "the slope constraint reduces the suitability of a few sites for some industrial uses, but need not limit the potential for employment use of slope-constrained sites. However, a slope constraint on a third of the vacant industrial zoned land highlights the need to consider job density in employment land development and redevelopment." The proposed comprehensive plan map amendment and zone change allows for different job density than large-footprint industrial buildings on the eastern portion of the site.

To preserve and enhance the City's supply of employment lands, this proposal would increase the overall land area designated for employment uses by 2.1 acres by rezoning one parcel from R-3.5 to MUE and by maintaining the remainder of the site as either MUE or I-P.

Transportation Planning Rule

The Transportation Planning Rule (TPR) stipulates that the City must demonstrate whether an amendment to the comprehensive plan and zoning map would have a significant effect on the transportation system. If the analysis demonstrates that a significant effect would occur, then the City must either deny the application or require mitigation to offset the traffic impact. Determinations of significance are made by the City in consultation with the roadway authority (which may be the City, Washington County, or ODOT).

Attachment 3 describes the TPR analysis performed for this site. The TPR analysis examined the "reasonable worst case" scenario for both the existing and proposed zoning, and it is important to note

that this scenario assesses high traffic generators allowed under the zoning, regardless of whether those uses are likely to be built. Attachment 3 analyzes the trip generation potential of the entire 42.5-acre site as well as the 24.6 acres proposed to receive new zoning. Figure 3 and Figure 6 depict the existing and proposed zoning, respectively, illustrating that the zone change area is primarily proposed to be zoned MUE except for a triangular area near Hunziker Road proposed to be zoned I-P. Development of the eastern portion of the site (the proposed zone change area) with housing and office uses under the current zoning would generate on the order of 784 PM peak hour trips. In the zone change area, if the MUE zone were entirely multifamily housing and the I-P zone office park, trip generation would be 455 PM peak hour trips (a reduction of 329 trips). In the zone change area, if the MUE zone and I-P zone were entirely office use, trip generation would be 715 PM peak hour trips (a reduction of 69 trips). In the zone change area, if the MUE zone and I-P zone were a combination of general office and medical-dental office use, trip generation would be 856 PM peak hour trips (an increase of 72 trips).

To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

Public Utility Considerations

Demands on potable water, sanitary sewer, and storm drainage are assessed in detail in the Public Facilities Impact Letter (Attachment 4). This assessment concluded that the proposed comprehensive plan amendment and zone change should not negatively affect public utilities.

Neighborhood Meeting

A neighborhood meeting was held on May 6, 2015 to share information about the proposal and seek feedback from area residents and businesses prior to submittal of the land use application. Copies of the neighborhood meeting materials and summary are in Attachment 5; as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules.

Historic 50-foot Buffer

Historically, the City's Comprehensive Plan required a 50-foot buffer between the Fields Industrial Park-zoned property and the Rolling Hills subdivision to the east, as shown in Figure 7. The purpose of this buffer was to provide increased separation between industrial uses and the single-family residential neighborhood. When the City amended its comprehensive plan, this 50-foot buffer requirement was lost. At the May 6 neighborhood meeting, the Trust heard concern from residents of the Rolling Hills subdivision that the 50-foot buffer was no longer applicable. Although the Trust is requesting a zone change from an industrial zone to a less intensive mixed-use employment zone, the Trust would still like to honor the historic 50-foot buffer that neighbors have come to rely on. Therefore, the Trust would accept a condition of approval on the zone change requiring a 50-foot buffer between the portion of the Trust property that is now zoned Industrial Park and the Rolling Hills subdivision, as depicted in Figure 7.



Figure 7: Historic Location of 50-Foot Buffer Between I-P Zone and Rolling Hills Subdivision

III. NARRATIVE & COMPLIANCE

This action proposes a comprehensive plan map amendment and zone change for property on the southeast corner of SW Hunziker Road and SW Wall Street. Map amendments are required to meet development standards set forth in the Tigard Community Development Code, codified as Municipal Code Title 18. Therefore, the following addresses the applicable Municipal Code criteria, together with statewide planning goals, Oregon Administrative Rules, the Tigard Comprehensive Plan, and Metro regulations. Pertinent code sections are cited either in their entirety or in a summation and are followed by a response.

Statewide Planning Goals

Goal 1, Citizen Involvement

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: Goal 1 broadly requires that local governments have mechanisms in place which solicit public participation in both quasi-judicial and legislative land use decisions. The City's acknowledged Comprehensive Plan and the Community Development Code include citizen involvement procedures with which the review of this application complies. This process allows for citizens to communicate their input into the map amendment review conducted by the City at public hearings or by submitting written comments. A neighborhood meeting was held on May 6, 2015. Copies of the neighborhood meeting materials and summary are in Attachment 5; as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules. The Planning Commission will review the proposed comprehensive plan and zoning map amendment and make a recommendation to the City Council regarding the application. Within the comprehensive plan map amendment and zone change process, the City mails notices to affected property owners and agencies, notice is published in the newspaper, and public hearings are held. This process complies with the Goal.

Goal 2, Land Use Planning

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Goal 2 requires that each jurisdiction have a comprehensive plan and implementation measures such as a zoning code and area-specific plans. As a quasi-judicial land use action, the proposed comprehensive plan amendment is based on its conformance with relevant elements of Tigard's Comprehensive Plan and considerations related to that plan's established zoning districts.

The procedural requirements for the proposed comprehensive plan map amendment and zone change involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to change the planning and zoning designations of urban land within the Urban Growth Boundary in compliance with Goal 2. Notice of the proposed comprehensive plan and zoning map amendment is provided by the City to DLCD as required. Oregon Department of Transportation and other affected agency staff will also be provided the opportunity to comment. The City's decision is based on findings of fact.

Goal 3, Agricultural Lands

Objective: To preserve and maintain agricultural lands.

Response: This Goal is not applicable because the site is within the City of Tigard Urban Growth Boundary, and no identified agricultural resources are located on the site.

Goal 4, Forest Lands

Objective: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: This Goal is not applicable because the site is within the City of Tigard Urban Growth Boundary and City Limits. The majority of the site was previously cleared of trees with the exception of the variable-width tree buffer along the eastern site boundary.

Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources

Objective: To protect natural resources and conserve scenic and historic areas and open spaces.

Response: Goal 5 is a wide-ranging policy initiative intended to protect natural and historic resources generally, and is most commonly implemented through sensitive lands/critical areas ordinances that protect streams, riparian corridors, trees, wildlife habitat, and open space. According to the Tigard Wetlands & Stream Corridors map, dated November 1, 2010, the Local Wetlands Inventory did not identify significant or non-significant wetlands on this property. However, there is a wetland on the western portion of the site that is depicted as part of the Clean Water Services vegetated corridor. This wetland is unaffected by this application, since the I-P zoning for the wetland would not change. Development proposals of that portion of the site would need to account for presence of the wetland in accordance with local and state regulations. The Tigard Significant Habitat Areas map identifies the eastern half of the site as lower value habitat (this map appears outdated, since the majority of the tree cover has now been removed) and no areas as moderate value or highest value habitat. The Tigard Tree Groves map depicts the tree grove along the eastern site boundary; the presence of this grove would be unaffected by the proposed comprehensive plan amendment and zone change. The City provides incentives to preserve tree groves when developments are proposed. The subject site is not designated as open space or a scenic or historic area by the City.

Comprehensive plan amendment proposals must demonstrate consistency with Goal 5. In most cases, however, Goal 5 considerations can only apply to a specific development plan, which is not proposed at this time. A re-designation of the subject property is consistent with Goal 5 inasmuch as it allows future site development to better accommodate natural features categorized under Goal 5. The proposed comprehensive plan amendment and zone change is not in conflict with this Goal.

Goal 6, Air, Water and Land Resources Quality

Objective: To maintain and improve the quality of the air, water and land resources of the state.

Response: Intended to maintain and improve the quality of the air, water, and land resources of the state, Goal 6 requires that all development be consistent with State and Federal standards related to air and water pollution, while also requiring that local governments establish plans which:

- Designate alternative suitable sites for development which is likely to cause pollution discharge;
- Designate urban and rural residential areas only where appropriate sewer services are available;
- Buffer incompatible uses and;
- Consider the carrying capacity of affected airsheds and watersheds.

The site is currently designated Light Industrial (37.4 acres), Professional Commercial (3.1 acres), and Low Density Residential (2.1 acres) on the comprehensive plan and is subject to City regulations regarding off-site impacts, so the potential harmful effects on air, water, and land resource quality are limited. Small-scale commercial, light industrial, or housing development produces relatively small impacts on environmental quality when performed in accordance with the City's development regulations. Re-designation of the eastern portion of the site from industrial to mixed use employment will have a positive benefit on the local airshed by limiting the potential for diesel particulate emissions. The proposal to amend the comprehensive plan map and zoning boundary to designate 18.3 acres for industrial use and 24.2 acres for mixed use employment would therefore have no negative impact with respect to this Goal.

Goal 7, Areas Subject to Natural Disasters and Hazards

Objective: To protect people and property from natural hazards.

Response: Pursuant to Goal 7, local governments "shall adopt comprehensive plans...to reduce risk to people and property from natural hazards," including floods and landslides. According to FEMA's Flood Insurance Rate Map 4102760517C, dated February 18, 2005, the site is not within a mapped flood hazard area. According to the Tigard Seismic Hazard map, the northwest and southern portions of the site are classified as category A (greatest seismic risk), while the remainder is classified as categories B or C (the categories are assigned based on tendency to experience damage due to any combination of liquefaction, amplification of ground shaking, or slope instability hazard). The Tigard Slope Instability Map does not illustrate any drainage hazard areas, debris flow hazards, or landslide hazard areas on site but does confirm that a small portion of the site has slopes in excess of 15%. Development of the site would need to comply with all applicable building code regulations and engineering requirements to minimize the potential for damage from natural hazards. The proposed comprehensive plan amendment and zone change is not in conflict with this Goal.

Goal 8, Recreational Needs

Objective: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: The site is across Wall Street from the Potso Dog Park. The site is presently designated for industrial, commercial, and residential development on the comprehensive plan map and has not been planned for recreational opportunities. Since the property is not identified for recreational use, the proposed comprehensive plan map amendment and zone change to industrial uses and mixed use employment would have no significant impact on the City's planning for recreational needs.

Goal 9, Economic Development

Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: Intended to provide adequate opportunities throughout the state for a variety of economic activities, Goal 9 requires that land be designated for commercial and industrial uses according to the needs of the local and regional economy, current economic base, workforce, availability of land, availability of key public facilities, etc. Practically speaking, Goal 9 has encouraged communities to preserve employment land. Decisions based on Goal 9 considerations take into account more than the simple amount of buildable acreage, but also carefully evaluate the suitability of land to accommodate industrial development that would further economic opportunities.

Currently, 2.1 acres of the site are zoned R-3.5, 3.1 acres are zoned C-P, and 37.4 acres are zoned I-P. The Tigard Buildable Lands Inventory map, dated January 1, 2014, indicates that the site was included in

the City's inventory of buildable lands at that time (including three-quarters of the parcel zoned R-3.5). However, as acknowledged when City Council adopted Ordinance 15-06, slope was not applied as a development constraint in the City's Buildable Lands Inventory or in the EOA. The City's updated analysis in Ordinance 15-06 confirmed that approximately 17 acres of the Fields Trust property are slope-constrained for industrial uses requiring large-footprint buildings due to site slopes greater than 10%. Consequently, other building formats are more appropriate in the slope-constrained areas, which is one of the motivating factors for the proposed comprehensive plan amendment and zone change.

The zone change would result in 18.3 acres zoned I-P and 24.2 acres zoned MUE. The EOA indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). Ordinance 15-06 concluded that approximately 17 acres of the Fields Trust property identified in the Buildable Lands Inventory and the EOA are too steep for some industrial uses, particularly those requiring large, rectangular buildings, truck courts, and associated parking areas.

Approval of this application would change 19.4 acres from an industrial designation to a mixed use employment designation; however, the land would continue to be counted in the employment land inventory and available to promote economic growth. Furthermore, the proposed comprehensive plan map amendment and zone change would increase the amount of land available for economic development by converting 2.1 acres from residential (R-3.5) to employment use (MUE). The site can be put to productive use by designating the eastern portion as MUE in order to increase the developable area and allow a developer to spread costs across a larger area. By encouraging development of existing vacant land the zone change would increase the number of jobs available to the community.

The EOA indicated that the City has a surplus of two acres of industrial land; however, Ordinance 15-06 recognized that the City is "now potentially in deficit for industrial zoned vacant land." The proposed zone change affecting the site would deplete the two-acre surplus by converting approximately 19.4 acres of land from I-P to MUE; however, this depletion would be partially offset by converting 0.4 acres from C-P to I-P. Taken together, the proposed zone change would need to compensate for the jobs associated with a net reduction of 17 acres of industrial land. While there is no guarantee that the site would produce jobs under the existing zoning (as evidenced by the current lack of development), for the purposes of comparison employment density assumptions from the EOA have been used to quantify the number of jobs that could be expected on 17 industrial acres.

Based on 16.5 industrial jobs per acre (derived from the 794 jobs on 48 industrial acres identified in the EOA), 17 acres of industrial land would lead to an employment level of approximately 280 jobs. Approval of the zone change could therefore decrease the City's employment potential by 280 jobs unless these jobs can be accommodated elsewhere. The proposed MUE zone permits a variety of employment uses, including office uses, which are also allowed in the I-P zone. The City can conclude that the proposed comprehensive plan amendment and zone change would preserve the ability to create jobs on the site. The applicant understands that staff will be recommending a condition of approval that 280 non-retail jobs be accommodated on the MUE-zoned portion of the site. Therefore, the proposed amendment is supportive of this Goal.

Goal 10, Housing

Objective: To provide for the housing needs of citizens of the state.

Response: The comprehensive plan currently designates 2.1 acres of this site for Low Density Residential development (tax lot 2S101DB00400). These 2.1 acres are proposed to be changed to Mixed Use Employment. The current zoning (R-3.5) requires 10,000-square-foot lots so the tax lot could

accommodate around seven single-family homes. In the context of the City's supply of buildable residential land, a reduction of seven units may not be significant since it would decrease the city's residential land supply by a very small fraction (the 2014 Buildable Lands Inventory indicates that 307 acres of residential land were buildable). The Mixed Use Employment zone also allows for multifamily residential construction so housing could be accommodated even with the MUE zoning. The proposed amendment would not conflict with this Goal.

Goal 11, Public Facilities and Services

Objective: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 is primarily implemented by the City, which has adopted public facilities plans and standards. It is therefore not directly applicable to comprehensive plan amendments - such as the one proposed herein - which do not entail significant changes in public facilities plans. Any resultant development of the subject property will be connected to sufficient public infrastructure such as the water and sewer system, and shall provide drainage facilities in a manner consistent with adopted public facilities plans. The subject property lies within City Limits, and preliminary comments from the Development Engineering Department indicate that sanitary sewer and water service is available to serve the site (subject to capacity analysis). Public facilities are discussed in more detail in the Public Facilities Impact Letter (Attachment 4). Insofar as future development of the site is subject to the requirements of such plans, the proposal is consistent with Goal 11.

Goal 12, Transportation

Objective: To provide and encourage a safe, convenient and economic transportation system.

Response: This Goal requires the City to prepare and implement a Transportation System Plan (TSP). The Tigard 2035 TSP (dated November 2010) assumed that the site would develop with more than five jobs per acre and performed transportation analysis accordingly. Since the proposed application would change the existing zoning, further transportation analysis is necessary.

The TSP designates both SW Hunziker Road and SW Wall Street as collectors. Adjacent to the site, Hunziker Road is improved with two travel lanes plus a sidewalk along the north side of the road. The roadway was designed to accommodate the mix of commercial, industrial, and residential uses envisioned in the Comprehensive Plan. Wall Street is a private road improved with two travel lanes but no bicycle or pedestrian facilities. Development of the site under the proposed zoning would lead to additional street improvements to City standards.

The application of Goal 12 to proposed comprehensive plan amendments typically requires an application to demonstrate that a proposal is consistent with the TSP, as implemented through OAR 660-012-0060. As discussed in the detailed TSP analysis (Attachment 3), redesignating the eastern portion of this site from I-P, C-P, and R-3.5 zones to MUE zoning has the potential to slightly increase traffic levels, depending on the type of the resulting development. To ensure that the comprehensive plan amendment and zone change do not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

Goal 13, Energy Conservation

Objective: To conserve energy.

Response: The subject property is in a desirable location for development because it is located close to SW 72nd Avenue, Interstate 5, Oregon Highway 217, the Portland & Western Railroad, and other commercial and industrial uses. The applicant's proposal would increase the likelihood of employment

development in close proximity to other industrial sites, potentially leading to trip sharing, carpooling, and/or combined deliveries, thereby increasing energy efficiency. The proposed comprehensive plan map amendment and zone change would permit development with the potential to create an energy-efficient land use pattern within the City.

Goal 14, Urbanization

Objective: To provide for an orderly and efficient transition from rural to urban land use.

Response: The subject property is within the City, and no expansion of the Urban Growth Boundary is proposed. The proposed comprehensive plan map amendment and zone change would not affect the City’s Goal 14 compliance.

Other Goals

- *Goal 15, Willamette River Greenway*
- *Goal 16, Estuarine Resources*
- *Goal 17, Coastal Shorelands*
- *Goal 18, Beaches and Dunes*
- *Goal 19, Ocean Resources*

Response: Goals 15-19 are not applicable to this application.

Oregon Administrative Rules

Economic Development

OAR 660 Division 9 – Economic Development

660-009-0010 Application

- (4) *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*
- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
 - (b) *Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
 - (c) *Adopt a combination of the above, consistent with the requirements of this division.*

Response: The EOA compares demand and supply of employment lands to evaluate the land inventory over a 20-year period. This report indicates that under the Efficient Land Need Scenario, the City’s 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). This application would change the plan designation of approximately 19.4 acres from IL to MUE. Although this action would decrease the area of land with an industrial designation, there would be no net loss of acreage designated for employment use since the MUE designation accommodates a variety of employment types. The simultaneous redesignation of two acres from Low Density Residential to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land. The response to Statewide Planning Goal 9 starting on page 18 provides additional

analysis demonstrating that the proposed amendment is consistent with the City's EOA. Analysis of comprehensive plan policies is included later in this report.

Transportation Planning Rule

OAR 660 Division 12 – Transportation Planning

660-012-0060 Plan and Land Use Regulation Amendments

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*
- [...]
- (4) *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

Response: TPR compliance is demonstrated in Attachment 3. This analysis examined the “reasonable worst case” scenario for both the existing and proposed zoning (note that this scenario assesses high traffic generators allowed under the zoning, regardless of whether those uses are likely to be built). Attachment 3 analyzes the trip generation potential of the entire 42.5-acre site as well as the 24.6 acres proposed to receive new zoning. Figure 3 and Figure 6 depict the existing and proposed zoning, respectively, illustrating that the zone change area is primarily proposed to be zoned MUE except for a triangular area near Hunziker Road proposed to be zoned I-P. Development of the eastern portion of the site (the proposed zone change area) with housing and office uses under the current zoning would generate on the order of 784 PM peak hour trips. In the zone change area, if the MUE zone were entirely multifamily housing and the I-P zone office park, trip generation would be 455 PM peak hour trips (a reduction of 329 trips). In the zone change area, if the MUE zone and I-P zone were entirely office use, trip generation would be 715 PM peak hour trips (a reduction of 69 trips). In the zone change area, if the MUE zone and I-P zone were a combination of general office and medical-dental office use, trip generation would be 856 PM peak hour trips (an increase of 72 trips). To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation

network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

Metro Regulations

Urban Growth Management Functional Plan

Title 4 – Industrial and Other Employment Areas

3.07.410 Purpose and Intent

3.07.420 Protection of Regionally Significant Industrial Areas

3.07.430 Protection of Industrial Areas

3.07.440 Protection of Employment Areas

3.07.450 Employment and Industrial Areas Map

Response: According to Section 3.07.410, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Metro’s Title 4 *Industrial and Other Employment Areas* map (January 2014) does not identify this site as a Regionally Significant Industrial Area (RSIA), so Section 3.07.420 does not apply. Metro illustrates the I-P-zoned parcels of this site (totaling 37.4 acres) as Industrial Areas adjoining other Employment Areas (west of Wall Street). In accordance with Section 3.07.430, Tigard’s Community Development Code limits the size and scope of non-industrial uses within the I-P zone. This site is smaller than 50 acres, so further land division is allowed under Title 4 and City regulations. Approval of the proposed map amendments would convert 19.4 acres of the site into an Employment Area rather than an Industrial Area. The City’s MUE zone standards comply with Section 3.07.440 by restricting the size and scope of commercial retail uses. Section 3.07.450 allows the City to amend the use of lands on the *Industrial and Other Employment Areas* map based on satisfaction of a number of criteria. This site complies with those standards since the property is not surrounded by RSIA or Industrial Area land; the change would increase rather than decrease the acreage devoted to employment uses; the site is not designated as RSIA; the Transportation Planning Rule ensures that transportation issues are properly evaluated and mitigated if necessary; the zone change would not lead to retail or cultural uses that compete with Central City or Regional or Town Centers; and the property designated Industrial Area subject to the amendment is less than 20 acres (namely, 19.4 acres). Furthermore, as discussed in the City’s adoption of Ordinance 15-06, the eastern portion of the site is not buildable with industrial uses due to topographic constraints.

Tigard Comprehensive Plan

Citizen Involvement

GOAL: 1.1 Provide citizens, affected agencies, and other jurisdictions the opportunity to participate in all phases of the planning process.

Response: The property owner and the City have collaborated extensively to determine how this property may be successfully developed to benefit the community, including workshops with City staff, local industry/development experts, the Planning Commission, and City Council. A neighborhood meeting was held on May 6, 2015 to share information about the proposal and seek feedback from area residents and businesses prior to submittal of the land use application. Copies of the neighborhood meeting materials and summary are in Attachment 5; as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules. Notice of the application is mailed to area

property owners and affected agencies, and the proposal is evaluated at Planning Commission and City Council public hearings so the public may participate in the planning process.

Land Use Planning

GOAL: 2.1. Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard's land use planning program.

POLICIES:

5. *The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.*
6. *The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability.*

Response: As discussed in the Metro Regulations response starting on page 23, 37.4 acres of this site is included on Metro's Title 4 *Industrial and Other Employment Areas* map (January 2014) as a designated Industrial Area. Of this amount, 17.9 acres would remain in the current I-P zone and 19.4 acres would be changed from Industrial Area to Employment Area by virtue of a zone change to MUE. Given the unsuitability of the eastern portion of the property for industrial uses, changing the comprehensive plan and zoning to MUE will enable the City to promote a more intense urban development of the site. The rationale for the map amendments is to allow for a range of development opportunities on the upland portion of the site that would offset the considerable development costs associated with site grading and public improvement requirements necessary to lead to industrial uses on the flatter, western portion. Ordinance 15-06 amended the comprehensive plan to account for the slope constraints on approximately 17 acres of the site that hamper the ability to construct large-footprint industrial buildings. The industrial uses, by themselves, would not provide sufficient economic value to fund needed public facilities and services. The costs of developing this constrained parcel to accommodate industrial activities undermine the potential economic value of the parcel itself as currently zoned, and have led to it remaining vacant. The discussion above demonstrates that in combination with the remaining I-P land, the proposed rezoning to MUE provides a range of land use types which are of sufficient economic value to fund needed public facilities and services for the site and advance the City's social and fiscal stability.

7. *The City's regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:*
 - A. *Residential;*
 - B. *Commercial and office employment including business parks;*
 - C. *Mixed use;*
 - D. *Industrial;*
 - E. *Overlay districts where natural resource protections or special planning and regulatory tools are warranted; and*
 - F. *Public services.*

Response: The EOA indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). This application would change the plan designation of approximately 19.4 acres from IL to MUE. Although this action would decrease the industrial land area, there would be no net loss of acreage designated for employment since the MUE designation accommodates a variety of employment and housing types. The simultaneous redesignation of 2.1 acres from Low Density Residential to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land. In the context of the City's overall supply of residential land, a reduction of 2.1 acres is not significant. A low-quality wetland is located on

the western portion of the site; this wetland is unaffected by the zone change, and future development proposals would be subject to the City's sensitive lands regulations and state wetlands rules.

14. *Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan, and when necessary, those of the state and other agencies.*

Response: This narrative provides evidence that the application complies with applicable criteria of the Statewide Planning Goals, Oregon Administrative Rules, Metro regulations, the Tigard Comprehensive Plan, and the Tigard Community Development Code.

15. *In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:*
- A. *Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;*
 - B. *Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services;*
 - C. *The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;*
 - D. *Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;*
 - E. *Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled;*
 - F. *Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses; and*
 - G. *Demonstration that the amendment does not detract from the viability of the City's natural systems.*

Response: Analysis of transportation impacts and public facility infrastructure (included as Attachments 3 and 4) indicates that the site would have access to infrastructure with sufficient capacity to accommodate development of the site under existing zoning or proposed zoning, and future development of the site would improve both Hunziker Road and Wall Street. The Transportation Planning Rule analysis (Attachment 3) demonstrates that the PM peak trips for uses allowed in the existing and proposed zoning designations are similar; therefore, imposing a trip cap based on anticipated trip generation allowed in the current zoning will ensure the amendment has no significant impact on transportation facilities. Given the importance of providing an adequate employment land base for the City, redesignating 19.4 acres from IL to MUE and 2.1 acres from L to MUE would ensure that there is no net loss of employment capacity. While the change causes a nominal decrease in land designated residential, it will actually increase the amount of land available for potential multi-family development.

The slope of the eastern portion of the site does not allow for large, flat building pads for industrial development, and the grades along Hunziker Road are too steep for truck turning movements into the site. Consequently, only the western portion of the site is feasible for light industrial uses. Residential or office uses could be constructed on the sloped area in the eastern part of the site. The key mechanism to allow a financially viable industrial development proposal on the western portion is to allow for non-industrial development of the eastern portion. The response to Statewide Planning Goal 9 starting on page 18 provides additional analysis demonstrating that the proposed amendment is consistent with the City's EOA. While the current I-P zone would allow for some non-industrial office usage on the sloped

eastern side, the marketability of this area would be enhanced by the change to MUE, and improved marketability is more likely to lead to job-creating development of the west side. An illustration of a hypothetical marketable, site-appropriate development concept is included in Attachment 2 to demonstrate that development could conform to applicable regulations and provide a potential vegetated buffer between the site and the adjoining residential area. No overlay districts are found on the site. The Tigard Significant Habitat Areas map identifies the eastern half of the site as lower value habitat (this map appears outdated since the majority of the tree cover has now been removed) and no areas as moderate value or highest value habitat. The subject site is not designated as open space or a scenic or historic area by the City. Uses allowed in the MUE zone can be arranged and clustered to fit into the site topography rather than requiring mass grading to create the large, flat sites that would be necessary for industrial uses. The City's development regulations further ensure that relevant environmental regulations will be met. Therefore, the proposed comprehensive plan amendment and zone change would not detract from the viability of natural systems.

16. *The City may condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use(s) and per specific design /development requirements.*

Response: This report demonstrates that due to extraordinary development costs, the flatter western portion of the site (which would continue to maintain I-P zoning) is only likely to develop if the steeper eastern portion can also be developed with some mix of employment and/or residential use. The applicant understands that staff will be recommending a condition of approval that 280 non-retail jobs be accommodated on the MUE-zoned portion of the site. Due to the importance of flexibility in response to ever-changing market conditions, the applicant respectfully requests that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. Further, in order to maintain compliance with the Transportation Planning Rule, the applicant proposes a condition of approval imposing a trip cap based on anticipated trip generation allowed in the current zoning.

Economic Development

GOAL: 9.1 Develop and maintain a strong, diversified, and sustainable local economy.

POLICIES:

3. *The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.*
5. *The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.*
6. *The City shall promote actions that result in greater, more efficient, utilization of its Metro-designated Employment and Industrial Areas.*
7. *The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.*
12. *The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economic future.*

Response: Industrial development by itself is not able to economically offset the high cost of on-site grading costs, public improvements to abutting streets, and utility extensions. MUE rates of return would allow the high infrastructure costs associated with the development of this property to be financed by the development itself. Conversely, maintaining the existing zoning for industrial use does not produce sufficient economic value to fund needed public infrastructure to serve the site and therefore acts as a significant development constraint, prohibiting industrial use of the site. The intent of the proposed comprehensive plan amendment and zone change is to create flexibility that generates job-creating development in the City. Under the current zoning, the site has remained undeveloped for many years due to the development constraints outlined in Section II. The proposal would respond to market conditions by allowing a mix of uses on the eastern portion while preserving the western portion for industrial employers. This change would be a more efficient use of employment land than the

current underutilized condition. The MUE zone restricts retail and service use of the property but allows lower-intensity uses than typical light industrial uses, which improves livability for the nearby residential properties.

Because of site constraints outlined above and in Attachment 2, the eastern portion of the site is unsuitable for industrial use even though a large portion of the site could be described as “buildable” given a high enough expenditure of development costs. It is important to note, however, that theoretical “buildability” is not the relevant legal or practical standard for analyzing whether a particular site is appropriate for industrial use. Both under Goal 9 and from a market standpoint, a site can be “buildable” and still not be suitable for industrial use. Site suitability requires the consideration of a number of factors. In this case, even though a large portion of this site is theoretically “buildable,” other factors implemented by OAR 660-009-0025 demonstrate the area proposed for the zone change is unsuitable for industrial use. The site characteristics and development constraints outlined in **Table 4** and **Table 5** make the property unsuitable for industrial use.

Table 4: Site Characteristics	
Site Characteristics (OAR 660-009-0005(11))	Site Condition
Site configuration including shape	The site is wedge-shaped with the narrowest portion abutting Hunziker Road at the north. The western boundary (Wall Street) is a private street. Access to the south is restricted by a rail line and access to the east is restricted by adjoining residential development. The site is longer in the north-south dimension than the east-west dimension.
Acreage	37.4 acres of the site are zoned I-P, of which approximately 17 acres have been identified by the City as being slope-constrained for large-footprint industrial development.
Topography	The site has slopes of ten to twelve percent on the eastern side and four to five percent on the western side. The ground slopes from east to west in the site’s shorter dimension, limiting the ability to create flat areas for large buildings.
Visibility	Limited visibility from Hunziker Road reduces the attractiveness of the rear portion of the site for certain development types.
Specific types or levels of public facilities, services or energy infrastructure	Industrial access to roads is difficult due to slopes on Hunziker Road and the rail spur along Wall Street.
Proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes	A rail line is located immediately to the south of the site, with an existing spur that connects to the Portland & Western Railroad.

Table 5: Development Constraints	
Development Constraints (OAR 660-009-0005(2))	Site Condition
Wetlands	Low-quality wetlands are present in the northwestern portion of the site.
Environmentally sensitive areas such as habitat	The Tigard Significant Habitat Areas map identifies the eastern half of the site as lower value habitat. This map appears outdated since the majority of the tree cover has now been removed. No areas are identified as moderate value or highest value habitat.
Environmental contamination	A railroad spur is located on the western boundary; low levels of soil pollution can be typical near railroad alignments.
Slope/topography	Slopes on the eastern portion of the site pose a significant constraint on industrial development. Slopes in excess of ten percent hamper the ability to construct large-footprint industrial buildings. General industrial and manufacturing buildings require relatively large unconstrained acreage to create industrial development.
Cultural and archaeological resources	No known cultural or archeological resources are on site.
Infrastructure deficiencies	Major extensions of utilities will be required to serve the site.
Parcel fragmentation	The site is comprised of four parcels, two of which are currently zoned I-P.
Natural hazards	The Tigard Seismic Hazard map classifies the northwest and southern portions of the site Category A (greatest seismic risk).

The evidence shows that despite relatively high demand for light industrial land and low supply, this site has not developed for light industrial use and is unlikely to do so in the future because of its unsuitable site characteristics and development constraints. MUE zoning on the eastern portion allows the site to be developed with some combination of employment and multifamily workforce housing use and allows the site to be developed in a more flexible way. Development allowed under the MUE zone will help create a stronger, more diversified, and sustainable development on this site, which in turn will help the local economy.

Housing

GOAL: 10.2 Maintain a high level of residential livability.

POLICIES:

7. *The City shall ensure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.*
8. *The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as:*
 - A. *orderly transitions from one residential density to another;*
 - B. *protection of existing vegetation, natural resources and provision of open space areas; and*
 - C. *installation of landscaping and effective buffering and screening.*

Response: The comprehensive plan currently designates 2.1 acres of this site for Low Density Residential development (tax lot 2S101DB00400). These 2.1 acres are proposed to be changed to Mixed Use Employment. The current zoning (R-3.5) requires 10,000-square-foot lots so the tax lot could accommodate around seven single-family homes. In the context of the City's supply of vacant residential land, a reduction of seven units may not be significant since it would decrease the city's residential land supply by a very small fraction. (The 2014 Buildable Lands Inventory indicates that 307 acres of residential land were buildable.) The Mixed Use Employment zone also allows for multifamily residential construction, so housing would continue to be accommodated even with the MUE zoning. As illustrated in Figure 1, some of the existing mature trees along the eastern site boundary may be able to buffer development from the adjoining residences. The range of uses allowed in the MUE zone is more compatible with the adjoining residential uses than the existing I-P zoning due to reduced likelihood of noise-generating uses.

Title 18 of the Tigard Municipal Code (Tigard Community Development Code)

Chapter 18.380 Zoning Map and Text Amendments

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map.

Approval of an ordinance amending the zoning map, comprehensive plan map, comprehensive plan, or development code shall be based on the following:

- A. *Quasi-judicial amendments. Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in subsection D of this section. The approval authority shall be as follows:*
1. *The commission shall decide zone change applications which do not involve comprehensive plan map amendments;*
 2. *The commission shall make a recommendation to the council on an application for a comprehensive plan map amendment; and*
 3. *The commission shall make a recommendation to the council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The council shall decide the applications on the record as provided by Chapter 18.390.*

Response: This application is for a quasi-judicial zone change which also involves a concurrent comprehensive plan map amendment. The Planning Commission makes a recommendation to City Council and City Council makes the final decision. This standard is met.

- B. *Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:*
1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations;*
 2. *Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and*
 3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.*

Response: This report provides evidence of compliance with comprehensive plan policies and other local, regional, and state approval standards. The City's adoption of Ordinance 15-06 amended the comprehensive plan and the EOA by accounting for slope constraints on industrially-zoned properties, including the subject site. The new information contained in this ordinance identified approximately 17 acres of the subject site with slopes in excess of 10%, which limits the ability to create large, flat sites

required for many industrial uses. The proposed comprehensive plan amendment and zone change builds on the City's recognition of the prior oversight in the EOA's buildable land inventory. The Development Analysis (Attachment 2) supports the conclusion that the existing plan and zoning designation is inconsistent with the market requirements for industrial development (also see the response to the Comprehensive Plan Economic Development policies). By changing a portion of the site to Mixed Use Employment, the City can encourage economic efficiencies that lead to development within both the MUE portion and the I-P portion.

C. *Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.*

Response: The applicant has supplied evidence in support of the proposed zone change and comprehensive plan map amendment so the City has a sufficient basis for approval of the application. The applicant understands that staff will be recommending a condition of approval that 280 non-retail jobs be accommodated on the MUE-zoned portion of the site. Due to the importance of flexibility in response to ever-changing market conditions, the applicant respectfully requests that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. Further, in order to maintain compliance with the Transportation Planning Rule, the applicant proposes a condition of approval imposing a trip cap based on anticipated trip generation allowed in the current zoning.

Chapter 18.390 Decision-Making Procedures

18.390.050 Type III Procedure

B. *Application requirements.*

1. *Application forms. Type III applications shall be made on forms provided by the director as provided by 18.390.080.E.1.*
2. *Content. Type III applications shall:*
 - a. *Include the information requested on the application form;*
 - b. *Address the relevant criteria in sufficient detail for review and action;*
 - c. *Be accompanied by the required fee;*
 - d. *Include two sets of pre-stamped, pre-addressed envelopes for all persons who are property owners of record as specified in subsection C of this section. The records of the Washington County Department of Assessment and Taxation shall be the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;*
 - e. *Include an impact study. The impact study shall quantify the effect of the development on public facilities and services. 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, the study shall propose improvements necessary to meet city standards and to minimize the 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 requirements, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.*

Response: The applicant has submitted forms supplied by city staff and provided the materials noted in the list above. The public facilities impact study is included as Attachment 4. The applicant concurs with the requirement to dedicate right-of-way along Hunziker Road and Wall Street in conjunction with future development. Because no development is being proposed as part of this application, no right-of-way dedication is warranted at this time.

IV. CONCLUSION

The proposed Mixed Use Employment Comprehensive Plan designation of the eastern portion of the site will allow development types which can better accommodate slope constraints while also reducing potential conflicts between uses on the subject property and abutting residential development. The proposed zone change from I-P to MUE has the potential to increase economic development in Tigard by properly accounting for development economics applicable to the different portions of the site.

As detailed above, the proposed comprehensive plan map amendment and zone change meets or exceeds the City of Tigard requirements and applicable statewide planning goals and administrative rules. The applicant respectfully requests approval of the application in order to advance the City's economic development objectives by bringing vacant land into productive use.



**ORTHWEST
SURVEYING, INC.**

RESIDENTIAL - COMMERCIAL - INDUSTRIAL

Licensed in OR, WA & ID

1815 NW 169th Place, Suite 2090
Beaverton, OR 97006

Telephone: 503-848-2127
Fax: 503-848-2179

I-P Zone Description

May 11, 2015

NWS Project Number 366

A tract of land located the northwest one-quarter and the southwest one-quarter of Section 1, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being more particularly described as follows:

Commencing at the most westerly southwest corner of Lot 1 of “Tech Center Business Park”, recorded in Book 53, Page 29 of Washington County Plat Records, said point also being on the northeasterly right-of-way line of the Southern Pacific Railroad and being the most southerly corner of that property described as Parcel V in the deed to Fred W. Fields as Trustee of the Fred W. Fields Revocable Living Trust, recorded on May 5, 2010 as Document Number 2010-033975, Washington County Deed Records; Thence along said northeasterly right-of-way line, North $41^{\circ}55'03''$ West 1113.55 feet to the Point of Beginning;

Thence leaving said northeasterly right-of-way line, North $29^{\circ}34'10''$ East 1856.77 feet to a point on the southerly right-of-way of SW Hunziker Street (30.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line, North $71^{\circ}51'14''$ West 421.12 feet to a point of curvature thereon; Thence continuing along said southerly right-of-way line, 43.75 feet along a tangent curve to the right with a radius of 230.00 feet, a delta angle of $10^{\circ}53'59''$, and a long chord bearing North $66^{\circ}24'15''$ West 43.69 feet to a point of tangency; Thence continuing along said southerly right-of-way line, North $60^{\circ}57'15''$ West 3.78 feet to the northwest corner of that property described as Parcel VI in said deed to Fred W. Fields; Thence along the westerly line of said Parcel VI, South $29^{\circ}34'10''$ West 1614.75 feet to said northeasterly right-of-way line of the Southern Pacific Railroad; Thence along said northeasterly right-of-way line, South $41^{\circ}55'03''$ East 485.10 feet to the Point of Beginning.

The above described tract of land contains 18.31 acres, more or less.

The basis of bearings for this description is survey number 32,010, Washington County Survey Records.



ORTHWEST
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Fax: 503-848-2179

MUE Zone Description

May 11, 2015

NWS Project Number 366

A tract of land located the northwest one-quarter and the southwest one-quarter of Section 1, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being more particularly described as follows:

Beginning at the most westerly southwest corner of Lot 1 of "Tech Center Business Park", recorded in Book 53, Page 29 of Washington County Plat Records, said point also being on the northeasterly right-of-way line of the Southern Pacific Railroad and being the most southerly corner of that property described as Parcel V in the deed to Fred W. Fields as Trustee of the Fred W. Fields Revocable Living Trust, recorded on May 5, 2010 as Document Number 2010-033975, Washington County Deed Records; Thence along said northeasterly right-of-way line, North 41°55'03" West 1113.55 feet; Thence leaving said northeasterly right-of-way line, North 29°34'10" East 1856.77 feet to a point on the southerly right-of-way of SW Hunziker Street (30.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line, South 71°51'14" East 180.65 feet to a point of curvature thereon; Thence 36.08 feet along a tangent curve to the left with a radius of 230.00 feet, a delta angle of 8°59'21", and a long chord bearing South 76°20'55" East 36.05 feet to the northeast corner of that property described as Parcel II in the deed to Fred W. Fields and H. Suzanne Fields recorded May 1, 2006 as Document Number 2006-051473, Washington County Deed Records; Thence along the east line of said Parcel II and the East line of Parcel I from said Document Number 2006-051473, South 00°55'57" West 626.06 feet to the southeast corner of said Parcel I; Thence along the south line of said Parcel I, North 89°19'21" West 330.40 feet to the southwest corner thereof, said point being on the east line of that property described as Parcel IX in said Document Number 97-097055; Thence along the east line of said Parcel IX, South 01°20'51" West 671.06 feet to the southeast corner thereof, said point also being the northeast corner of said Parcel V; Thence along the east line of said Parcel V, South 01°11'55" West 1086.06 feet to the Point of Beginning.

The above described tract of land contains 24.18 acres, more or less.

The basis of bearings for this description is survey number 32,010, Washington County Survey Records.

ZONING EXHIBIT MAP

(PAGE 1 OF 2)

LOCATED IN THE NW 1/4 AND
THE SW 1/4 OF SECTION 1,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.,
CITY OF TIGARD,
WASHINGTON COUNTY, OREGON
MAY 11, 2015

WESTERLY LINE OF
PARCEL VI
DOC. NO. 2010-033975

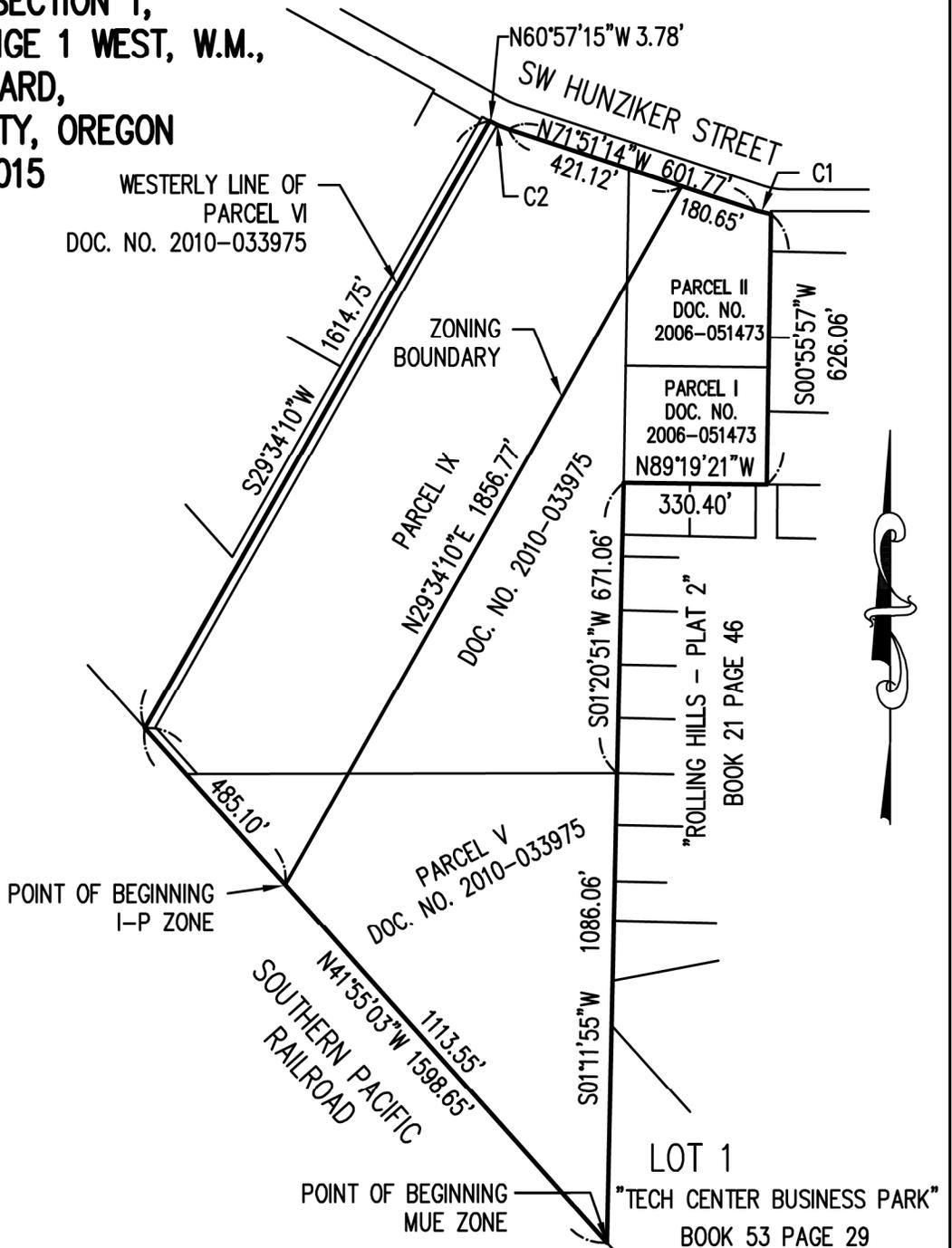
SCALE 1" = 400 FEET



CURVE INFORMATION

C1 LENGTH = 36.08'
RADIUS = 230.00'
DELTA = 8°59'21"
CHORD = S76°20'55"E 36.05'

C2 LENGTH=43.75'
RADIUS=230.00'
DELTA=10°53'59"
CHORD=N66°24'15"W 43.69'



PREPARED FOR:

FRED FIELDS
REVOCABLE LIVING TRUST
C/o KELLY HOSSAINI
MILLER NASH LLP
3400 US BANCORP TOWER
111 SW 5TH AVE.
PORTLAND, OR 97204

JOB NAME: FIELDS SURVEY
JOB NUMBER: 366
DRAWING NUMBER: 366 ZONING
DRAWN BY: CHS
CHECKED BY: SFF

NORTHWEST
SURVEYING, Inc.

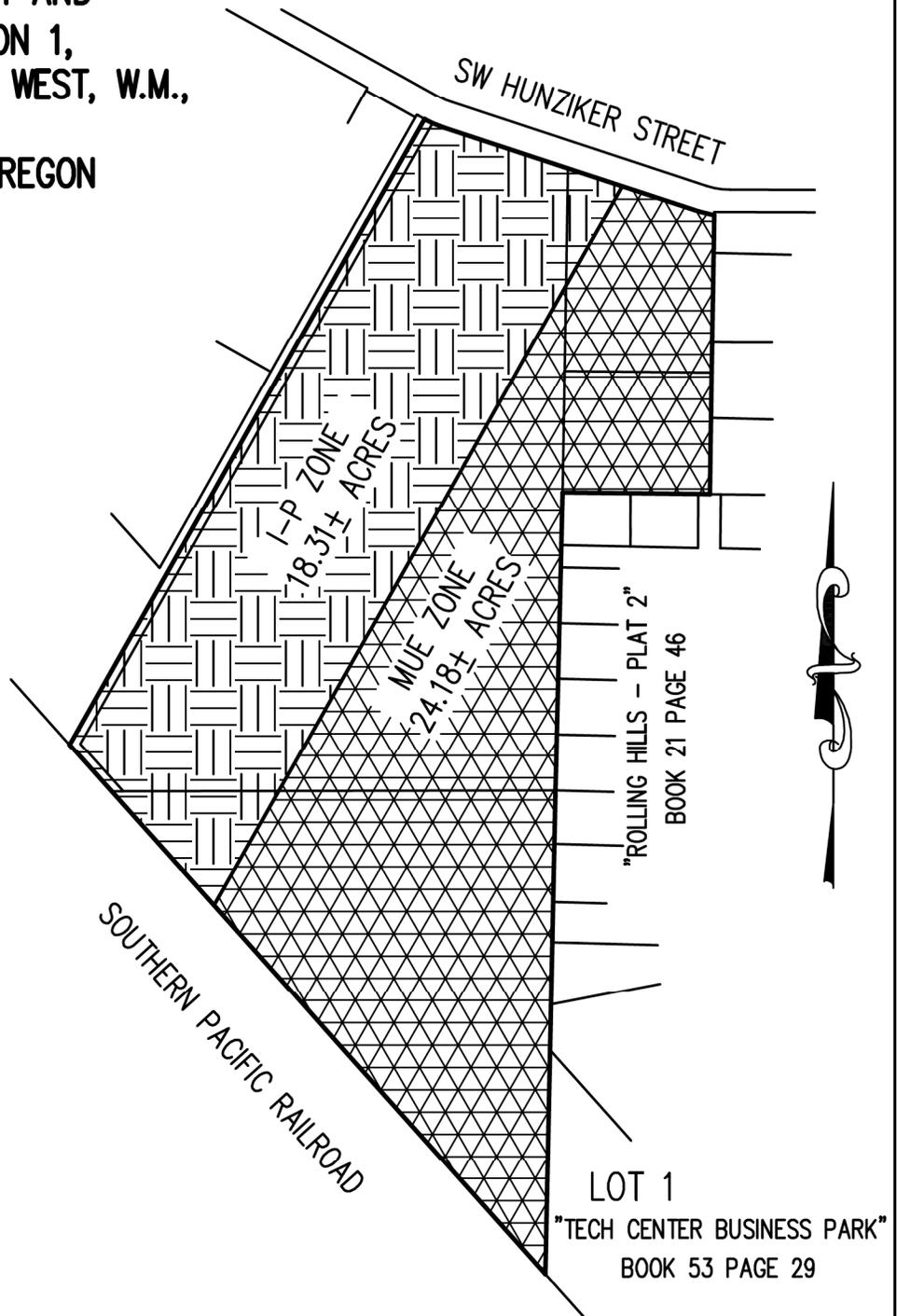
1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

ZONING EXHIBIT MAP

(PAGE 2 OF 2)

LOCATED IN THE NW 1/4 AND
THE SW 1/4 OF SECTION 1,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.,
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FIELDS PROPERTY
*DEVELOPMENT ANALYSIS AND
OPPORTUNITY STUDY*

February 13, 2014



OUR HISTORY. OUR FUTURE. OUR PROMISE.

The values of our founder, Tom Mackenzie, remain the hallmarks of our firm. Upon this foundation we have, steadily and intentionally, built a team of experts focused on delivering the highest level of design excellence in service to our clients. This mark is our signature and our bond.

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THE FIELDS PROPERTY DEVELOPMENT ANALYSIS STUDY.

This development analysis was generated through a series of joint venture workshops with the property owner, local developers, local brokers, the City of Tigard, and Mackenzie land use planners and civil engineers. The intent of the workshops and this analysis is to help determine the highest and best use of the undeveloped Fields Property, given:

- Significant site constraints
- The current and future development market
- Regional needs/City needs for employment areas

This exercise was taken on as a collaborative effort to determine how the Fields Property could be

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I. SITE CONTEXT

What are the physical features of the Fields Property site?

4 I.1 SITE INFORMATION

Size: 42.5 acres

Location: Just south of 217 and west of SW 72nd Avenue exit

Zoning: I-P, C-P, and R-3.5

Comp Plan Designation: IL, CP, and L

Street Frontage: Approx. 345' along SW Hunziker Road, contains private street (SW Wall Street) on west side

Topography: 4-5% slope on western side, 10-12% on eastern side

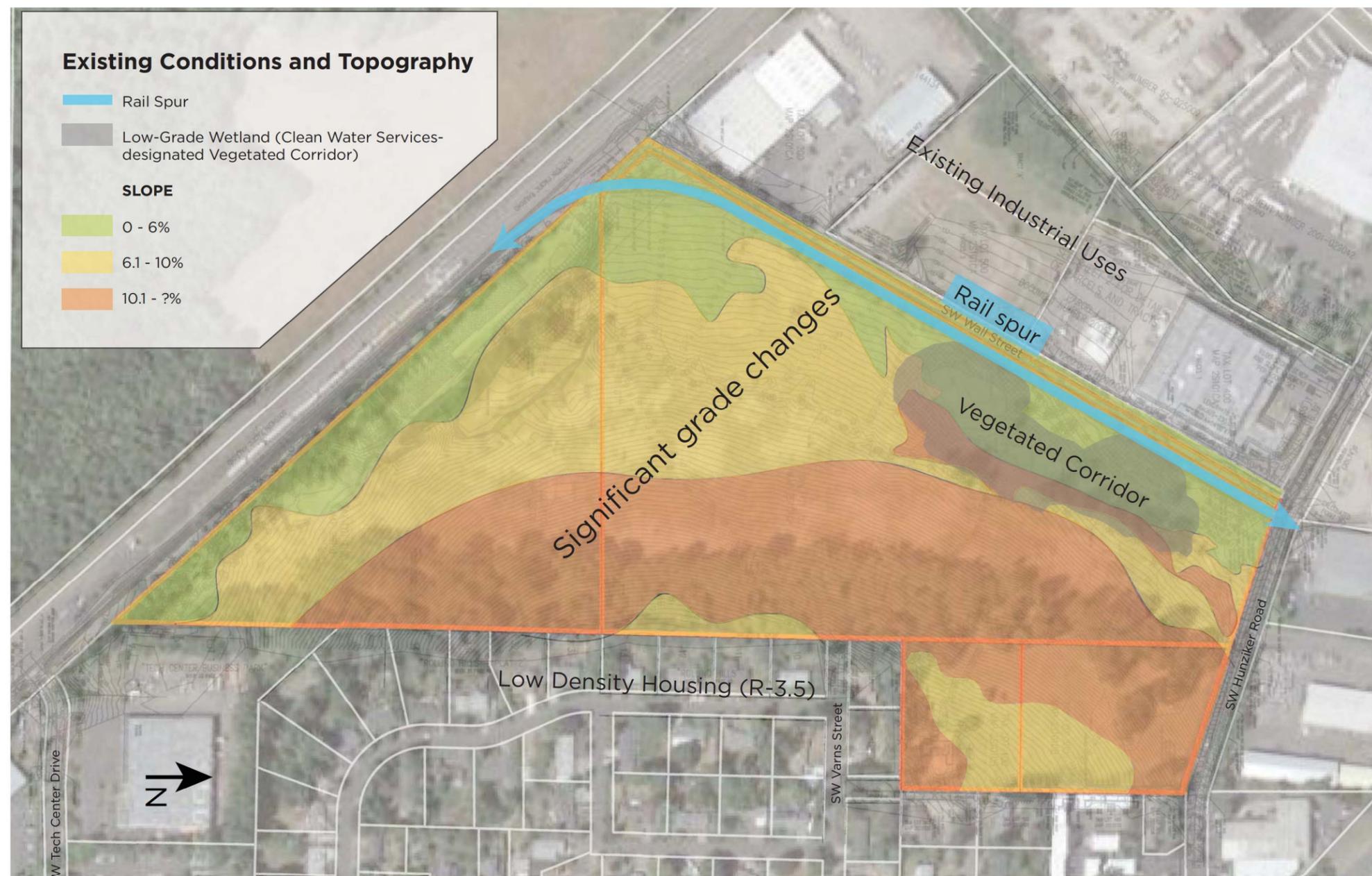
Existing Features: Remaining row of trees on eastern property line; unused rail spur along (private) SW Wall Street

Wetlands: Low-quality wetland area near northwest corner (Clean Water Services Vegetated Corridor)



Existing Conditions - 2008 Survey

- Portions of the site near the rail spur previously leveled by owner; low-grade wetland developing (not on City inventory, but on Clean Water Services Vegetated Corridor map)
- Elevations range from 150' at western property line to 240' at places along eastern property line
- All structures on the site have been removed



Existing Conditions – SW Wall Street (Private) and Rail Spur

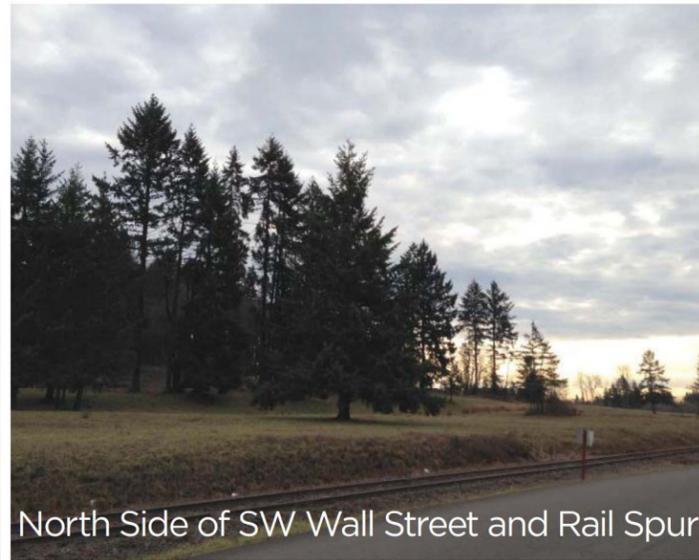
Existing Conditions – Northern and Eastern Edges of Site



View of Eastern Side of Site from Adjacent Residential Area/SW Varns Street



End of Rail Spur at Southern Property Line



North Side of SW Wall Street and Rail Spur



Northern Edge of Site



Eastern Edge of Site from Adjacent Apts



Southwest Corner of SW Hunziker Road and SW Wall Street



Rail Spur on South Side of SW Wall Street



Northern Edge of Site Along SW Hunziker Road



Northern Edge of Site Along SW Hunziker Road

I.2 SITE CONTEXT

Surrounding Area



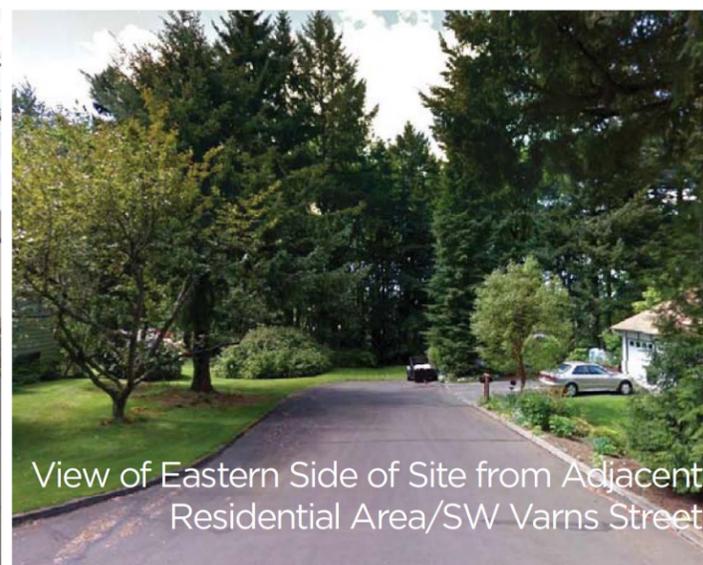
Dog Park on West Side of SW Wall Street



North Side of SW Hunziker Road

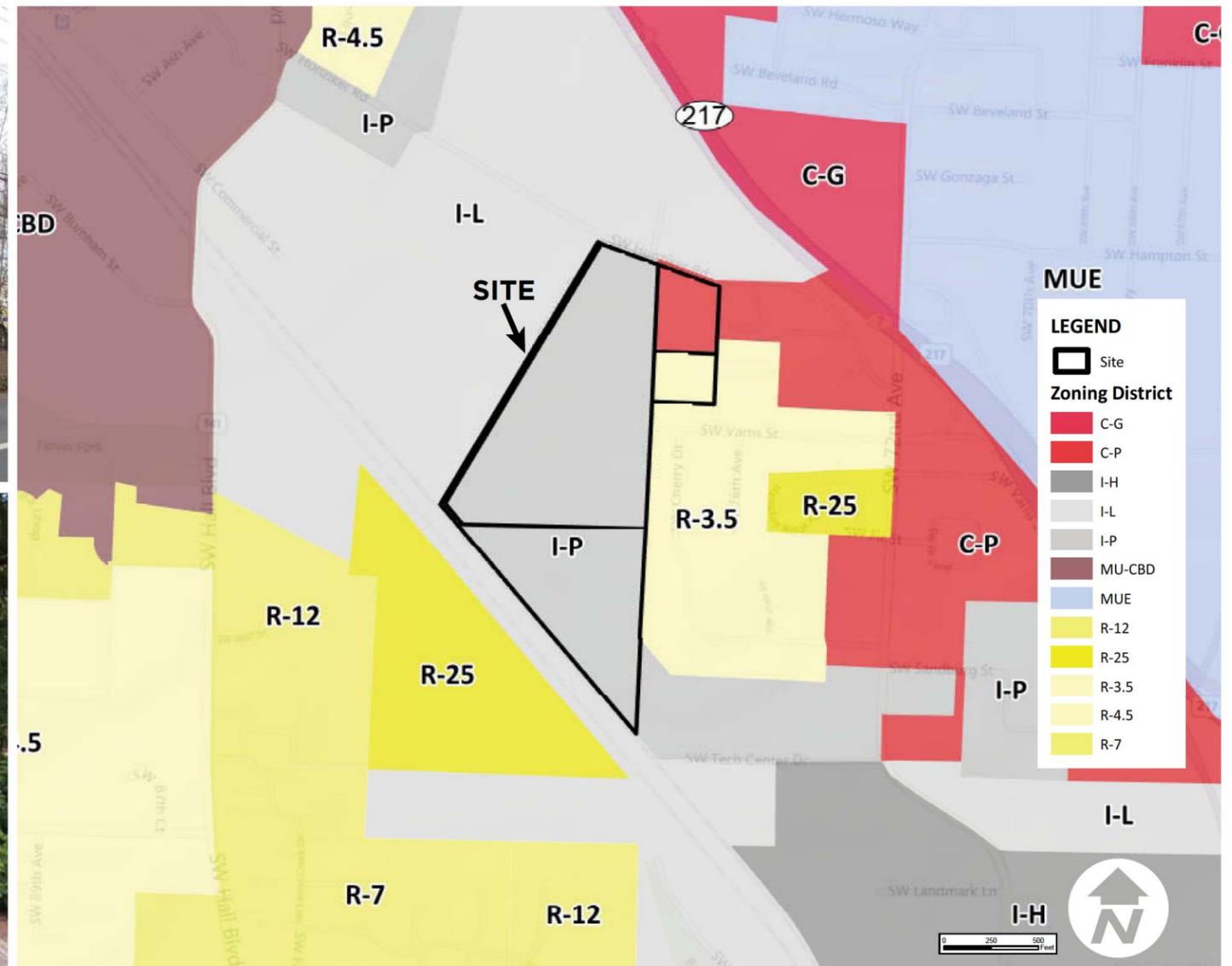


Northwest Corner of SW Hunziker Road and SW Wall Street



View of Eastern Side of Site from Adjacent Residential Area/SW Varns Street

Current Zoning



II. DEVELOPMENT CONSTRAINTS

What factors are keeping the Fields Property from being developed, and what benefits will the City receive with the site development?

II.1 DEVELOPMENT CONSTRAINTS

The property has been on the market for several years with much interest from the development community; however, development has thus far been unfeasible. The general location is desirable only for a limited set of uses, and there are significant topographical challenges with the uses allowed under the current zoning designation of I-P.

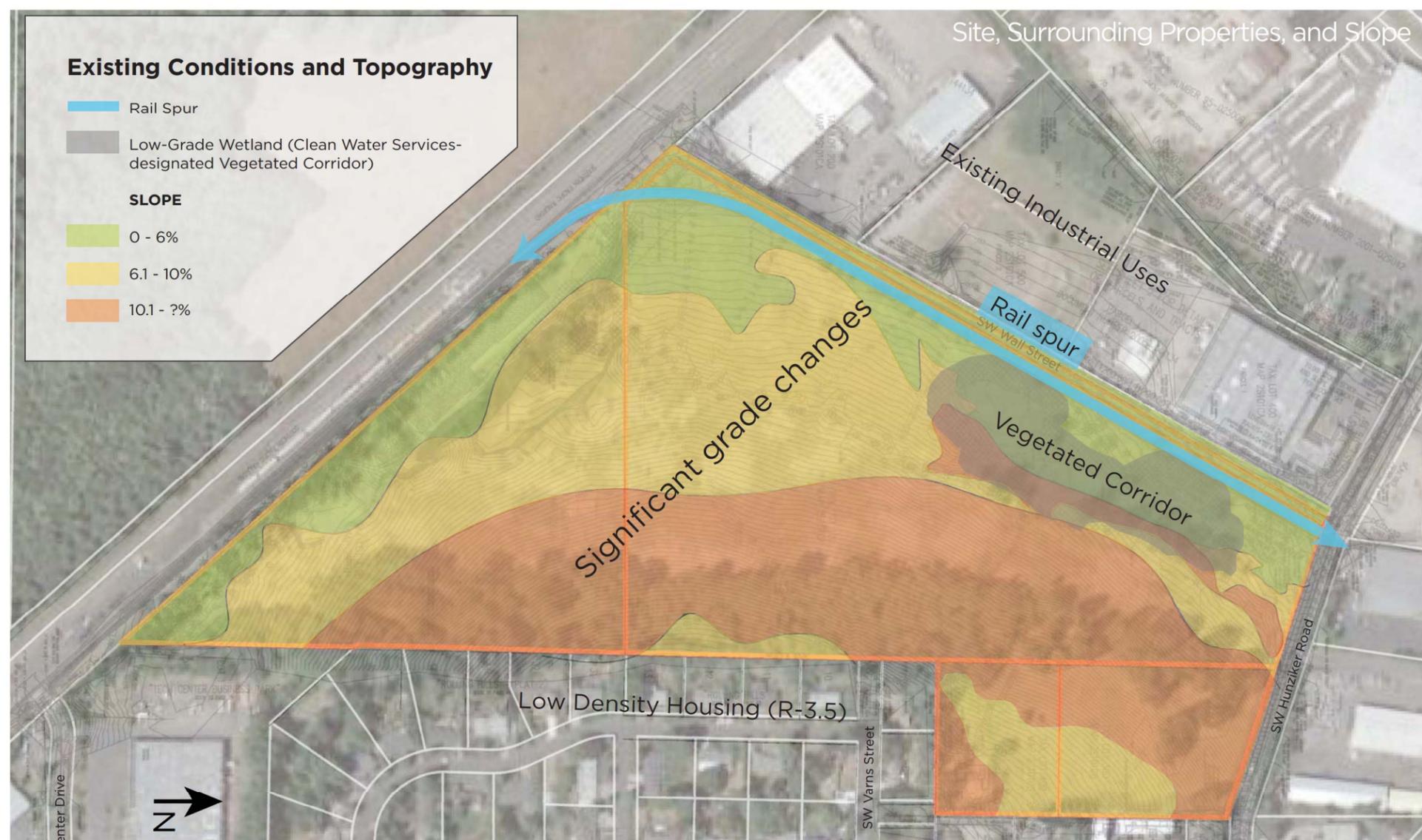
Previously considered uses include a bus barn for Tigard-Tualatin School District, City Public Works use, industrial development, and multi-family residential.

Primary Issues

- Slope and configuration of majority of site** not suitable for market-scale development allowed under current I-P zoning (e.g. 200' wide/deep or larger industrial/employment use buildings)
- Slope of SW Hunziker Road** not adequate for truck access on north side of site (to support allowed uses under current I-P zoning); existing grade is : 10%, recommended grade is : 4-5%)
- Transportation System Plan (TSP) designation and width of SW Wall Street (private)** between adjacent development and rail spur not wide enough for City Collector standards (SW Wall Street designated as future Collector on City's TSP)

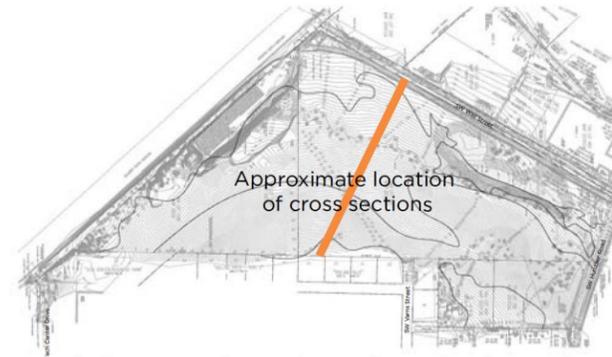
Secondary Issues

- Wetland area** in flattest portion of site (low quality)
- Remaining trees** along eastern property line (both positive and negative factor)
- Limited access to site for some uses** from Hwy 217, SW 72nd Avenue, and Hwy 99W on existing roads
- Possible Noise** from adjacent railroad switching yard could impact possible uses depending on needs



Primary Constraint 1: Slope and Configuration/Zoning

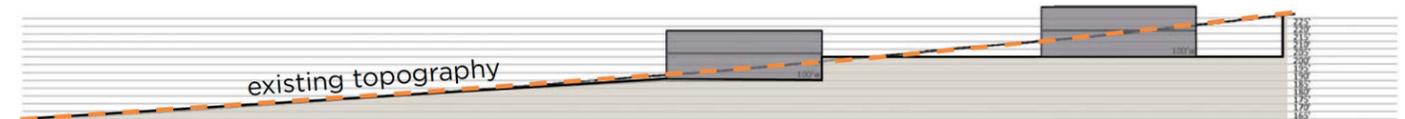
- For western portion of the site's current zoning and Comprehensive Plan designation (IL), with the site's slope and configuration, allowed uses such as small industrial buildings (150-200' wide) would require a 20-30' high retaining wall and/or extensive grading, which has been found to be cost prohibitive for previous potential buyers
- Smaller buildings such as offices would require partial basements and a smaller retaining wall, or more extensive grading which has been found to be cost prohibitive for this use
- Narrow buildings such as multi-family residential or mixed-use buildings could be built into the slope with small retaining wall required (however, current zoning does not support housing as an allowed use)



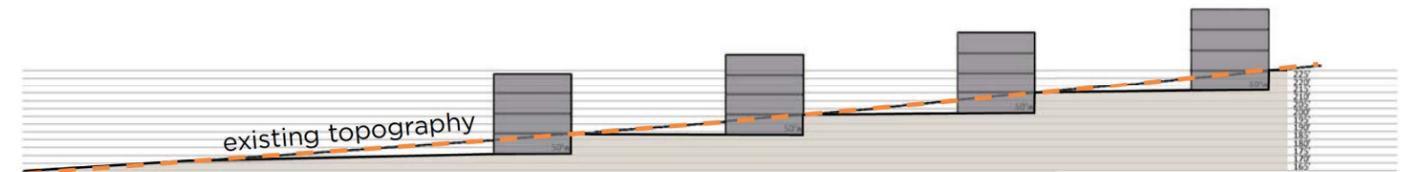
Example: Small industrial building (150-200' wide)



Example: Typical small office (100' wide)



Example: Retail/Mixed-Use/Residential (50' wide)



Primary Constraint 2: Slope of SW Hunziker Road

- The majority of the slope along the property frontage of SW Hunziker Road (only public street frontage) is approximately 10%, which is too steep for trucks servicing allowed uses on site (4-5% is the maximum possible)
- Only current access to property is at SW Wall Street (currently a private street). Access off of Hunziker Road is needed for development but the road is steeply sloped for majority of street frontage (10% +/-) and is not adequate for larger truck turning radius required with many I-P zone uses.

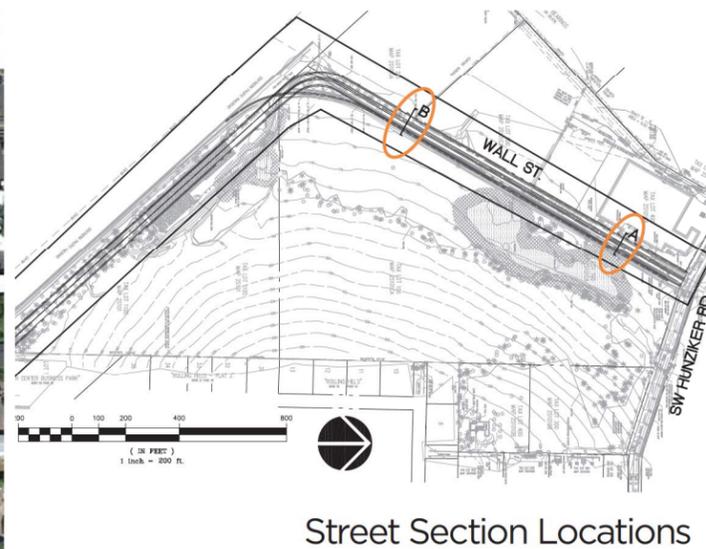


Primary Constraint 3: Private Street (SW Wall Street) Designation/Width

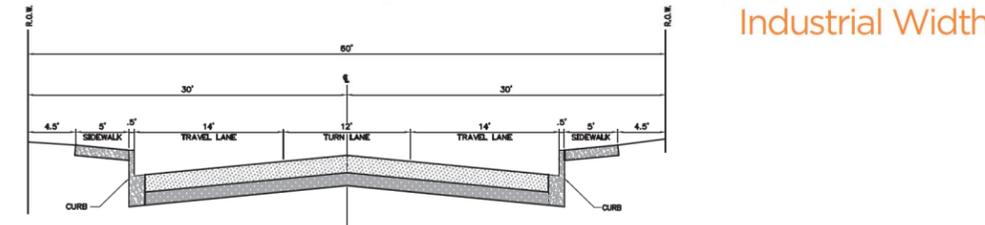
- The most appropriate vehicular access to the site has been found to be from a private street (SW Wall Street). SW Wall Street is included on the City's TSP as a Minor Collector, with a required width of 58'-96'. At different points along the SW Wall Street in its current layout between the rail spur and existing buildings, the width is less than 58'
- SW Wall Street could potentially be amended in the TSP to be designated as a Local Industrial street, which is a more feasible design section. Adjacent property owner has rights to rail spur and does not appear willing to support abandoning the spur to facilitate road improvements along SW Wall Street
- Possible future connection to SW Tech Center Drive; SW Tech Center Drive is designated Local Industrial

Secondary Constraint 1: Wetland Area

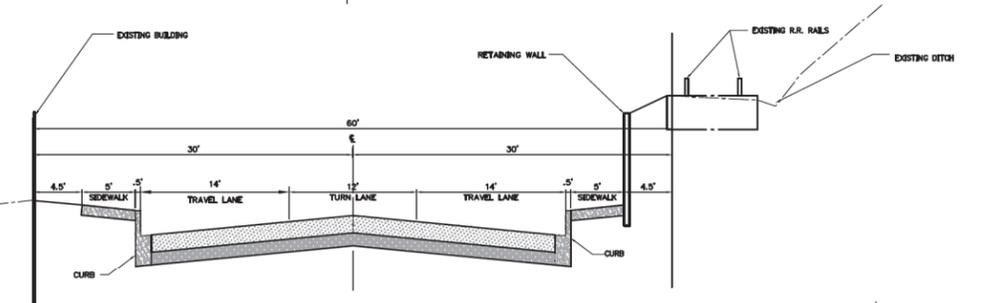
- A low-quality wetland exists on flattest parts of the site, which has been found to be the most appropriate location for industrial development



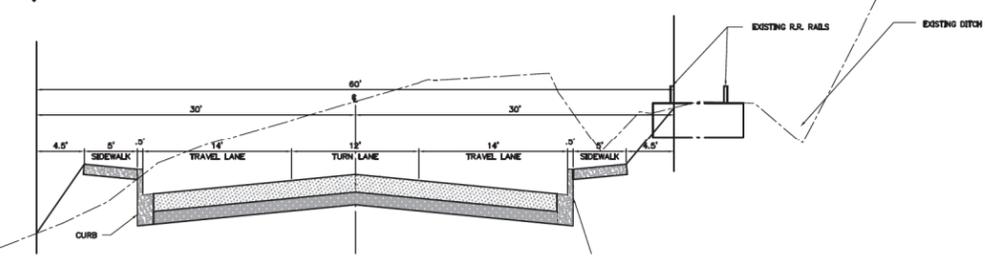
THREE-LANE MINOR COLLECTOR STANDARD



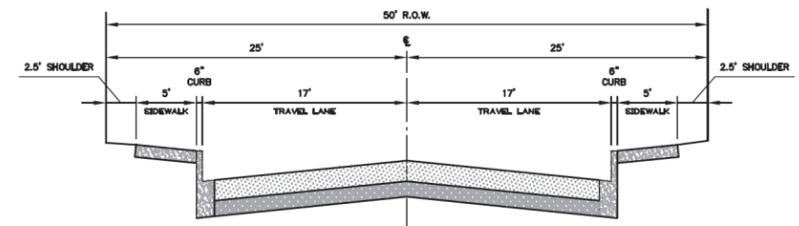
SECTION A



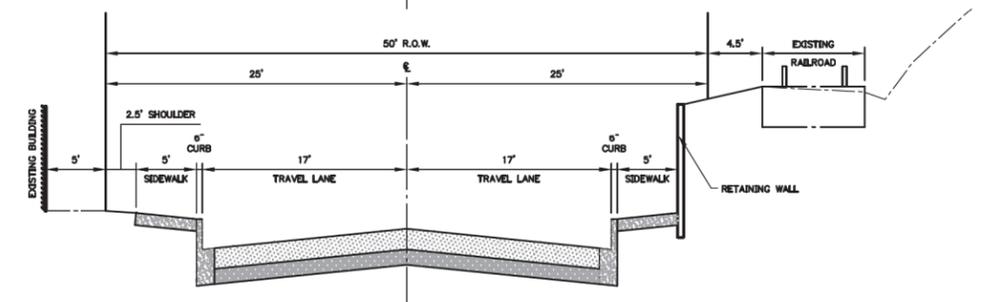
SECTION B



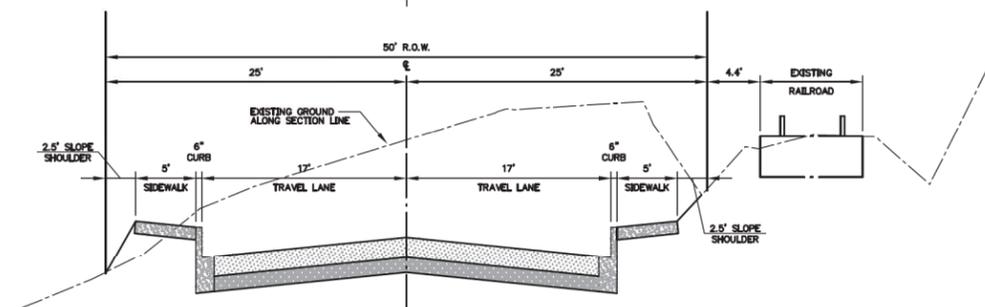
TWO-LANE LOCAL INDUSTRIAL STANDARD



SECTION A



SECTION B



Secondary Constraint 2: Remaining Trees

- A large amount of mature trees exist along the eastern edge of the property. They act as a buffer to adjacent residential uses and could be potentially integrated into a development scheme that included smaller scale buildings such as residential, but serve as a constraint for many of the currently approved uses in the I-P zone
- Both positive and negative factor; some additional trees may need to be removed, but retained trees could aid in separation of uses from existing single-family residential neighborhood*



SW Corner of SW Hunziker Road and SW Wall Street

Secondary Constraint 3: Limited Access from Major Routes

- Site is close proximity to Hwy 217 but not easily accessed from all directions, such as from northbound left turn intersection on SW 72nd Avenue, a potential issue for many use types currently allowed in existing I-P zoning
- SW Tech Center Drive to the south of the site does not currently connect to SW Wall Street, but could be considered with future City transportation improvements



Nearby Intersections

* The City of Tigard development code currently requires a 50-foot property setback where the side or rear yard of an industrial zone abuts a residential zone (see Table 18.530.2, Note 3). If the MUE-2 zone was applied to the sloped portion of the Fields Trust property, as discussed later in this document, the setback requirement could be reduced to 20' where the Fields Trust property abuts the existing residential area (see Table 18.520.2). Table 18.530.2, Note 4 references an additional development requirement for industrial land abutting the Rolling Hills neighborhood, the neighborhood directly to the east of the Fields Trust industrial property. That requirement refers to compliance with a Comprehensive Plan policy, Policy 11.5.1, that no longer exists. The City's current adopted and acknowledged Comprehensive Plan contains no such policy. Therefore, Note 4 does not apply any additional restrictions on or requirements to development of the Fields Trust industrial property.

II.2 MARKET CONTEXT

The market strength of potential future uses of the Fields Property was discussed at the two workshops with City staff, the owner and local industry/development experts; the need for and interest in potential uses that can be supported by the current market was identified by local developers and real estate brokers with experience in the Tigard area and reviewed with the workshop team in order to feasibly develop employment lands on the Fields Property.

Identified High Market Demand in the Area:

- **Light industrial/smaller office/flex** (5,000–7,500 SF tenant spaces within larger building footprints). Typically need 150' deep x 250' wide buildings with 50' truck bays
- **Multi-family residential** (workforce to mid-range, would also support adjacent industrial and employment uses). Good location, strong market demand



Multi-Family Residential Example



Light Industrial/Flex Example

Identified Low Market Demand in the Area:

- **Class A Office** in suburban areas (e.g.: Kruse Way scale and location) Rents have not increased significantly since the late 1990's, but construction costs have.
- **Retail** Not close enough to freeway interchange. Only specialty "destination" big-box (with little to no pedestrian traffic) might be supported, but site is too sloped to accommodate it. Restaurants (location too far from main roads, other retail)
- **Specialty Recreation** (e.g. fitness centers—demand more retail-centered areas)
- **"Live/work" spaces** in suburban areas (without city center co-location to services and transit)

III. POTENTIAL SOLUTIONS

What is the highest and best use for the Fields Property and what measures can be taken to support it?

III.1 SHARED GOALS

What are the primary goals for the site’s optimal development, considering the **highest and best use** (based on the market, site features, and regional needs)?

highest and best use: “the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.” — Appraisal Institute, *The Appraisal of Real Estate*

Owner (Fields Trustee)

- Want to see entire site sold and developed such that it meets the needs of the community and provides the owner with a reasonable rate of return on its investment

Developer

- Zoning that respond to market; develop uses that are profitable, meet long term market needs and serves as a community asset
- Make site more available for development to other future users (such as through easier access)

City of Tigard

- Bring new users/appropriate development to Tigard which will help support the local economy
- Increase job opportunities
- Improve public infrastructure and connectivity in central locations of Tigard (particularly for freight mobility)

Metro

- Promote and sustain a strong and competitive regional economy
- Protect industrial areas from non-job-creating uses



Shared Goals:

- *Preserve and Put to Use Industrial/Employment Lands*
- *Provide Needed Housing to Support Employment Lands*
- *Strengthen Transportation Connections and Freight Mobility Between Nearby Industrial Uses*

Resulting Question: What potential site layouts and uses would achieve these?

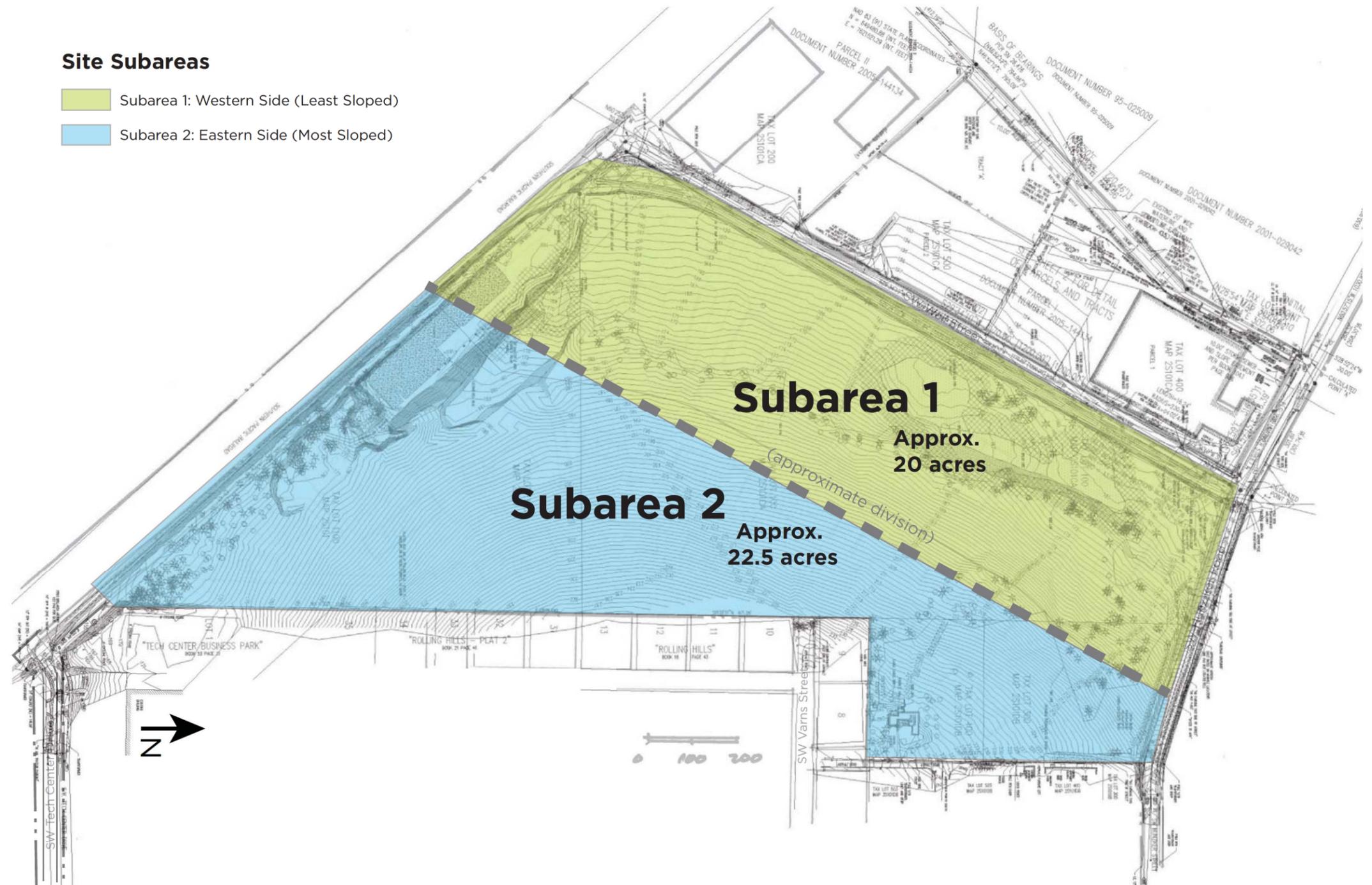
III.2 DEVELOPMENT OPTIONS

Subarea 1

- Subarea 1 contains slopes closer to the elevation of SW Wall Street and could be easily accessed from that street. This portion of the site is less steeply sloped (existing wetland would need to be mitigated and/or accommodated)
- The Shape of subarea 1 is more appropriate to accommodate small industrial buildings, flex/offices, retail, or other commercial use as currently zoned (I-P)
- Additional access could make this portion of the site more feasible for development if SW Tech Center Drive was extended west and/or a secondary access was added off of SW Hunziker (would be steeply sloped)

Subarea 2

- Subarea 2 has a steeper slope (10% +/-), with no current access off of SW Hunziker. This portion of the site is non-rectangular shaped and contains a significant number of existing trees
- Additional access could make this portion of the site more feasible for development if SW Tech Center Drive was extended west and/or a secondary access was added off of SW Hunziker (would be steeply sloped)
- Subarea 2 does not easily accommodate industrial, larger office, retail, or other commercial buildings due to topography constraints and access. Smaller buildings with less intensive access needs (such as multi-family housing and small scale office uses) are better suited to the steep slopes, significant number of trees and surrounding residential uses.

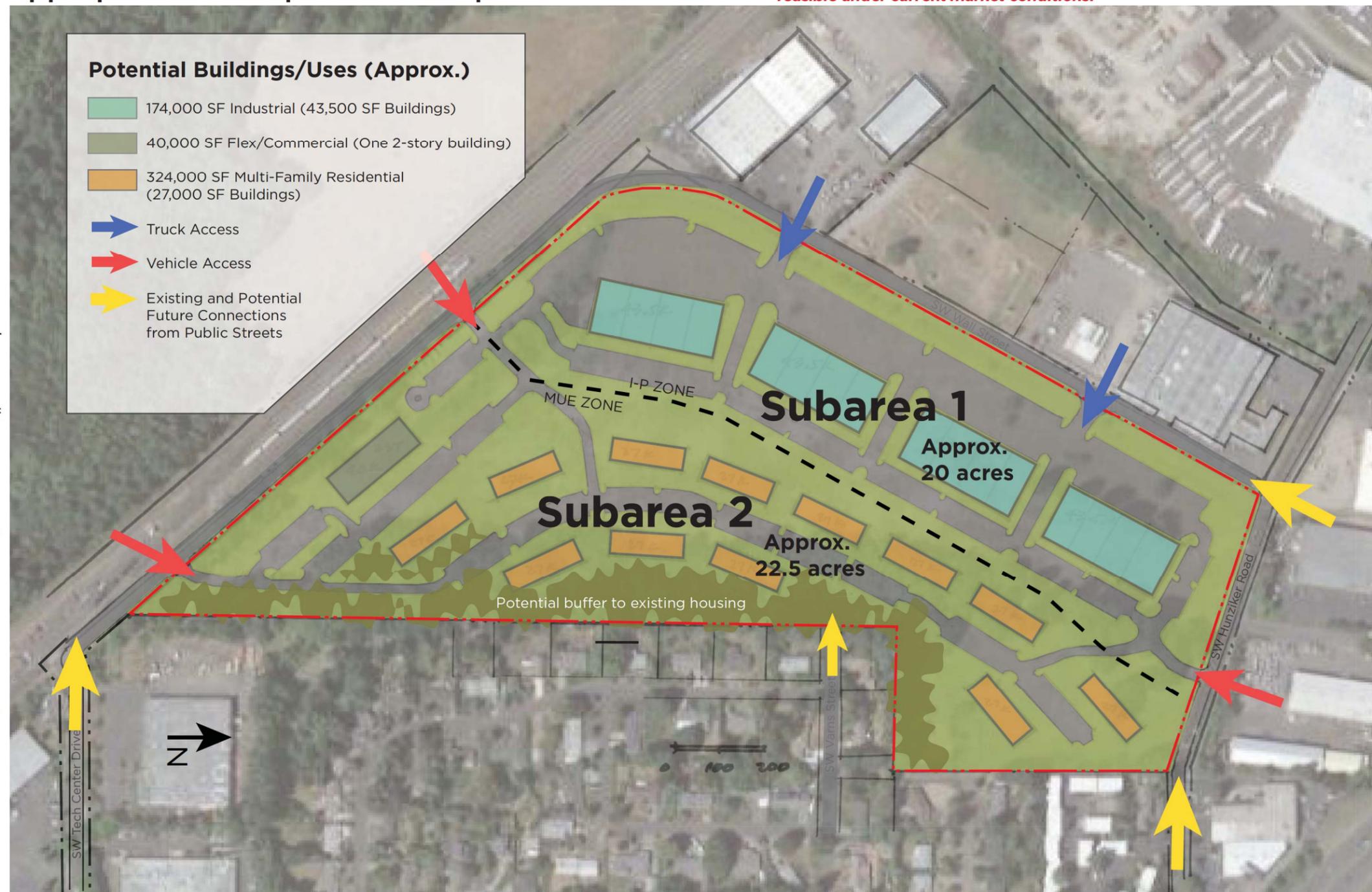


A Hypothetical Marketable, Site-Appropriate Development Concept*

Based on previous market studies and development options available on the property over the past few years, participants at the two workshops held in January 2014 determined that a hypothetical, marketable plan is needed to determine the capacity of the subareas to accommodate the maximum amount of employment lands for the site given size, slope, location, and configuration. This concept plan represents a hypothetical, marketable development concept scheme. Specific uses and tenant types have not been identified; the intent was to identify the most appropriate zoning and use designation that could be supported by the development sector and would support the City's need for maintaining and increasing employment lands in the district.

- This potential site plan accommodates a mix of employment intense flex/light industrial buildings, office uses, and multi-family residential
- Subarea 1 could accommodate several potential uses, but the high demand for small industrial spaces was determined to better meet the market demands and regional industrial land needs
- Subarea 2 is less flexible due to constraints mentioned previously in this analysis. This area was deemed appropriate for providing needed housing or other smaller footprint uses on steepest slope areas with the intent of preserve as many mature trees around development as possible

Note: This plan is not intended to be a proposed development plan for the site. It is intended to serve as an example of how the site could be developed to maximize employment and support residential uses in a way that would be feasible under current market conditions.



Public Improvements Identified to Support Maximum Potential Development Concept

ASSUMPTIONS:

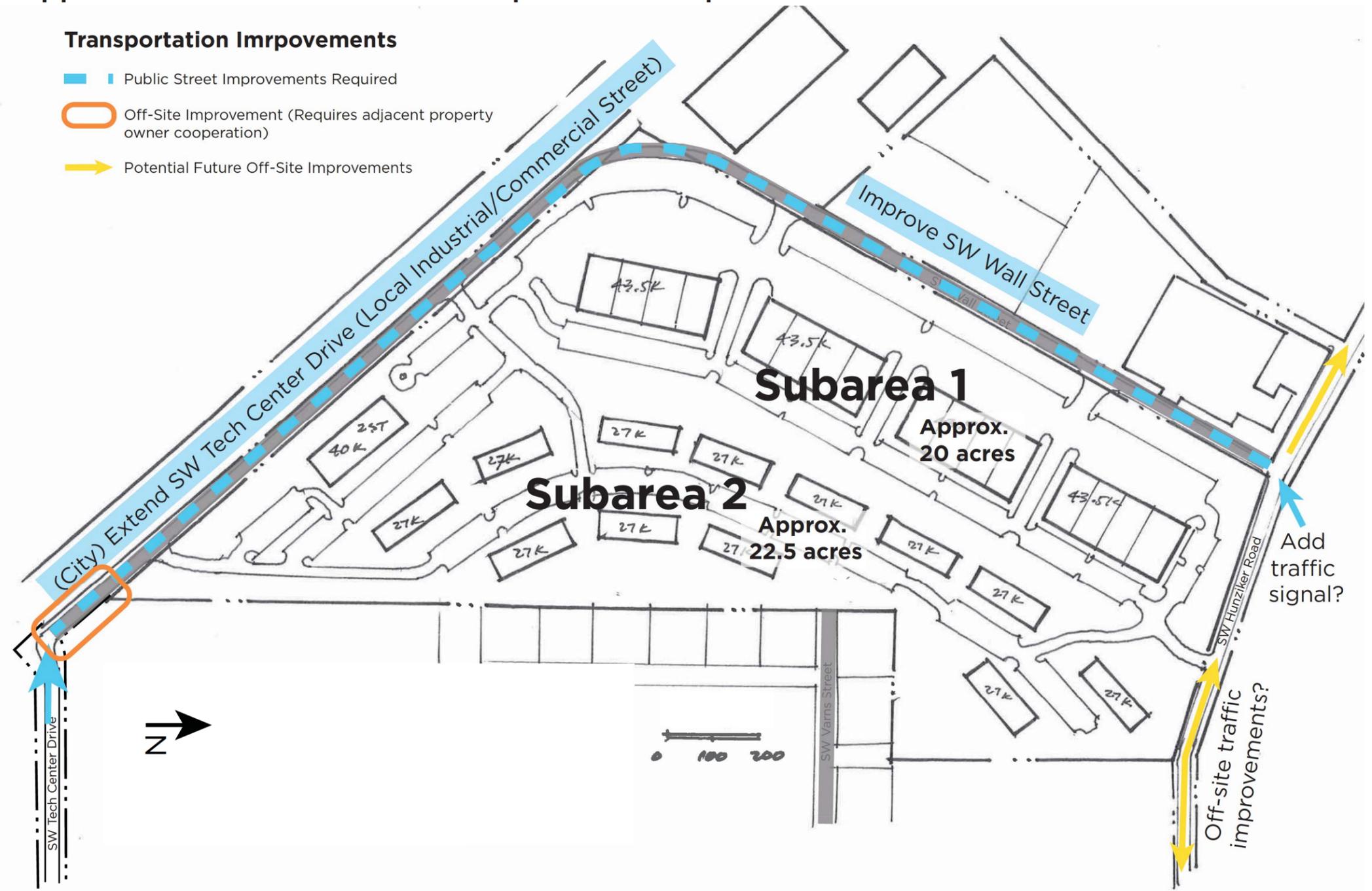
- Subarea 1 can be accessed from SW Wall Street (currently private, unimproved)
- Subarea 2 can be accessed from SW Hunziker Road at top of hill (auto access only) and from a potential future connection along SW Tech Center Drive at the southern property

NECESSARY IMPROVEMENTS:

- Connect SW Tech Center Drive at the southeast corner of the site to SW Wall Street (make SW Wall Street public). Cannot be done in current configuration; options include:
 - SW Wall Street changed to Local Industrial/Commercial to match SW Tech Center Drive
 - Remove rail spur, install standard Minor Collector street improvements
- Potential need to install traffic signal at SW Wall Street/SW Hunziker

POTENTIAL OFF-SITE IMPROVEMENTS:

- Improve intersections of SW Hunziker Road and SW 72nd Avenue/SW Hunziker Road/SW Hall Boulevard
- Pedestrian/bike connection over tracks via ped/bike bridge to public open space to the south

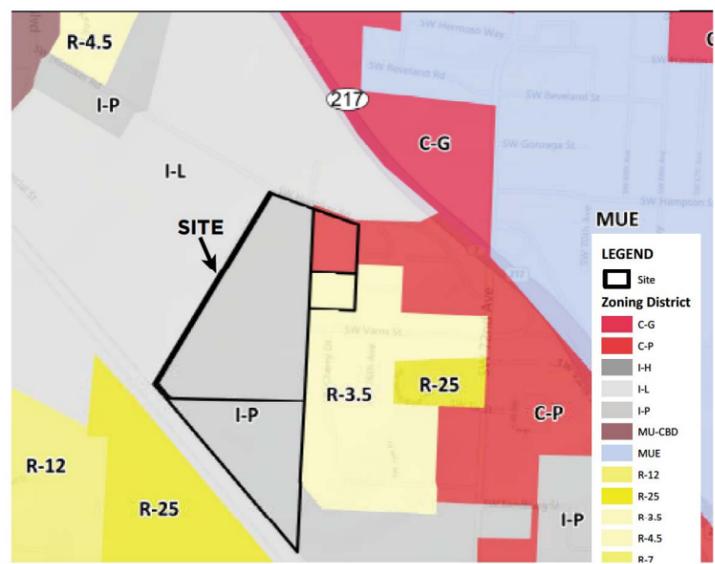


III.3 ZONING OPTIONS

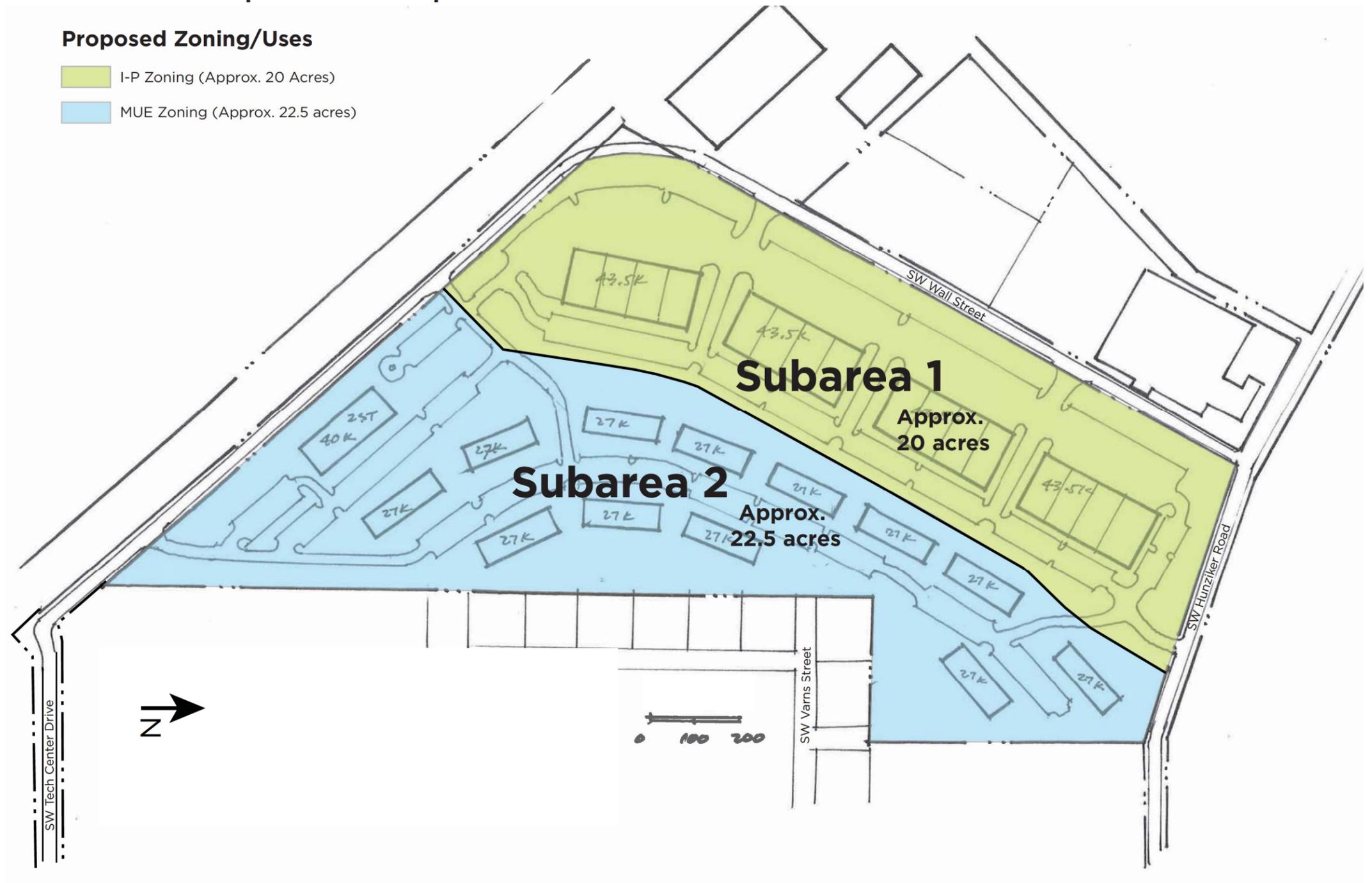
The following represents the findings of two workshops held in January 2014, and includes recommended zoning options to achieve the highest and best use of the entire Fields Property

Potential Zoning Conducive to Marketable Development Concept

- The site currently is zoned a mix of I-P, C-P, and R-3.5. Most of the site is zoned I-P; residential uses not allowed. The proposed marketable scheme includes rezoning a portion of the site to reflect market conditions and land suitability. Possible uses include work-force housing on the steepest portion of the site to support employment lands.



- Proposed Zoning/Uses**
- I-P Zoning (Approx. 20 Acres)
 - MUE Zoning (Approx. 22.5 acres)



- Zoning that would accommodate the proposed marketable development concept include:
 - Subarea 1: Remain I-P
 - Subarea 2: Remain employment-focused land, but allow residential through MUE zoning.

RECOMMENDED ZONING FOR SUBAREA 1: REMAIN I-P

I-P:

Industrial Park District

Tigard Development Code 18.530.020:

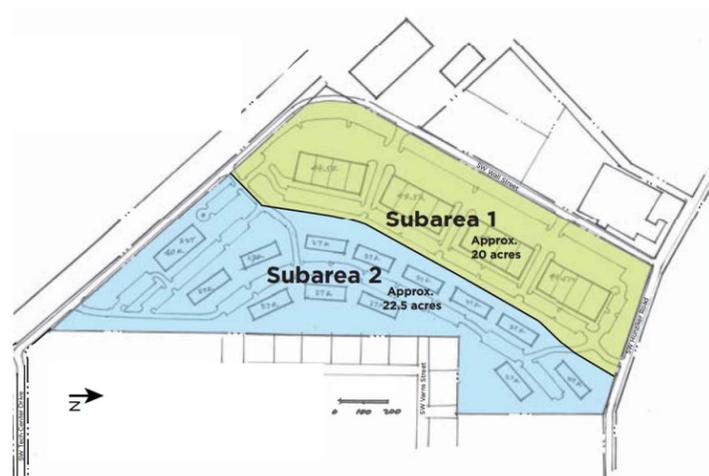
The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone.

ALLOWED USES INCLUDE:

- Some civic/institutional (emergency services, public support)
- Commercial (lodging, entertainment, repair-oriented, fuel sales, office, self-service storage)
- Industrial (light industrial, R&D, wholesale sales) (Warehouse not permitted)

CONDITIONAL USES INCLUDE:

- Some civic/institutional (utilities, recreation, day care)
- Commercial (eating/drinking, sales-oriented, personal services, vehicle servicing)



RECOMMENDED ZONING FOR SUBAREA 2: CHANGE TO MUE

MUE:

Mixed Use Employment District

Tigard Development Code 18.520.020F:

The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing.

ALLOWED USES INCLUDE:

- Multi-family housing (Max 25 units/acre)
- Commercial/retail support (lodging, eating/drinking, sales-oriented, personal services, repair-oriented)
- Civic/institutional: utilities, recreation, cultural institutions, day care, clubs/lodges

CONDITIONAL USES INCLUDE:

- Limited industrial (light industrial, R&D, warehouse)

NOTE: THE MUE ZONE IS DESIGNED TO APPLY TO AREAS WHERE EMPLOYMENT USES ARE CONCENTRATED AND ENCOURAGED. BY CHANGING A PORTION OF THE I-P ZONE TO MUE, THE PROPERTY WILL BE MORE APPROPRIATELY ZONED TO BE COMPATIBLE WITH THE R-3.5 ZONE TO THE EAST AS WELL AS THE I-P ZONED PROPERTY TO THE WEST. THE MUE ZONE ACTS AS AN APPROPRIATE TRANSITION ZONE FROM SINGLE FAMILY RESIDENTIAL TO LIGHT INDUSTRIAL/COMMERCIAL DEVELOPMENT

ECONOMIC BENEFIT TO THE CITY OF TIGARD WITH REZONE

Land Value:

EXISTING LAND VALUE:

- Current land value provides property taxes to the City of Tigard of roughly \$90,000/year

LAND VALUE WITH PROPOSED DEVELOPMENT:

- Land value based on proposed development densities described in this exercise would generate approximately \$700,000-\$800,000/year. (Value based on assumption of \$20/1M of development cost)

Permits/System Development Charges:

ONE-TIME DEVELOPMENT FEES TO THE CITY :

- Based on the cost of development and possible densities proposed in this exercise, the permit fees and system development charges at time of development would likely be between \$4,000,000 and \$7,500,000.

Employment Opportunities:

(Based on possible densities and uses proposed in the collaborative workshop that would meet market needs)

LIGHT INDUSTRIAL/FLEX OFFICE JOBS:

- 400-700 Light Industrial/Flex Office jobs, concentrated on the I-P subzones identified in this exercise.

OFFICE JOBS:

- 150-250 Office Jobs, assumed to be provided in both the I-P and MUE subzones identified in this exercise.

WORK FORCE HOUSING:

- 300 possible new multi-family housing units to support employment lands

(NOTE: Employment numbers are based on size of building and user/SF allowed per the International Building Code in conjunction with information provided by developers with similar scale developments in the area.)

III.4 DEVELOPMENT ECONOMICS/FEASIBILITY

Over the course of the past few years, several development feasibility studies have been completed by developers looking at the property. Outlined below are highlights from various cost studies completed by PacTrust Development. Note that this data is preliminary and is was developed in order to determine development feasibility with the site being developed as it currently is zoned (I-P), and also to look at feasibility with approximately 50% of the site being rezoned to MUE. These numbers are based on current market values and are estimates only for purposes of determining development feasibility, return on investment, and economic value to the City of Tigard.

EXHIBIT A below outlines the site conditions as they exist today in section. Undeveloped.

EXHIBIT B illustrates a section through the site highlighting the maximum development potential for the site with the site's current zoning (I-P). With the current zoning and market conditions, approximately 20 acres could be developed with a total build out of approximately 175,000sf. The total site coverage would be a maximum of 20% of the site. The estimated cost of development excluding land costs is \$22,100,000 (\$126/sf) including necessary off-site improvements, necessary grading, permits and fees. The extraordinary costs, due to site constraints, that must be absorbed by this development are between \$2,600,000 and \$3,000,000. That equates to an additional \$12-\$15/SF of additional cost that must be added on to the building costs, creating a development cost premium of 25-40%. In this scenario, and even without the cost of land purchase, the project is not financially feasible. (Refer to the separately attached cost comparison of Business Park Development Costs).

EXHIBIT C illustrates a section through the site highlighting the proposed zone change for approximately 22 acres as well as potential development as allowed in the MUE zone. With this proposed scenario, development costs are shared by feasible development across the full extent of the site, bringing the extraordinary site development costs to approximately \$750,000. The same industrial development identified in Exhibit B could occur (175,000sf) on the 20 acres of I-P zoned property, but an additional 22 acres of MUE development could occur on the eastern portion of the site, bringing the estimated cost of development in line with market demands and creating a viable development solution that will bring development to employment lands in the City of Tigard.

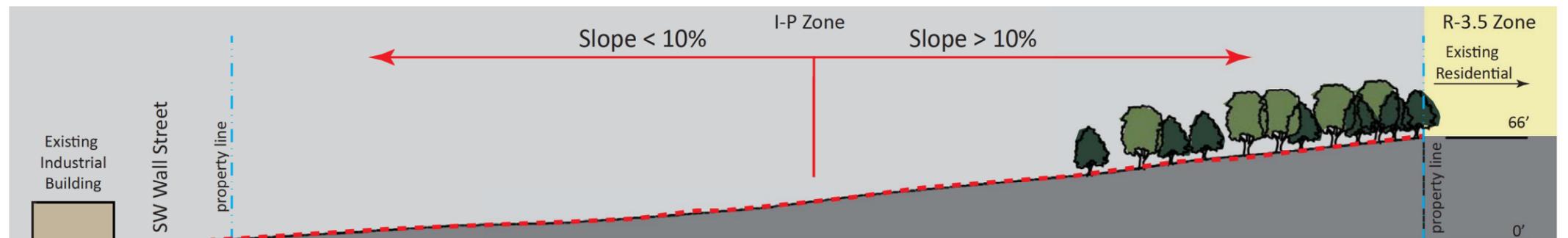


Exhibit A: Existing Site Condition

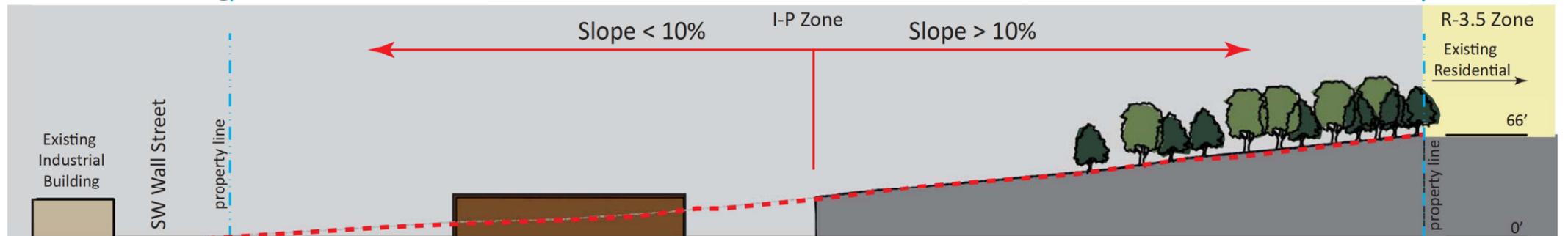


Exhibit B: Maximum Development for I-P Zone use w/o rezone-NOT financially viable

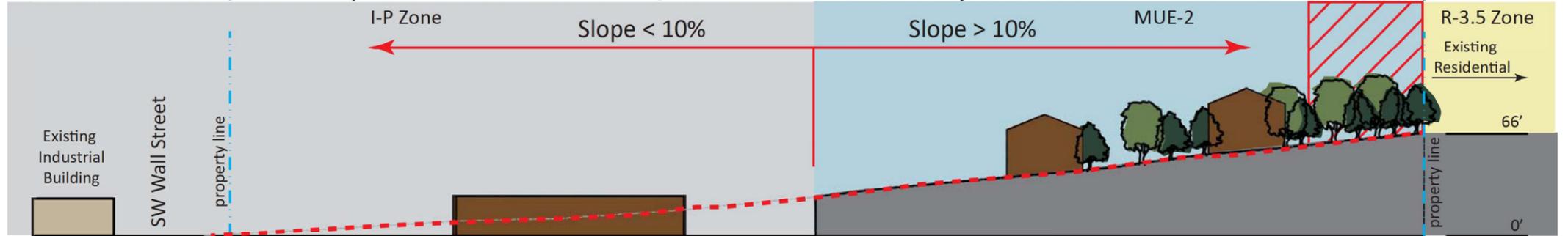


Exhibit C: Possible Development for property with partial MUE-2 Rezone

III.5 NEEDS

How can the owner and development team work with the City to develop the Fields Property such that employment lands can be created?

Highest and Best Use of the Property (based on the market, site features, and regional needs):

highest and best use: “the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.” — Appraisal Institute, *The Appraisal of Real Estate*

Primary Constraints:

1. **Slope and configuration of site** not suitable for market-scale industrial/employment uses (as majority of site is currently zoned)
2. **Slope of SW Hunziker Road** not adequate for truck access on north side of site
3. **TSP designation and width of SW Wall Street (private)** between adjacent buildings and rail spur not wide enough for City Collector standards (SW Wall Street designated as future Collector on City’s TSP)
4. **Limited Freight Access and Connectivity**



Possible Solutions:

1. **Re-zone a portion of the site for less intensive use** that better accommodates smaller building footprints and surrounding residential uses.
2. **Re-zone site for more appropriate use and allow secondary site access along Hunziker**
3. **Re-designate SW Wall Street** to classification with narrower standard
4. **Connect SW Wall Street to SW Tech Center Drive**

III.6 DEVELOPMENT COMPARISON COSTS

PacTrust Development has successfully developed over 10,000,000 square feet of industrial and flex/office space, with most of that happening in and around the Willamette Valley area. In an effort to realistically look at business park development costs of the Fields Property in comparison to other recently developed properties in the area, PacTrust has assisted the team with compiling actual development costs of a recently completed industrial flex/office project of similar scale and density to estimated development costs on the Fields Property in Tigard.

FIVE OAKS WEST BUSINESS PARK, HILLSBORO, OREGON

Five Oaks West Business Park is located in the high-tech area of Hillsboro, Oregon. Currently a 34,875 square foot flex building is operational and a pre-leased 54,000 square foot building is under construction. The total developed square footage is approximately 167,000 square feet.



COMPARISON OF BUSINESS PARK DEVELOPMENT COSTS: FIVE OAKS WEST BUSINESS PARK VS. FIELDS TRUST PROPERTY

Development Coverage:	Five Oaks West, Beaverton:	Fields Trust Property, Tigard:
(Includes land area readily available and appropriate for development)	34% Coverage	21% Coverage
Fees and Permits:	Fees and Permits:	Fees and Permits:
Soils and Environmental	\$.30/sf	\$.54/sf
Architectural and Engineering	\$2.43/sf	\$2.87/sf
Landscape Architecture	\$.17/sf	\$.39/sf
Surveying	\$.19/sf	\$.16/sf
Testing	\$.32/sf	\$.35/sf
Fees and Permits	\$6.87/sf	\$8.12/sf
Total:	\$10.28/sf	\$12.43/sf
Construction Costs:	Construction Costs:	Construction Costs:
Offsite and Streets	\$.38/sf	\$5.77/sf <i>New Public Street needed</i>
Sitework	\$7.35/sf	\$25.97/sf <i>Significant slopes/grading</i>
Landscape	\$2.10/sf	\$4.68/sf <i>Coverage</i>
Hard Construction	\$26.61/sf	\$29.87/sf <i>Price Increases</i>
Contingency	\$2.31/sf	\$8.26/sf <i>10% vs 5%</i>
Total:	\$38.75	\$74.55
Capitalized Interest:	\$1.16/sf	\$2.61/sf
Tenant Improvements:	\$11.75/sf	\$11.75/sf
Cost Prior to Land Purchase:	\$61.94	\$101.34

The cost/sf of building development for the Fields Property is estimated to be 61% more than a typical business park development of similar size and density.

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

May 11, 2015

City of Tigard
Attention: Mike McCarthy, Development Engineer
13125 SW Hall Boulevard
Tigard, OR 97223

Re: **Fields Property**
Zone Change Transportation Planning Rule Analysis
Project Number 2130474.02

Dear Mr. McCarthy:

Mackenzie is providing this Transportation Planning Rule Analysis letter for the proposed comprehensive plan map amendment and zone change for the property located at the southeast corner of SW Hunziker Street and SW Wall Street in Tigard, Oregon. This analysis incorporates your April 13, 2015, comments on our February 18, 2015, scoping letter.

The property is just south of Beaverton Tigard Highway (OR-217) and west of the SW 72nd Avenue exit. The property is identified as NW ¼, SE ¼, Section 01, Township 2S, Range 1W, Tax Lot 100 (Washington County Assessor's Map 2S101CA), 300 (Washington County Assessor's Map 2S101DB), 400 (Washington County Assessor's Map 2S101DB), and 1100 (Washington County Assessor's Map 2S101). The property is 42.5 acres in size, and is currently zoned Industrial Park (I-P), Professional/Administrative Commercial (C-P), and Low-Density Residential (R-3.5). The comprehensive plan designations include Light Industrial (IL), Professional Commercial (CP), and Low Density Residential (L). The following table presents the existing and proposed comprehensive plan and zoning designations.

EXISTING & PROPOSED MAP DESIGNATIONS						
Tax Lot	Area (acres)	Existing Comprehensive Plan	Proposed Comprehensive Plan	Existing Zoning	Proposed Zoning (acres)	
					I-P	MUE*
2S1010001100	13.21	IL	IL & MUE*	I-P	1.90	11.31
2S101CA00100	24.16	IL	IL & MUE*	I-P	16.04	8.12
2S101DB00300	3.07	CP	IL & MUE*	C-P	0.37	2.70
2S101DB00400	2.06	L	MUE*	R-3.5	0.00	2.06

*Mixed Use Employment (MUE)

TRANSPORTATION PLANNING RULE

This analysis will address Transportation Planning Rule (TPR) requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060(1) stating, "If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule."

OAR 660-012-0060(2) further states, "If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and



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Portland, Oregon ■ Vancouver, Washington ■ Seattle, Washington

performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.”

In determining the analysis plan year, the Oregon Highway Plan (OHP) Action 1F.2 additionally states, “When evaluating highway mobility for amendments to transportation system plans, acknowledged comprehensive plans and land use regulations, use the planning horizons in adopted local and regional transportation system plans or a planning horizon of 15 years from the proposed date of amendment adoption, whichever is greater.” The City of Tigard Transportation System Plan planning horizon year is 2035. Therefore, according to the OHP, the analysis plan year is 2035 if a Transportation Impact Analysis is determined necessary by ODOT and City of Tigard Staff.

LAND USE ASSUMPTIONS FOR ENTIRE 42.5-ACRE SITE

TPR analysis is based on the “reasonable worst case” scenario for both the existing and proposed zoning. For this analysis, the most intense development allowed under zoning rules was utilized. The TPR analysis assesses high traffic generators under the zoning, regardless of whether those uses are likely to be built. The City of Tigard Development Code allows 85% lot coverage in the C-P and MUE zones,¹ 80% lot coverage in the I-P zone,² and FAR of up to 0.40 in the MUE zone³. Lot coverage includes both parking and building areas of a development, while FAR addresses only the building area. In order to address “reasonable worst case” scenarios, FARs were assumed for the C-P, MUE and I-P zones. Appendix 6 of the 2014 Metro Urban Growth Report references typical FAR values for developments in the Inner Westside market subarea (including Tigard) with FARs of 0.45 for Office and 0.30 for General Industrial, Warehouse, and Tech/Flex and Business Parks.

This site has an area of 42.5 acres and multiple zoning designations under the existing and proposed conditions. Mackenzie planning, architecture, and engineering staff evaluated the site’s development potential given the current and proposed zoning, site constraints, and likely tenant types. The slope of the eastern portion of the site does not allow for large, flat building pads for industrial development, and the grades along Hunziker Road are too steep for truck turning movements into the site. Consequently, only the western portion (along Wall Street) of the site is feasible for light industrial uses. Residential or office uses could feasibly be constructed on the sloped area in the eastern part of the site. Multiple trip generation iterations have been prepared to reflect these development restrictions.

Current Zoning

For the 37.37 acres currently zoned I-P, utilizing a 0.45 FAR, development potential would include a total of 732,527 sf of office use. For the 3.07 acres currently zoned C-P, utilizing a 0.45 FAR, development potential would include a total of 60,000 sf medical/dental office building. The residential R-3.5 zone is 2.06 acres, which could support up to seven single family homes given the minimum lot size of 10,000 sf and deductions for roadway and driveway access.

¹ Development Code Table 18.520.2

² Development Code Table 18.530.2

³ Development Code Table 18.520.2

Proposed Zoning

With the proposal, 18.31 acres will remain zoned I-P, and 24.19 acres are proposed to be zoned MUE. Utilizing a 0.45 FAR development potential, as with the existing zone analysis, would include a total of 358,913 square feet of office buildings in the I-P zone. For the area proposed for MUE, a range of uses is allowed, including office and residential. In order to determine the highest trip generator, three options have been considered for the area proposed to receive new MUE zoning.

- Option 1 consists solely of apartments in the MUE zone. The 24.19 acres zoned MUE will be developed using the maximum housing development of 25 units per acre or 605 total apartment units.
- Option 2 consists of all office in both the I-P and MUE zoning. In the I-P zone, the FAR is 0.45 based on Metro’s typical values, whereas the 24.19 acres zoned MUE utilize 0.40 FAR as specified by the Tigard Development Code. Development potential of the MUE zone will include a total of 421,487 sf of office use.
- Option 3 consists of medical-dental office and office in the MUE zone. 3.44 acres will be developed as medical-dental office in the MUE zoning to include a total of 60,000 sf utilizing a 0.40 FAR. A 60,000 sf medical-office building is one of the largest building sizes surveyed in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 9th Edition. A larger medical-office building could not be supported without surrounding similar land uses, i.e., a hospital or other medical-dental offices. The development potential for the remaining 20.75 acres zoned MUE, utilizing a 0.40 FAR, would include a total of 361,548 sf office use.

TRIP GENERATION FOR ENTIRE 42.5-ACRE SITE

Trip generation estimates for the reasonable worst case site development under the existing and proposed zones have been prepared based on data contained in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 9th Edition. The following table provides a summary of the three (3) land use scenarios described above and the selected ITE land use for the entire site, including the portions which would retain current zoning. Based on the mix of uses, all trips are expected to be primary trips – no pass-by or diverted linked trips would be generated.

OPTION 1 - SITE TRIP GENERATION					
Zoning	Land Use (ITE Land Use Code)	Size	Weekday	AM Peak	PM Peak
Existing Zoning					
I-P	Office Park (750)	732,527 SF	8,042	1,128	990
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
Existing Zoning Trips			10,301	1,286	1,214
Proposed Zoning					
I-P	Office Park (750)	358,913 SF	4,149	616	534
MUE	Apartment (220)	605 Units	3,790	300	350
Proposed Zoning Trips			7,939	916	884
Trip Differential			(2,362)	(370)	(330)



OPTION 2 - SITE TRIP GENERATION					
Zoning	Land Use (ITE Land Use Code)	Size	Weekday	AM Peak	PM Peak
Existing Zoning					
I-P	Office Park (750)	732,527 SF	8,042	1,128	990
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
Existing Zoning Trips			10,301	1,286	1,214
Proposed Zoning					
I-P	Office Park (750)	358,913 SF	4,149	616	534
MUE	Office Park (750)	421,487 SF	4,801	702	610
Proposed Zoning Trips			8,950	1,318	1,144
Trip Differential			(1,351)	32	(70)

OPTION 3 - SITE TRIP GENERATION					
Zoning	Land Use (ITE Land Use Code)	Size	Weekday	AM Peak	PM Peak
Existing Zoning					
I-P	Office Park (750)	732,527 SF	8,042	1,128	990
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
Existing Zoning Trips			10,301	1,286	1,214
Proposed Zoning					
I-P	Office Park (750)	358,913 SF	4,149	616	534
MUE	Office Park (750)	361,548 SF	4,176	620	537
	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
Proposed Zoning Trips			10,493	1,379	1,285
Trip Differential			192	93	71

Trip generation for Option 1 results in an anticipated difference between the current and modified zone to be -330 PM peak hour trips and -2,362 ADT. Trip generation for Option 2 anticipates -70 PM peak hour trips and -1,351 ADT. For comparison purposes, trip generation for Option 3 anticipates only 71 additional PM peak hour trips and 192 additional ADT.

As presented in the previous tables, trip generation with the proposed zone change does not impose a significant effect on the transportation network. There is only a small increase in expected AM peak hour, PM peak hour, and daily traffic levels compared to the existing zoning in Option 3. As outlined in Options 1 through 3, the proposed MUE zoning would accommodate a variety of land use types, any combination of which could feasibly be developed within the trips that would be generated under the existing zoning.



TRIP GENERATION FOR PORTION OF PROPERTY PROPOSED FOR ZONE CHANGE

To isolate the transportation impact of the proposed zone change, trip generation estimates were performed for the portions of the site that are proposed to receive new zoning. As with the trip generation estimates for the entire site, these estimates are based on the reasonable worst case site development under the existing and proposed zones based on data contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition. Based on the mix of uses, all trips are expected to be primary trips – no pass-by or diverted linked trips would be generated.

The table below tabulates the areas of each tax lot that are proposed to retain current zoning and that are proposed to receive new zoning. The two existing I-P lots are proposed to remain partially I-P, the currently zoned C-P tax lot is proposed to change to I-P and MUE, and the currently zoned R-3.5 lot is proposed to change to MUE.

ZONE CHANGE SUMMARY					
Tax Lot	Existing Zoning (acres)		Same Zoning (acres)	Zoning Change (acres)	
			I-P	I-P	MUE
2S1010001100	I-P	13.21	1.90	0.00	11.31
2S101CA00100	I-P	24.16	16.04	0.00	8.12
2S101DB00300	C-P	3.07	0.00	0.37	2.70
2S101DB00400	R-3.5	2.06	0.00	0.00	2.06
Total		42.50	17.94	0.37	24.19

To effectively compare the trip generation for only the 24.56 acres of the site affected by a zone change, trip rates for each zone were established for the existing and proposed conditions using the same three options utilized for the entire site.

Current Zoning

For the 19.43 acres currently zoned I-P, utilizing a 0.45 FAR, development potential would include a total of 380,867 sf of office use. For the 3.07 acres currently zoned C-P, utilizing a 0.45 FAR, development potential would include a total of 60,000 sf medical/dental office building. The residential R-3.5 zone is 2.06 acres, which could support up to seven single family homes given the minimum lot size of 10,000 sf and deductions for roadway and driveway access.

Proposed Zoning

With the proposal, 17.94 acres will remain zoned I-P, and 24.56 acres are proposed to change to either I-P or MUE. Utilizing a 0.45 FAR development potential as with the existing zone analysis would include a total of 7,253 square feet of office buildings in the I-P zone. For the area proposed for MUE, a range of uses is allowed, including office and residential. In order to determine the highest trip generator, three options have been considered for the area proposed to receive new MUE zoning.

- Option 1 consists solely of apartments in the MUE zone. The 24.19 acres zoned MUE will be developed using the maximum housing development of 25 units per acre or 605 total apartment units.
- Option 2 consists of all office in both the I-P and MUE zoning. In the I-P zone, the FAR is 0.45 based on Metro's typical values, whereas the 24.19 acres zoned MUE utilize 0.40 FAR as specified by the Tigard Development Code. Development potential of the MUE zone will include a total of 421,487 sf of office use.



- Option 3 consists of medical-dental office and office in the MUE zone. 3.44 acres will be developed as medical-dental office in the MUE zoning to include a total of 60,000 sf utilizing a 0.40 FAR. A 60,000 sf medical-office building is one of the largest building sizes surveyed in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition. A larger medical-office building could not be supported without surrounding similar land uses, i.e., a hospital or other medical-dental offices. The development potential for the remaining 20.75 acres zoned MUE, utilizing a 0.40 FAR, would include a total of 361,548 sf office use.

Out of the 42.5 acres, 17.94 acres would retain the same zone designation and 24.56 acres are proposed to change to either I-P or MUE. Using the same land uses used for the entire site, three land use scenarios were compared for the 24.56 acres that are proposed to change in zone designations. The table below presents the three scenarios and the assumptions made for each.

Below are the three scenarios and the corresponding trip generation for both the existing zoning and the proposed zoning.

OPTION 1 - SITE TRIP GENERATION					
Zoning	Land Use (ITE Land Use Code)	Size	Weekday	AM Peak	PM Peak
Existing Zoning					
I-P	Office Park (750)	380,867 SF	4,378	646	560
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
Existing Zoning Trips			6,637	804	784
Proposed Zoning					
I-P	Office Park (750)	7,253 SF	485	134	105
MUE	Apartment (220)	605 Units	3,790	300	350
Proposed Zoning Trips			4,275	434	455
Trip Differential			(2,362)	(370)	(329)

OPTION 2 - SITE TRIP GENERATION					
Zoning	Land Use (ITE Land Use Code)	Size	Weekday	AM Peak	PM Peak
Existing Zoning					
I-P	Office Park (750)	380,867 SF	4,378	646	560
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
Existing Zoning Trips			6,637	804	784
Proposed Zoning					
I-P	Office Park (750)	7,253 SF	485	134	105
MUE	Office Park (750)	421,487 SF	4,801	702	610
Proposed Zoning Trips			5,286	836	715
Trip Differential			(1,351)	32	(69)



OPTION 3 - SITE TRIP GENERATION					
Zoning	Land Use (ITE Land Use Code)	Size	Weekday	AM Peak	PM Peak
Existing Zoning					
I-P	Office Park (750)	380,867 SF	4,378	646	560
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
Existing Zoning Trips			6,637	804	784
Proposed Zoning					
I-P	Office Park (750)	7,253 SF	485	134	105
MUE	Office Park (750)	361,548 SF	4,176	620	537
	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
Proposed Zoning Trips			6,829	897	856
Trip Differential			192	93	72

Trip generation for Option 1 results in an anticipated difference between the current and modified zone to be -329 PM peak hour trips and -2,362 ADT. Trip generation for Option 2 anticipates -69 PM peak hour trips and -1,351 ADT. Trip generation for Option 3 anticipates 72 additional PM peak hour trips and 192 additional ADT.

As presented in the previous tables, trip generation with the proposed zone change does not impose a significant effect on the transportation network. There is only a small increase in expected AM peak hour, PM peak hour, and daily traffic levels compared to the existing zoning in Option 3; therefore, we propose a trip cap be imposed on the site based on anticipated trip generation allowed in the current zoning. As outlined in Options 1 through 3, the proposed MUE zoning would accommodate a variety of land use types, any combination of which could feasibly be developed within the trips that would be generated under the existing zoning.

TRANSPORTATION PLANNING RULE COMPLIANCE

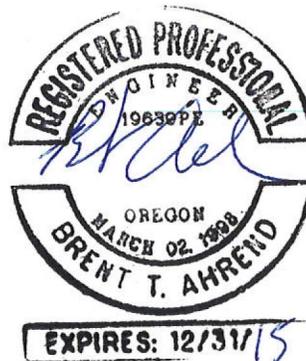
As demonstrated in the trip generation calculations for the portion of the site proposed to change zoning (24.56 acres), the proposed comprehensive plan amendment zone change would have no significant effect as defined by the Transportation Planning Rule if the City were to impose a trip cap limiting future traffic to levels currently allowed under existing zoning. City standards for traffic studies, codified in Development Code Section 18.810.030.CC, outline a number of factors such as site development and trip generation that may trigger a requirement for a study. A traffic study is anticipated to be completed with each specific development application for the site if the thresholds are met.

Sincerely,



Brent Ahrend, PE
 Senior Associate | Traffic Engineer

- c: Kelly Hossaini – Miller Nash
- Marah Danielson – ODOT
- Brian Varricchione, Matt Butts, Janet Jones – Mackenzie



MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

May 11, 2015

City of Tigard
Attention: Gary Pagenstecher
13125 SW Hall Boulevard
Tigard, OR 97223

Re: **Fields Trust Zone Change (Wall Street & Hunziker Road)**
Public Services Impact from Proposed Comprehensive Plan Map Amendment & Zone Change
Project Number 2130474.02

Dear Gary:

In accordance with the application requirements for Type III land use decisions (Tigard Code 18.390.050.B.2.e), Mackenzie has reviewed potential impacts to the public services at the Fred W. Fields Trust property that may result from the proposed comprehensive plan map amendment and zone change from the current combination of residential, commercial, and industrial zoning to a combination of only mixed-use and industrial zoning. The specific public services in question are transportation, drainage, parks, water, and sewer facilities.

The existing and proposed comprehensive plan map designations and associated areas are indicated in **Table 1**.

Table 1: Comprehensive Plan and Zoning			
Comprehensive Plan Map Designation	Zoning	Existing Acreage	Proposed Acreage
Light Industrial (IL)	Industrial Park (I-P)	37.4 ac	18.3 ac
Professional Commercial (CP)	Professional/Administrative Commercial (C-P)	3.1 ac	0 ac
Low-Density Residential (L)	Low-Density Residential (R-3.5)	2.1 ac	0 ac
Mixed Use Employment (MUE)	Mixed Use Employment (MUE)	0 ac	24.2 ac
Total Site Area*		42.6 ac	42.5 ac

**Total area differs due to rounding.*

TRANSPORTATION SYSTEM IMPACTS

Oregon's Transportation Planning Rule (TPR) stipulates that the City must demonstrate whether an amendment to the comprehensive plan and zoning map would have a significant effect on the transportation system. Mackenzie's May 11, 2015, Transportation Planning Rule analysis examined the "reasonable worst case" scenario for both the existing and proposed zoning. The proposed zoning could result in a decrease of 329 PM peak hour trips or an increase of 72 trips



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ARCHITECTURE ■ INTERIORS ■ STRUCTURAL ENGINEERING ■ CIVIL ENGINEERING ■ LAND USE PLANNING ■ TRANSPORTATION PLANNING ■ LANDSCAPE ARCHITECTURE
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compared to the existing zoning, depending on the type of development that takes place. To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

It is anticipated that a traffic study would be required as part of future development proposals at this site in accordance with the specifications of Community Development Code Section 18.810.030.CC. Resulting transportation system upgrades may consist of improvements to Hunziker Road and Wall Street along the frontage, plus a possible extension of Tech Center Drive to connect with Wall Street, depending on the results of traffic analysis for specific development proposals.

DRAINAGE SYSTEM IMPACTS

Stormwater drainage is required to meet the standards of the City of Tigard as well as regulatory requirements of Clean Water Services. These standards do not differentiate between stormwater runoff from industrial, mixed-use, or multi-family residential sites. We expect that any development on the Trust properties will be required to provide on-site water quality and flow control facilities in accordance with Clean Water Services standards described in the Design and Construction Standards for Sanitary Sewer and Surface Water Management (R&O 07-20).

The actual developed impervious area coverage for the site will depend on the final development layout; however, the various existing and proposed zones on the site allow equivalent impervious area coverage of up to 85 percent of the total site. Therefore, the proposed zoning is not expected to have a significant effect on the stormwater runoff or drainage system as compared to the existing zoning.

Development of the site will require extension of public drainage facilities to collect runoff from the site and public roadways. Drain lines are expected to run within SW Wall Street and along the south side of the Potso Dog Park property, with discharge to Fanno Creek west of the site. Public storm lines should be sized to handle runoff from the fully developed contributory basin draining to the system.

PARKS SYSTEM IMPACTS

The project site is located within the City of Tigard Park District boundary (which encompasses the entire city limits) and is across the street from Potso Dog Park and near the "Fields Property" open space along Fanno Creek. The proposed zoning configuration would allow a higher population than the current zoning if the MUE portion were developed with multi-family housing as allowed by the Tigard Community Development Code. Therefore, the proposed zoning could result in consideration of additional park facilities to serve the subject site. However, the site is located near existing park facilities with sufficient capacity for additional users. Furthermore, the City imposes parks system development charges (SDC) on all land uses (residential, commercial, and industrial), so development of the site would generate new revenues that could be used to improve the parks system. Therefore, the proposed zone change is not anticipated to negatively impact the parks system.

WATER SYSTEM IMPACTS

The subject site is located within the City of Tigard water service boundary. The water system at the site has been sized to account for planned utility demands from the existing zoning configuration. Domestic and process water system



demands can be estimated for each land use based on compiled historic data used in utility master plans. The 2009 Clean Water Services Sanitary Sewer Master Plan presents detailed unit flow rates for several land uses. Since sewer flow demand generally matches water service demands for a given site, the sewer flow estimates can be used to compare relative water demand changes between the zoning configurations. **Table 2** summarizes generalized domestic water demands for the subject site zones.

Table 2: Water Demand			
Comprehensive Plan Map Designation	Domestic Water Demand (gpd/ac)	Water Demand for Existing Zoning (gpd)	Water Demand for Proposed Zoning (gpd)
Light Industrial (IL)	3,660	137,000	67,000
Professional Commercial (CP)	3,660	11,500	N/A
Low-Density Residential (L)	1,000	2,100	N/A
Mixed Use Employment (MUE)	2,950	N/A	71,400
Total Water Demand:		150,600	138,400

gpd = gallons per day
ac = acre

Fire flow demands are summarized in **Table 3**.

Table 3: Fire Flow Demand			
Comprehensive Plan Map Designation	Fire Flow Water Demand (gpm with duration)	Fire Flow Demand x Acreage for Existing Zoning	Fire Flow Demand x Acreage for Proposed Zoning
Light Industrial (IL)	3,500 (3 hrs)	392,700	192,200
Professional Commercial (CP)	2,500 (2 hrs)	15,500	N/A
Low-Density Residential (L)	1,500 (2 hrs)	6,300	N/A
Mixed Use Employment (MUE)	3,000 (3 hrs)	N/A	217,800
Total Fire Flow Demand:		414,500	410,000

gpm = gallons per minute

As shown by the above calculations, the proposed zone change is expected to result in a minor reduction in water service demand compared to the existing zoning.

Development of the site will require extension of public water mains to provide domestic and fire water service. Water lines are expected to run within SW Wall Street, with possible connection to public mains near the southeast corner of the site. Public water lines should be sized to handle the expected domestic and fire flow demands from the subject site, as well as portions of the water network affected by the system expansion.



SEWER SYSTEM IMPACTS

The subject site is located within the City of Tigard sewer service boundary. The sewer system at the site has been sized to account for planned utility demands from the existing zoning configuration, including a recent capital improvement project to upgrade a sewer near the west edge of the site.

Sewer collection and conveyance is required to meet the standards of the City of Tigard as well as regulatory requirements of Clean Water Services.

The actual sewer demand for the site will depend on the final development layout and industrial uses on the site. **Table 4** summarizes generalized domestic sewer demands for the subject site zones, based on projected flow demands presented in the 2009 Clean Water Services Sanitary Sewer Master Plan.

Table 4: Sewer Demand			
Land Use Zone	Domestic Sewer Demand (gpd/ac)	Sewer Demand for Existing Zoning (gpd)	Sewer Demand for Proposed Zoning (gpd)
Light Industrial (IL)	3,660	137,000	67,000
Professional Commercial (CP)	3,660	11,500	N/A
Low-Density Residential	1,000	2,100	N/A
Mixed Use Employment (MUE)	2,950	N/A	71,400
Total Sewer Demand:		150,600	138,400

As shown by the above calculations, the proposed zone change is expected to result in a minor reduction in sewer service demand compared to the existing zoning. Specific industrial uses on the site may result in lower or higher sewer flows than the assumed demands; it is expected that specific needs would be addressed on a project-by-project basis to confirm the public system has capacity to accommodate high-flow sewer users without upgrades.

Development of the site will require extension of public sewer lines to provide sewer service. Sewer lines are expected to run within SW Wall Street, with connection to the recently-upgraded line along the south side of the Potso Dog Park. Public sewer lines should be sized to handle the expected sewer flows from the fully developed contributory basin draining to the system.



City of Tigard
Fields Trust Zone Change (Wall Street & Hunziker Road)
Project Number 2130474.02
May 11, 2015
Page 5

SUMMARY

In summary, our review of the public systems at the Fred W. Fields Trust property indicate the proposed zone change with a trip cap will not increase demands on the public infrastructure compared to the existing site zoning.

Sincerely,



Brent Ahrend, PE
Traffic Engineer



Brent Nielsen, PE
Civil Engineer



Brian Varricchione, PE
Land Use Planning

c: Kelly Hossaini – Miller Nash

Notice of Neighborhood Meeting

April 21, 2015

Re: **Proposed Fields Trust Hunziker Road & Wall Street Comprehensive Plan Amendment and Zone Change**

Dear Interested Party:

The Fred W. Fields Trust is the owner of the 42.5-acre property located at the southwest corner of SW Hunziker Road and SW Wall Street (tax lots 2S1010001100, 2S101CA00100, 2S101DB00300, & 2S101DB00400). The Trust is considering proposing a Comprehensive Plan Amendment for approximately 24 acres on the east side of the site from Light Industrial (IL), Professional Commercial (CP), and Low Density Residential (R) to Mixed Use Employment (MUE), and a concurrent zone change from Industrial Park (I-P), Professional Commercial (C-P), and Low Density Residential (R-3.5) to Mixed Use Employment (MUE), which allows for a range of uses including office and multi-family residential. The remaining approximately 18 acres on the west side of the site (facing Wall Street) is proposed to continue with Industrial Park zoning.

Prior to applying to the City of Tigard for the necessary land use approvals, Mackenzie planners would like to discuss the proposal in more detail with the surrounding property owners and residents. You are invited to attend a meeting on:

Wednesday, May 6, 2015
Community Room, Tualatin Valley Fire & Rescue Station 51
8935 SW Burnham Street
Tigard, OR 97223
6:00 – 7:00 PM

Please note that this will be an informational meeting on preliminary plans. These plans may be altered prior to submittal of the application to the City.

I look forward to more specifically discussing the proposal with you. Please call me at 503-224-9560 if you have any questions.

Sincerely,



Brian Varricchione
Land Use Planner

Enclosure(s): Neighborhood Meeting Information
Fields Trust Maps





Neighborhood Meeting Information

The City of Tigard requires developers to hold a neighborhood meeting to notify affected property owners about their proposed development. This is done as part of the development review process for most land use applications. Below are some frequently asked questions about the neighborhood meeting process.

WHAT IS THE PURPOSE OF THIS NEIGHBORHOOD MEETING?

The purpose of the meeting is to allow the prospective developer to share with you what they are planning to do. This is your opportunity to become informed of their proposed development and to let them know what issues or concerns you have in regard to their proposal.

WHAT HAPPENS AFTER THE NEIGHBORHOOD MEETING?

After the neighborhood meeting, the prospective developer finalizes their submittal package (often taking into account citizen concerns) and submits an application to the city. Sometimes it takes awhile before the developer's application is ready to submit, so there could be several months between the neighborhood meeting and the submittal of an application.

Once an application is submitted to the city, staff reviews it for completeness. Once an application has been deemed complete, the formal application review begins. It takes approximately 6-8 weeks from the time the application is accepted for a decision to be made. Many types of applications require a public hearing at which citizens are given the opportunity to provide comments or concerns. Property owners within 500 feet will be notified after a complete application is submitted. They will be provided an opportunity to comment. Any appeals are decided based on the provisions of applicable laws and the development code.

WHAT IF THE PROPOSAL PRESENTED AT THE NEIGHBORHOOD MEETING IS NOT WHAT IS ACTUALLY SUBMITTED?

Applicants are not required to submit exactly what was presented at the neighborhood meeting if it generally follows the type of development proposed. This provides for the opportunity to address the neighborhood issues and address other changes necessitated by the development or staff. If the project is significantly different, a new neighborhood meeting would be required as determined by staff.

HOW DO I KNOW WHAT ISSUES ARE VALID?

A decision is reviewed based on compliance with Title 18 of the Tigard Municipal Code (also known as the Community Development Code). *Review the city's development code to familiarize yourself with what is permitted and what may not be permitted.* A copy of the development code is available for viewing at the Tigard Public Library, on the city's web site at www.tigard-or.gov, or a copy may be purchased by contacting our records department www.tigard-or.gov/city_hall/services/public_records/. You may also contact city planning staff by calling 503.718.2421 and ask what the standards are for a specific issue. Be prepared, however, that you may not LIKE all the standards, but at least you know what they are. If a development meets the code standards, it can proceed.

For your assistance, attached is a list of questions that may assist you in determining your position on a particular proposal.



Typical Questions to Help Ensure Common Neighborhood Concerns are Considered

The following is a list of questions intended to aid you in formulating your own questions for proposed development in your area. Feel free to ask more or alter the questions to address your own unique concerns and interests

PROCESS

- ▶ What applications are you (the developer) applying for? When do you expect to submit the application(s) so that neighbors can review it? What changes or additions are expected prior to submittal?
- ▶ Will the decision on the application be made by city staff, Tigard Hearings Officer, Planning Commission or City Council? How long is the process? (timing)
- ▶ At what point in the process are citizens given notice and the opportunity to provide input?
- ▶ Has a pre-application conference been held with City of Tigard staff?
 - Have any preliminary requirements been addressed or have any critical issues been identified?
 - What city planner did you speak with regarding this project? (This person is generally the planner assigned to the land use case and the one to contact for additional information).

STREETS

- ▶ Will there be a traffic study done? What are the preliminary traffic impacts anticipated as a result of the development and how do you propose to mitigate the impacts if necessary?
- ▶ What street improvements (including sidewalks) are proposed? What connections to existing streets are proposed?
- ▶ Are streets proposed to be public or private? What are the proposed street and sidewalk widths?
- ▶ What are the emergency access requirements and what is proposed to meet those requirements?

ZONING AND DENSITY

- ▶ What is the current zoning? What uses are allowed under this zoning?
- ▶ Will there be a re-zone requested by the developer? If yes, to what zone?
- ▶ How many units are proposed for the development and what is the minimum and maximum number of units allowed in the zone?

DRAINAGE AND WATER QUALITY

- ▶ What is your erosion control and drainage plan? What is the natural slope of the property? What are the grading plans?
- ▶ Is there a water quality facility planned within the development and where will it be located? Who will own and maintain the facility?

TREES AND LANDSCAPING

- ▶ What is the urban forestry plan and how will the applicable development requirements be met?
- ▶ What are the landscaping plans? What buffering or fencing is required and/or proposed?

ADDITIONAL INFORMATION

- ▶ How do I request more information or a follow-up meeting from/with the applicant?

Fields Trust Zone Change Hunziker Rd & Wall St Site Map

LEGEND

 Site Taxlots

0 100 200 400 Feet



1 inch = 400 feet

SOURCE DATA:
Metro RLIS Lite Base Data,
Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North
Lambert Conformal Conic

Date: 4/17/2015 Map Created By: BJV
File: neighborhood meeting maps Project No: 2130474.02



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Image courtesy of USGS Earthstar Geographics SIO © 2015 Microsoft Corporation

Fields Trust Zone Change Hunziker Rd & Wall St Existing Comprehensive Plan

LEGEND

-  Site Taxlots
-  CG: General Commercial
-  CP: Professional Commercial
-  IL: Light Industrial
-  L: Low Density Residential
-  M: Medium Density Residential
-  MH: Medium-High Density Residential
-  OS: Open Space



1 inch = 400 feet

SOURCE DATA:
Metro RLIS Lite Base Data,
Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North
Lambert Conformal Conic

Date: 4/17/2015 Map Created By: BJV
File: neighborhood meeting maps Project No: 2130474.02

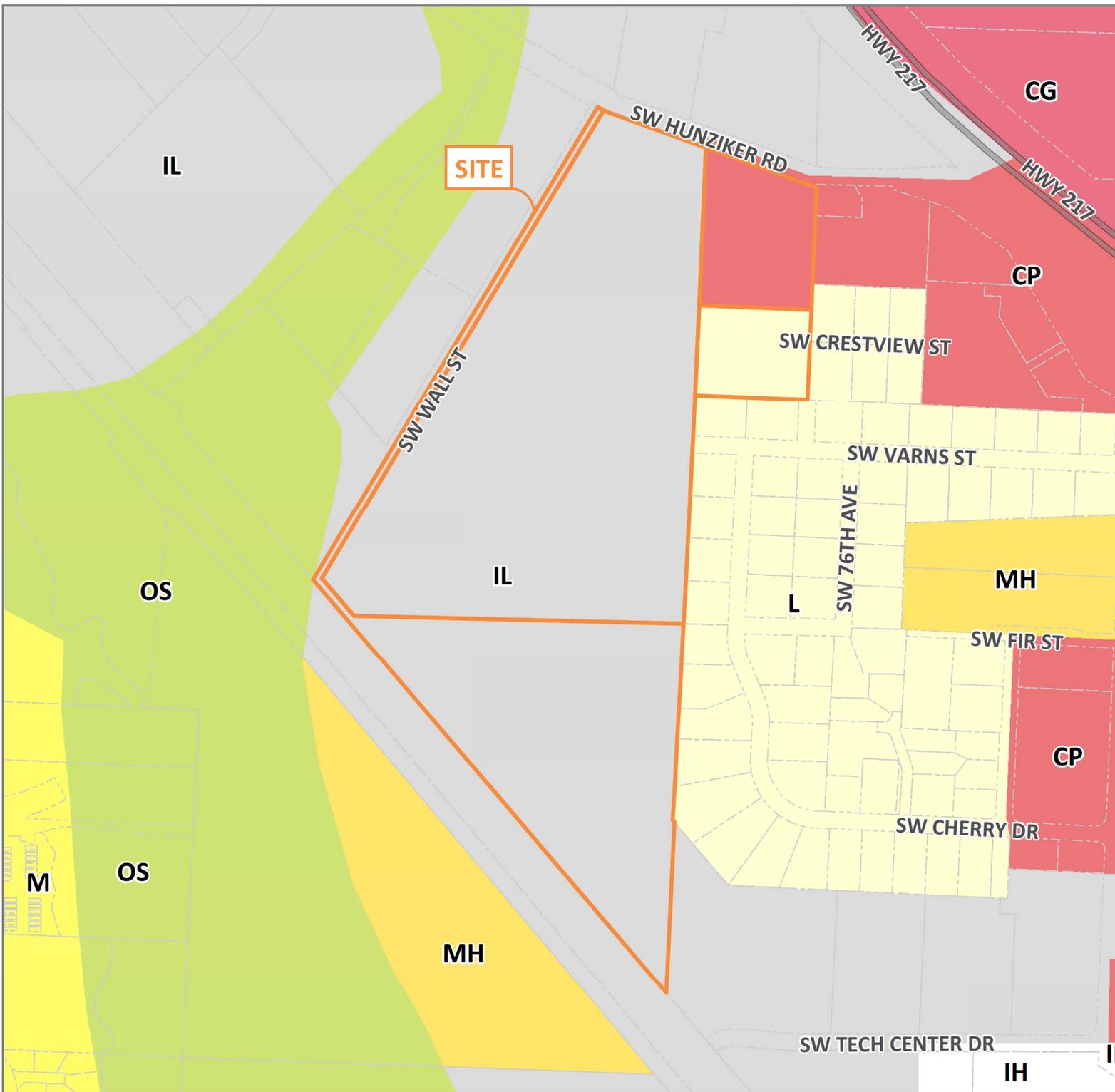


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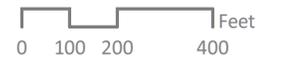
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Fields Trust Zone Change Hunziker Rd & Wall St Existing Zoning

LEGEND

- Site Taxlots
- C-G: General Commercial
- C-P: Professional Commercial
- I-L: Light Industrial
- I-P: Industrial Park
- PR: Parks and Recreation
- R-3.5: Low-Density Residential
- R-7: Medium-Density Residential
- R-12: Medium-Density Residential
- R-25: Medium High-Density Residential



1 inch = 400 feet

SOURCE DATA:
Metro RLIS Lite Base Data,
Aug 2014

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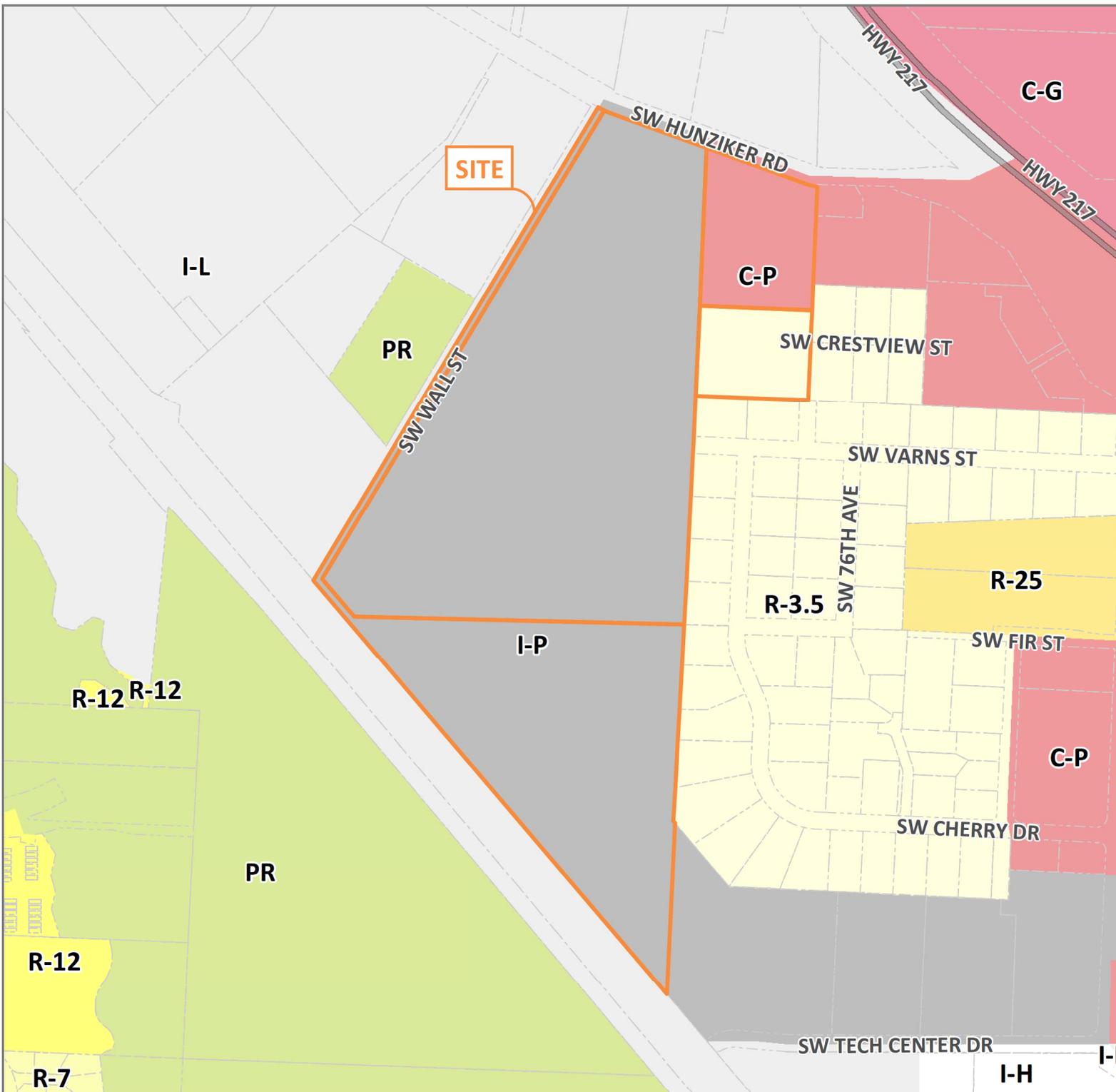


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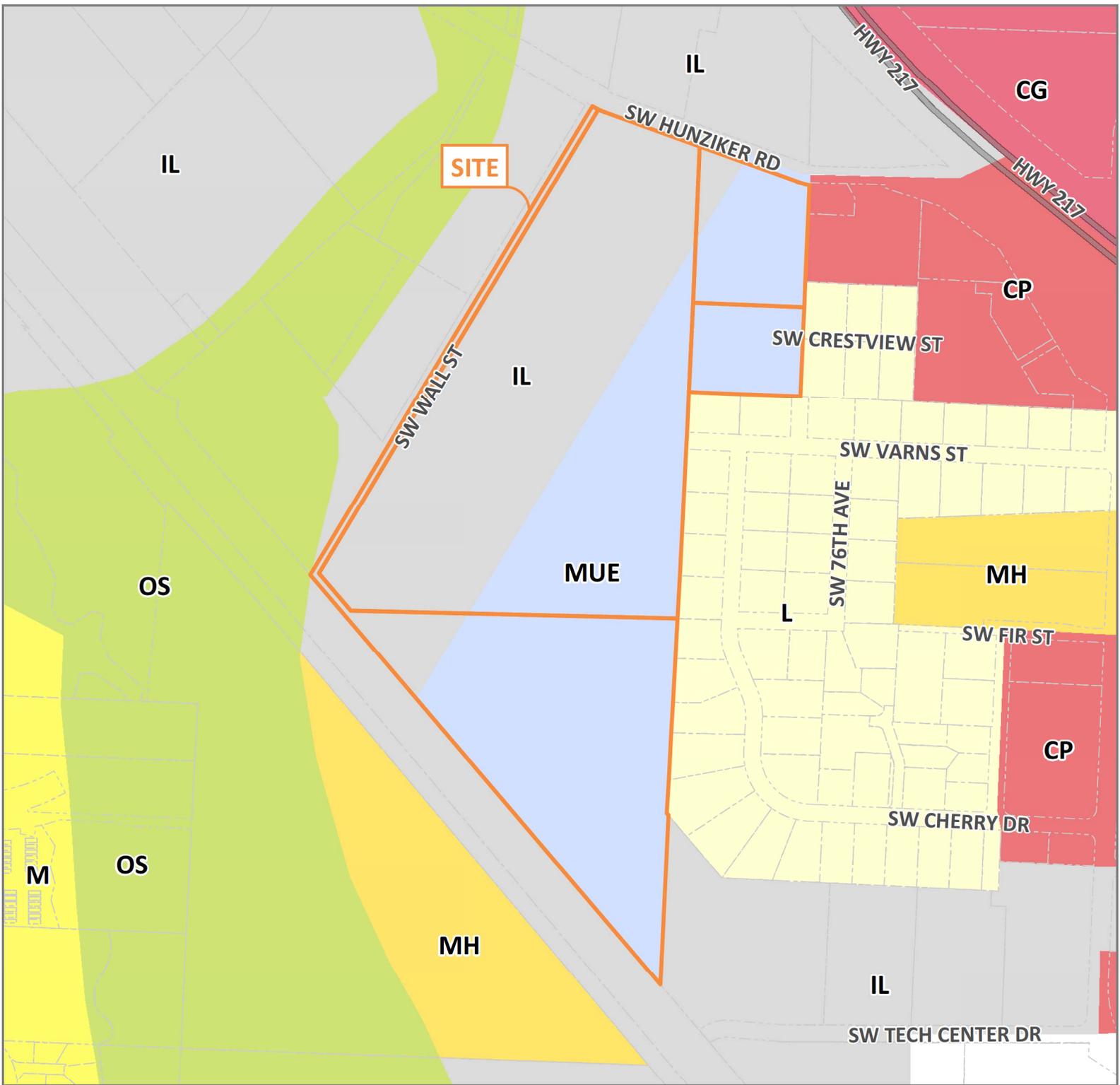
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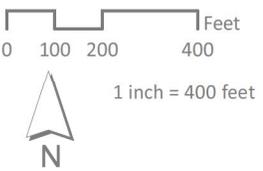


Fields Trust Zone Change Hunziker Rd & Wall St Proposed Comprehensive Plan



LEGEND

- Site Taxlots
- CG: General Commercial
- CP: Professional Commercial
- IL: Light Industrial
- L: Low Density Residential
- M: Medium Density Residential
- MH: Medium-High Density Residential
- MUE: Mixed Use Employment
- OS: Open Space



SOURCE DATA: Metro RLIS Lite Base Data, Aug 2014
 GEOGRAPHIC PROJECTION: NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 4/17/2015 Map Created By: BJV
 File: neighborhood meeting maps Project No: 2130474.02



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Fields Trust Zone Change Hunziker Rd & Wall St Proposed Zoning

LEGEND

- Site Taxlots
- C-G: General Commercial
- C-P: Professional Commercial
- I-L: Light Industrial
- I-P: Industrial Park
- MUE: Mixed Use Employment
- PR: Parks and Recreation
- R-3.5: Low-Density Residential
- R-12: Medium-Density Residential
- R-25: Medium High-Density Residential

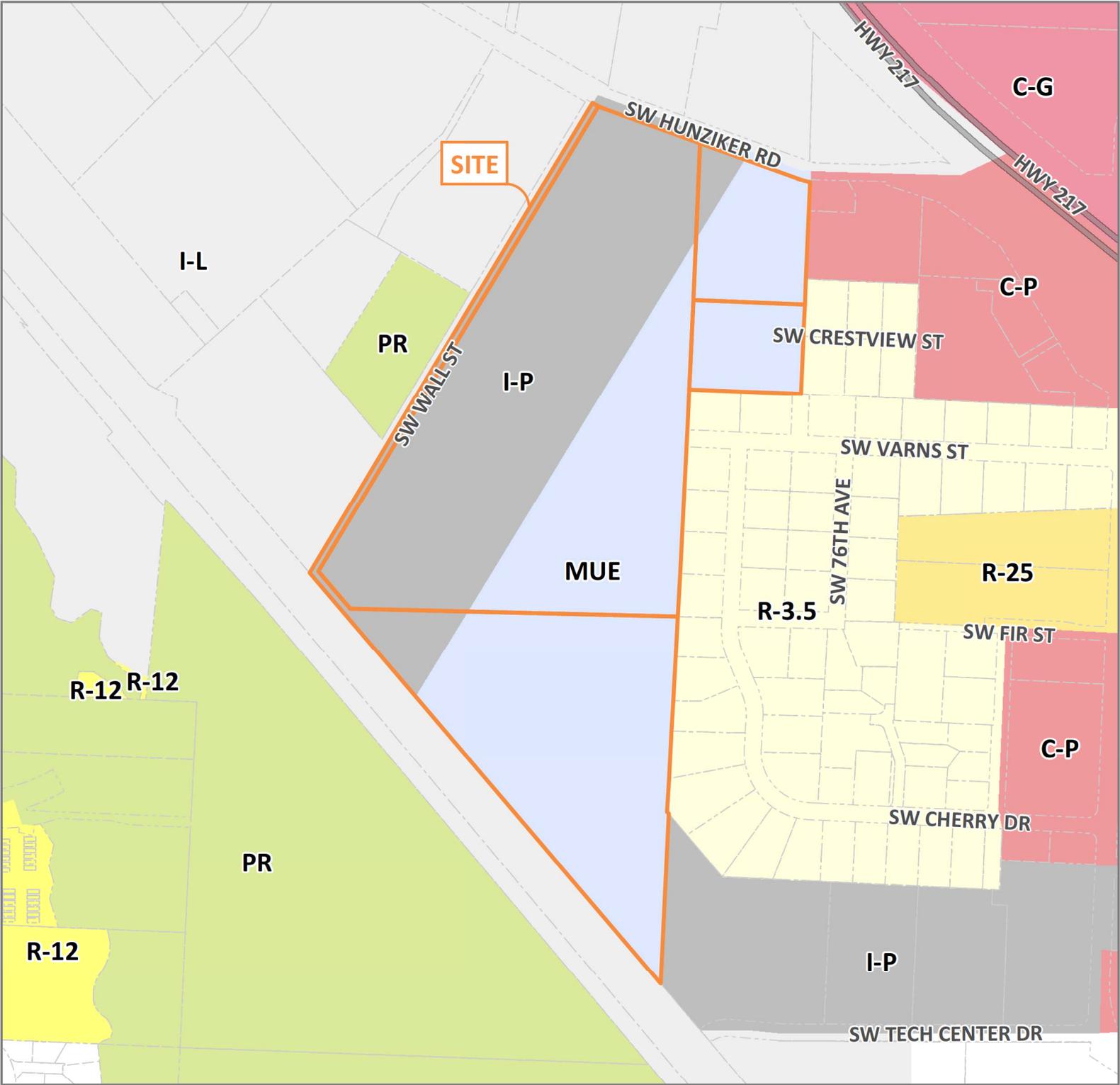


1 inch = 400 feet

SOURCE DATA:
Metro RLIS Lite Base Data,
Aug 2014

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City of Tigard

COMMUNITY DEVELOPMENT DEPARTMENT

Request for 500' Property Owner Notification

Property owner information is valid for three (3) months from the date of your request. Contact staff member Joe Patton: 503-718-2714 or joep@tigard-or.gov.

Project name: Fields Trust Hunziker Road zone change

Staff planner you are working with: Gary Pagenstecher

Name of contact person: Brian Varricchione

Name of company: Mackenzie

Phone: (503) 224-9560

Email: bvarricchione@mcknze.com

Please indicate all map and tax lot numbers (i.e. 1S134AB, tax lot 00100) that are included in your project or the addresses for all project parcels below: **(if more than one (1) tax lot or if the parcel has no address, you must separately identify each tax lot associated with the project.)**

2S1010001100, 2S101CA00100,
2S101DB00300, & 2S101DB00400

FOR STAFF USE ONLY				
<u>NEIGHBORHOOD MEETING LABELS</u>				
	# of sheets	cost each	sets	
<i>Property owners within 500 feet:</i>	6	\$2.00	1	\$ 12.00
<i>Interested parties:</i>		\$2.00		\$
<i>Generate list:</i>	-	-	-	\$11.00
			TOTAL:	\$ 23.00
<u>LAND USE ENVELOPES</u>				
	# of envelopes	cost each	sets	# of sheets
<i>Property owners within 500 feet:</i>		\$0.13		\$
<i>Interested parties:</i>		\$0.13		\$
<i>Generate list:</i>	-	-	-	\$11.00
<i>Postage:</i>		\$.		\$
			TOTAL:	\$

REQUEST (only check one):

One (1) set of labels for notification of neighborhood meeting.

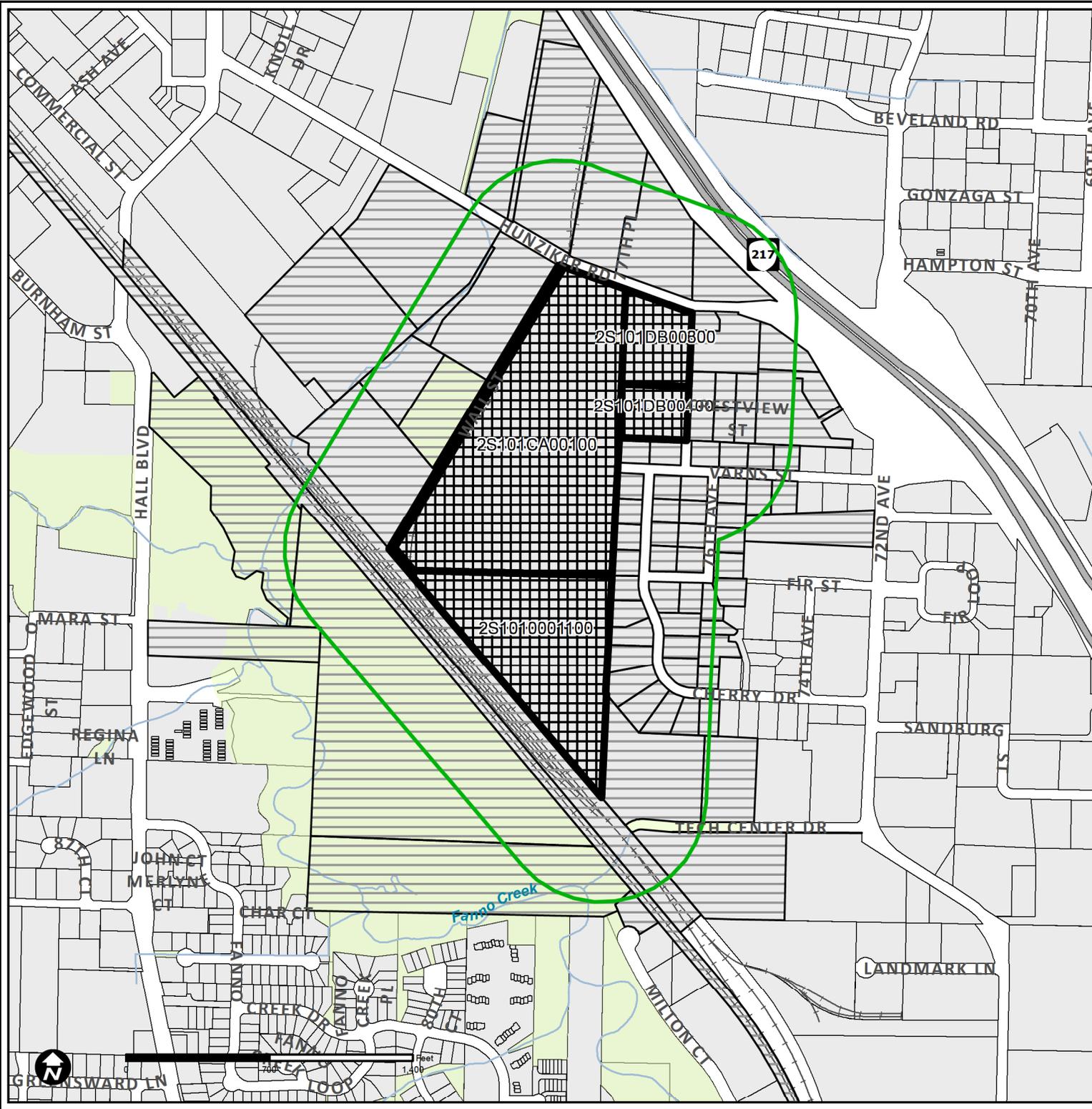
After submitting your land use application to the city, the project planner will review your application for completeness and you will be notified by means of a completeness review letter. Please indicate what the completeness letter indicates you need:

Type II TWO sets of envelopes

Type III or Type IV one set of envelopes *(a second set may be required if decision is appealed)*

Land use case number: _____

The contact person listed above will be notified of the amount to pay at the front counter in the Permit Center once the request is processed. A printed list of all property owners within 500 feet and interested parties will be provided at time of payment. Upon request, a PDF copy is available via email.



Area Notified (500 Ft)

Fields Trust Hunziker Road zone change
 2S1010001100, 2S101CA00100,
 2S101DB000300, & 2S101DB000400
 Mackenzie
 P: (503) 224-9560
 E: bvarricchione@mcknze.com

-  Subject Site
-  Notification Area

Property owner information is valid for 3 months from the date printed on this map.

Map Printed: 14-Apr-15

Information on this map is for general location only and should be verified with the Development Services Division.

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COMMUNITY DEVELOPMENT DEPARTMENT

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2S101DB00607
ABBLITT, RANDI I
7700 SW CHERRY DR
TIGARD, OR 97223

2S101DB00605
BIEKER LIVING TRUST
BY BIEKER, WILLIAM A & JOANNE K TRS
7730 SW CHERRY DR
TIGARD, OR 97223

2S101DB00506
BOME, FRANS R
7500 SW CRESTVIEW ST
TIGARD, OR 97223

2S101BD00105
BR & G CO LLC
17608 SYDNI CT
LAKE OSWEGO, OR 97035

2S101DC02700
BRIAN, THOMAS M
JOENE A
7630 FIR ST
TIGARD, OR 97223

2S101DC01800
CONANT, JAMES & ALISSA
7510 SW CHERRY DR
TIGARD, OR 97223

2S101DC03000
DIMICK, HEATHER M & DAMON R
7545 SW CHERRY DR
TIGARD, OR 97223

2S101DB00619
ELLENSON, TYLER LIVING TRUST
ELLENSON, MARGARET LIVING TRUST
13280 SW 76TH AVE
TIGARD, OR 97223

2S101DB00614
FREZZA, CONRAD NICHOLAS & APRIL
13275 SW 76TH AVE
TIGARD, OR 97223

2S101DB00706
GILLETTE, REED T & ANDREA L
7480 SW VARNIS ST
TIGARD, OR 97223

2S101DC05000
ALBERTINA KERR CENTERS
ATTN: JERALD A HOFFERT
424 NE 22ND
PORTLAND, OR 97232

2S101DB00608
BLAGGE, DIANNE E
7404 SW DELAWARE CIR
TUALATIN, OR 97062

2S112BA06000
BONITA LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

2S101DB00504
BRETL LIVING TRUST
11970 NW REEVES ST
PORTLAND, OR 97229

2S101DC02900
CHICK, MARIBETH A
11575 SW PACIFIC HWY
PMB #120
TIGARD, OR 97223

2S101DB00704
COURREGES, TIMOTHY W & PAMELA J
7425 SW VARNIS ST
TIGARD, OR 97223

2S101BD00104
EAST SIDE VAN AND STORAGE
INC
4836 SE POWELL
PORTLAND, OR 97206

multiple: 2S1010001100 to 2S101DB00400
FIELDS, FRED W REVOCABLE LIVING
111 SW 5TH AVE #3675
PORTLAND, OR 97204

2S101DB00606
GILES, DIANE P
7710 SW CHERRY DR
TIGARD, OR 97223

2S101DB00616
GRILE, WILLIAM P & LINDA J FURMA
855 SIGNAL WAY
COOS BAY, OR 97420

2S101DB00609
GUTHRIE, GEORGE DEREK & DOLORES
7665 SW FIR ST
TIGARD, OR 97223

2S101DB00800
HAMPTON RIDGE APARTMENTS LLC
BY COOPER'S CHASE LLC
17952 SW PARRISH LN
SHERWOOD, OR 97140

multiple: 2S101DB00200 to 2S101DB00201
HILLCREST HOLDINGS LLC
9 SE 3RD AVE, STE 100
PORTLAND, OR 97214

2S101DB00613
HOLLIS, MARK & TONNA
13235 SW 76TH AVE
TIGARD, OR 97223

2S101DB00101
HUNZIKER PROFESSIONAL CENTER LLC
3601 WREN ST
LAKE OSWEGO, OR 97034

2S101DB00503
JARAMILLO, GUS J & SANDRA L
7580 SW CRESTVIEW ST
TIGARD, OR 97223

2S101DC01700
KIRNAK FAMILY REVOCABLE LIVING TRUST
BY EMMEL & CLAIRE KIRNAK TRS
7490 SW CHERRY DR
TIGARD, OR 97223

2S101DB00620
LEA, ERIC S & MIRIAM M
7530 SW VARNIS ST
TIGARD, OR 97223

2S101DC02500
MAYER, KENNETH D AND
JANICE K
7650 SW CHERRY ST
TIGARD, OR 97223

multiple: 2S101CA00600 to 2S101CA00700
MERITAGE FIVE LLC
BY FHA & ASSOC
155 B AVE #222
LAKE OSWEGO, OR 97034

2S101BD00103
H G M CO, BY NORRIS BEGGS & SIMPSON
ATTN: BLAKE HERING
121 SW MORRISON #200
PORTLAND, OR 97204

2S101DC01900
HERMANSON, PATRICIA M
7530 SW CHERRY DR
TIGARD, OR 97223

multiple: 2S101DB00100 to 2S101DB00103
HILLTOP BUSINESS CENTER LLC
HUNZIKER LLC
9430 NW KAISER RD
PORTLAND, OR 97231

2S101DB00707
HOPKINS, BURTON C RUTH N
7430 SW VARNIS
TIGARD, OR 97223

2S101CB00100
HUTTIG, INC
555 MARVILLE CENTER DR
PO BOX 1041
CHESTERFIELD, MO 63006

2S101DB00501
KING, EDWARD A & SONYA M
7505 SW CRESTVIEW ST
PORTLAND, OR 97223

2S101DB00505
KRAFT, CRAIG & JOAN C
7585 SW CRESTVIEW ST
PORTLAND, OR 97223

2S101DB00602
LEACHMAN, DIRK
7575 SW VARNIS ST
TIGARD, OR 97223

2S101DC02400
MEMOVICH, BARBARA J TR
7630 SW CHERRY DR
TIGARD, OR 97223

2S101CA00400
MERITAGE FIVE LLC
FHA & ASSOC
155 B AVE #222
LAKE OSWEGO, OR 97034

2S101CC00100, 2S1010001200
METRO
ATTN OFFICE OF THE METRO ATTORNEY
600 NE GRAND AVE
PORTLAND, OR 97232

2S101AC01800
MOSTUL, TERRY A & DEBBI C
7585 SW HUNZIKER RD
TIGARD, OR 97223

1S135CB00800
OREGON DEPT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, RM 420
SALEM, OR 97301

2S101DB00601
PEARSON, H ODELL & DONNA M REV L
7525 SW VARNIS ST
TIGARD, OR 97223

2S101DB00604
PIRKL, RAYMOND E & ROSE MARIE TR
7745 SW VARNIS ST
TIGARD, OR 97223

2S101DB00502
RELVAS, PATRICIA D CONWAY
WALTON, MATTHEW D
7545 SW CRESTVIEW ST
TIGARD, OR 97223

2S101DB00611
STARKS, ELIZABETH
7715 SW CHERRY DR
TIGARD, OR 97223

2S101DB00603
STONE, DIANE E
7675 SW VARNIS ST
TIGARD, OR 97223

2S101DB00612
SUNNARBORG, MARSHALL H
JOANNE E
7670 SW VARNIS ST
TIGARD, OR 97223

2S101DB00615
TAYLOR, IAN
13315 SW 76TH AVE
TIGARD, OR 97223

2S101DB00705
MILLER, ROBERT CLARENCE
DOROTHY NELL
7475 SW VARNIS
TIGARD, OR 97223

2S101DB00618
MYERS, KENNETH E
13320 SW 76H
TIGARD, OR 97223

2S101DC02800
PAYNE, KEVIN M
7615 SW CHERRY DR
TIGARD, OR 97223

2S101BD00300
PERFORMANCE CONTRACTING GROUP IN
16400 COLLEGE BLVD
LENEXA, KS 66219

2S101DC02600
POWELL, JAMES WALTER TRUST
BY POWELL, JAMES W TR
7660 SW FIR ST
TIGARD, OR 97223

2S101CB00200
SMITH GERIG WESTERN PROPERTIES L
PO BOX 930
WILSONVILLE, OR 97070

2S101DC02100
STEWART, MARTIN D & CARLA E
7570 SW CHERRY DR
TIGARD, OR 97223

2S101DC04500
SUMMIT PROPERTIES INC
4380 SW MACADAM BLVD STE 330
PORTLAND, OR 97239

2S101DC02300
TAKAHASHI, WAYNE H
SHARON S
7610 SW CHERRY ST
TIGARD, OR 97223

2S101DB00617
THACKERY, RUSSELL H III
13360 SW 76TH AVE
TIGARD, OR 97223

2S101BD00200
TIGARD DISTRIBUTION CENTER LLC
4800 SW MACADAM, STE 120
PORTLAND, OR 97239

2S102DA00500
TIGARD-TUALATIN SCHOOL
DISTRICT 23J
6960 SW SANDBURG ST
TIGARD, OR 97223

2S1010001500
UNION PACIFIC RAILROAD CO
1700 FARNHAM ST, 10TH FL SOUTH
OMAHA, NE 68102

2S101CA00200
WALL STREET INDUSTRIAL LLC
A RICHARD VIAL EXECUTIVE CENTER LLC
7000 SW VARNS ST
PORTLAND, OR 97223

2S101DC03101
WEATHERFORD, BETTY L
7495 SW CHERRY DR
TIGARD, OR 97223

2S101DC05200
WILLARD, SHAWN P
13469 SW 75TH AVE
TIGARD, OR 97223

2S101DC05300
WORZNIAK, DENNIS & NANCY
13493 SW 75TH PL
TIGARD, OR 97223

ALEXANDER CRAGHEAD
12205 SW HALL BOULEVARD
TIGARD, OR 97223-6210

BEVERLY FROUDE
12200 SW BULL MOUNTAIN ROAD
TIGARD, OR 97224

BRIAN WEGENER
9830 SW KIMBERLY DRIVE
TIGARD, OR 97224

multiple: 2S101DC06400 to 2S101DC06500
TIGARD, CITY OF
13125 SW HALL BLVD
ATTN: GARY PAGENSTECHEER
TIGARD, OR 97223

2S101DB00610
TROTTI, LOUISE
7705 SW CHERRY DR
TIGARD, OR 97223

2S101DC02200
VANDERBURG, JOHN SCOTT
7590 SW CHERRY DR
TIGARD, OR 97223

2S101DC04000
WALTON CWOR SOUTHWEST 12 LLC
BY RYAN
PO BOX 460169
HOUSTON, TX 77056

2S101DC02000
WIDMAN, THOMAS G
7550 SW CHERRY DR
TIGARD, OR 97223

2S101DC04900
WILSON, CHRISTOPHER E &
SHARON K
13400 SW 76TH AVE
TIGARD, OR 97223

2S101DC04601
WPC TIGARD LLC
307 LEWERS ST 6TH FL
HONOLULU, HI 96815

BARRY ALBERTSON
15445 SW 150TH AVE
TIGARD, OR 97224

BRAD SPRING
7555 SW SPRUCE STREET
TIGARD, OR 97223

CAROL RENAUD – WACO CPO NEWSLETTER COORD.
OSU EXT. SVC - CITIZEN INVOLVEMENT FACULTY
155 NORTH 1ST AVENUE SUITE 200 MS48
HILLSBORO, OR 97124

CHARLIE AND LARIE STALZER
14781 SW JULIET TERRACE
TIGARD, OR 97224

DAVID KIMMEL
1335 SW 66TH SUITE 201
PORTLAND, OR 97225

DAVID WALSH
10236 SW STUART COURT
TIGARD, OR 97223

DAYLE D. & EVELYN O. BEACH
11530 SW 72ND AVENUE
TIGARD, OR 97223

DON & DOROTHY ERDT
13760 SW 121ST AVENUE
TIGARD, OR 97223

ELLEN BEILSTEIN
14630 SW 139TH AVE
TIGARD, OR 97224

GENE MILDREN
MILDREN DESIGN GROUP
7650 SW BEVELAND ST, STE 120
TIGARD, OR 97223

GLENNA THOMPSON
13676 SW HALL BLVD UNIT 2
TIGARD, OR 97223

GRETCHEN BUEHNER
13249 SW 136TH PLACE
TIGARD, OR 97224

HAROLD AND RUTH HOWLAND
13145 SW BENISH
TIGARD, OR 97223

HEIDI BRENNEMAN
11680 SW TIGARD DRIVE
TIGARD, OR 97223

JIM LONG, CHAIR, CPO 4M
10730 SW 72ND AVE
PORTLAND, OR 97223

JOHN GOODHOUSE
9345 SW MOUNTAIN VIEW LANE
TIGARD, OR 97224

JULIE RUSSELL CHAIR CPO 4B CHAIR
16200 SW PACIFIC HWY SUITE H BOX 242
TIGARD, OR 97224

JULIE RUSSELL, CPO 4B CHAIR
12662 SW TERRAVIEW DRIVE
TIGARD, OR 97224

KEVIN HOGAN
14357 SW 133RD AVENUE
TIGARD, OR 97224

LISA HAMILTON CPO 4B VICE CHAIR
13565 SW BEEF BEND ROAD
TIGARD, OR 97224

MONA KNAPP
9600 SW FREWING STREET
TIGARD, OR 97223

NAOMI GALLUCCI
11285 SW 78TH AVENUE
TIGARD, OR 97223

NATHAN AND ANN MURDOCK
7415 SW SPRUCE STREET
TIGARD, OR 97223

NEAL BROWN. GRI
MEADOWS INC REALTORS
12655 SW NORTH DAKOTA STREET
TIGARD, OR 97223

PATRICIA KEERINS
15677 SW OREGON ST. APT 209
TIGARD, OR 97140

PATTY NEWTH
12180 SW MERESTONE COURT
TIGARD, OR 97223

REX CAFFALL
13205 SW VILLAGE GLENN
TIGARD, OR 97223

ROSS SUNDBERG
16382 SW 104TH AVE
TIGARD, OR 97224

STACY CONNERY
12564 SW MAIN STREET
TIGARD, OR 97223

SUE RORMAN
11250 SW 82ND AVE
TIGARD, OR 97223

SUSAN BEILKE
11755 SW 114TH PLACE
TIGARD, OR 97223

TODD HARDING & BLAKE HERING JR.
NORRIS BEGGS & SIMPSON
121 SW MORRISON, SUITE 200
PORTLAND, OR 97204

VANESSA FOSTER
13085 SW HOWARD DR
TIGARD, OR 97223

VICTOR DEFILIPPIS
13892 SW BRAYDON CT
TIGARD, OR 97224

AFFIDAVIT OF MAILING/POSTING NEIGHBORHOOD MEETING NOTICE

IMPORTANT NOTICE: THE APPLICANT IS REQUIRED TO MAIL THE CITY OF TIGARD A COPY OF THE NEIGHBORHOOD MEETING NOTICE THAT PERTAINS TO THIS AFFIDAVIT AT THE SAME TIME PROPERTY OWNERS ARE MAILED NOTICE, TO THE ADDRESS BELOW:

City of Tigard Planning Division
13125 SW Hall Boulevard
Tigard, OR 97223-8189

IN ADDITION, THE APPLICANT SHALL SUBMIT THIS AFFIDAVIT & COPIES OF ALL NOTICES AT THE TIME OF APPLICATION.

MAILING:

I, Suzannah Stanley, being duly sworn, depose and say that on the 20 day of April, 2015, I caused to have mailed to each of the persons on the attached list, a notice of a meeting to discuss a proposed development at (or near) SW Wall and SW Hunziker, a copy of which notice so mailed is attached hereto and made a part of hereof.

I further state that said notices were enclosed in envelopes plainly addressed to said persons and were deposited on the date indicated above in the United States Post Office located at 12210 SW Main St, Tigard OR 97223, with postage prepaid thereon.

[Signature]
Signature (In the presence of a Notary Public)

POSTING:

I, Suzannah Stanley, do affirm that I am (represent) the party initiating interest in a proposed land use application for comprehensive Plan amendment & zone change affecting the land located at (state the approximate location(s) IF no address(s) and all tax lot(s) currently registered) SW wall St & SW Hunziker - 2S1010001100, 2S1010001100, 2S1010001100, & 2S1010001100, and did on the 20 day of April, 2015 personally post notice indicating that the site may be proposed for a comprehensive Plan amendment & zone change land use application, and the time, date and place of a neighborhood meeting to discuss the proposal.

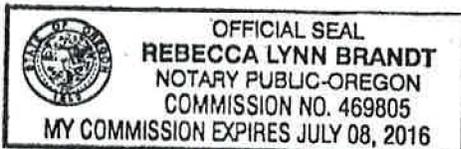
The sign was posted at SW Hunziker Road just SE of SW Wall St and SW Wall St near Potosi Dog Park
(State the location you posted notice on property)

[Signature]
Signature (In the presence of a Notary Public)

(THIS SECTION FOR A STATE OF OREGON, NOTARY PUBLIC TO COMPLETE/NOTARIZE)

STATE OF Oregon)
County of Multnomah) ss.

Subscribed and sworn/affirmed before me on the 21st day of April, 2015.



[Signature]
NOTARY PUBLIC OF OREGON
My Commission Expires: 07/08/2016

MEETING NOTES

PROJECT NUMBER: 2130474.02 ISSUE DATE: May 8, 2015
PROJECT NAME: Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change

RECORDED BY: Brian Varricchione, Land Use Planner
TO: City of Tigard planning staff
PRESENT: Attendees listed on attached sign-in sheets
J. Clayton Hering – NAI Norris, Beggs & Simpson
Kelly Hossaini – Miller Nash Graham & Dunn LLP
Brian Varricchione – Mackenzie

SUBJECT: Neighborhood Meeting (May 6, 2015)

MEETING INFORMATION

Neighborhood Meeting
Wednesday, May 6, 2015 (6:00 PM)
Tualatin Valley Fire Station 51
Community Room, 8935 SW Burnham Street, Tigard, OR 97223

PRESENTATION TOPICS

Brian Varricchione introduced himself and Kelly Hossaini from Miller Nash, read the required opening statement from the City of Tigard, and described the proposed comprehensive plan amendment and zone change. The proposal would result in approximately 18 acres remaining in the Industrial Park zone and approximately 24 acres changing to Mixed Use Employment (MUE), which would accommodate a variety of commercial uses plus multi-family housing. The primary reason for the request is that the slopes on the eastern portion of the property are too steep for industrial uses and changing the designation could lead to development that would bring jobs to the community. It was noted that there were no development plans at this time for the proposed MUE portion.

PRIMARY CONCERNS RAISED BY THE PUBLIC

The primary concerns raised by attendees, who were mostly residents of the adjacent Rolling Hills subdivision, related to potential impacts of development on neighborhood character. The attendees universally opposed allowing a connection to Varns Street and provided a copy of Resolution 79-86, passed by City Council in 1979, which created a street plug to prevent through traffic. Attendees also opposed potential tree cutting that could result from development. The attendees noted that the City had at one time required a fifty-foot buffer along the eastern boundary of the existing Industrial Park-zoned property and inquired if the Trust would propose to maintain such a buffer, stating their preference that a buffer remain between their residences and future commercial or multifamily residential uses.

OTHER ISSUES RAISED BY THE PUBLIC

Members of the public raised a number of additional issues and questions as listed below.

- Whether the neighborhood meeting was specifically for the zone change or whether it also addressed possible future development.
- Whether the Trust would consider donating the sloped portion of the site to a charitable organization or keep it as a park rather than change the zoning to MUE.
- Whether the eastern portion could be rezoned to allow single family residential use rather than MUE.
- Whether the zone change could wait until a specific development proposal was available.
- Concerns that property values for the residences could be affected by adjacent development and increased traffic.
- Concerns about habitat reduction and wildlife impacts from tree cutting and future development.
- Concerns about the potential impact of residential septic systems' greywater discharges on the Trust property, particularly with future site grading.
- Concerns about what traffic levels would be associated with future development.
- Concerns about commercial traffic passing through a residential neighborhood and how that would affect livability and safety, particularly if Varns Street became a cut-through street.
- Observations that the residential area is now an island surrounded by industrial and commercial development.
- Observations that the railroad spur could affect the ability of the site to develop.
- Questions about whether wetlands were on site.
- Questions about what types of uses are allowed in the MUE zone.
- Questions about the ability of neighbors to influence decisions made by the City.
- Questions about the public hearings process and a preference that the notice radius be enlarged.
- A preference that access should be taken off Hunziker Road or Wall Street rather than Varns Street.
- A preference for open space and wildlife habitat rather than development.
- A general preference to keep the site in its current condition.
- A statement that a zone change would lead to development so the neighbors should work together to make their opinions known to the City now rather than waiting for a development proposal.

Enclosure(s): Sign-in sheets
 Meeting agenda
 Meeting handout

MACKENZIE.

SIGN-IN SHEET

P 503.224.9560 • F 503.228.1285 • W MCKNZE.COM
 RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon • Vancouver, Washington • Seattle, Washington

PROJECT NUMBER: 2130474.02
 PROJECT NAME: Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change

SUBJECT: Neighborhood Meeting – May 6, 2015, 6:00 PM

NAME	REPRESENTING	ADDRESS
PTARD BOKHAI	SELF	1862 NE POST AVE DR, HILLSBORO 97124
Ruth Baker	Ed King	7505 SW Crestview
John & Beth Bishop	Selves	7375 SW VARNIS
Barbara & Nancy Memorial	Selves	7630 SW Cherry Dr
Jim & Jan Bredesen	"	7380 SW VARNIS
Marshall & Jonna Sumarborg	"	7630 & 1/2 Varnis
Eric Lea	self	7530 SW Varnis st 97223
Justin Sumarborg	self	7670 SW Varnis St 97223
Patrick Carnoy	self	7325 SW Varnis St.
Tim COURREGES	self	7425 SW Varnis ST

MACKENZIE.

SIGN-IN SHEET

P 503.224.9560 • F 503.228.1285 • W MCKNZE.COM
 RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon • Vancouver, Washington • Seattle, Washington

PROJECT NUMBER: 2130474.02
 PROJECT NAME: Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change

SUBJECT: Neighborhood Meeting – May 6, 2015, 6:00 PM

NAME	REPRESENTING	ADDRESS
George Guthrie	Self	7665 SW Fir Street, Tigard.
Ray & Marie Pikel	self	7745 S.W. Varns St Tigard
DIANE	↓	7710 SW CHERRY DR.
Sonya King	self	7505 SW Crestview St
MARTIN STEWART	SELF	7570 SW CHERRY DR. Tig
Ray & Marie Pikel	self	7745 SW VARNIS ST. Tigard
DIRK LEACHMAN	"	7575 SW VARNIS ST.
Randi Abblitt	self	7700 SW cherry DR. Tigard.
Ray Rusk	Self	7225 SW VARNIS ST TIGARD
Tom Widman	self	7550 SW Cherry Dr.
DIANE STONE	SELF	7675 SW VARNIS ST
GUS JARAMILLO	SELF	7580 SW CRESTVIEW
Sandra Jaramillo	self	7580 SW Crestview
FREZZA	self	13275 SW 76th Ave.

MEETING AGENDA

PROJECT NUMBER: 2130474.02 **TODAY'S DATE:** May 4, 2015
PROJECT NAME: Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change

MEETING DATE: May 6, 2015
MEETING TIME: 6:00 PM
MEETING PLACE: Tualatin Valley Fire & Rescue Station 51, Tigard, Oregon
PARTICIPANTS: Affected property owners and interested parties
FACILITATOR: Mackenzie

SUBJECT: Neighborhood Meeting

I. INTRODUCTION

- Brian Varricchione – Lane Use Planner, Mackenzie
- Kelly Hossaini – Miller Nash (representing Fred W. Fields Trust)

II. CITY STATEMENT OF PURPOSE Brian Varricchione, Mackenzie

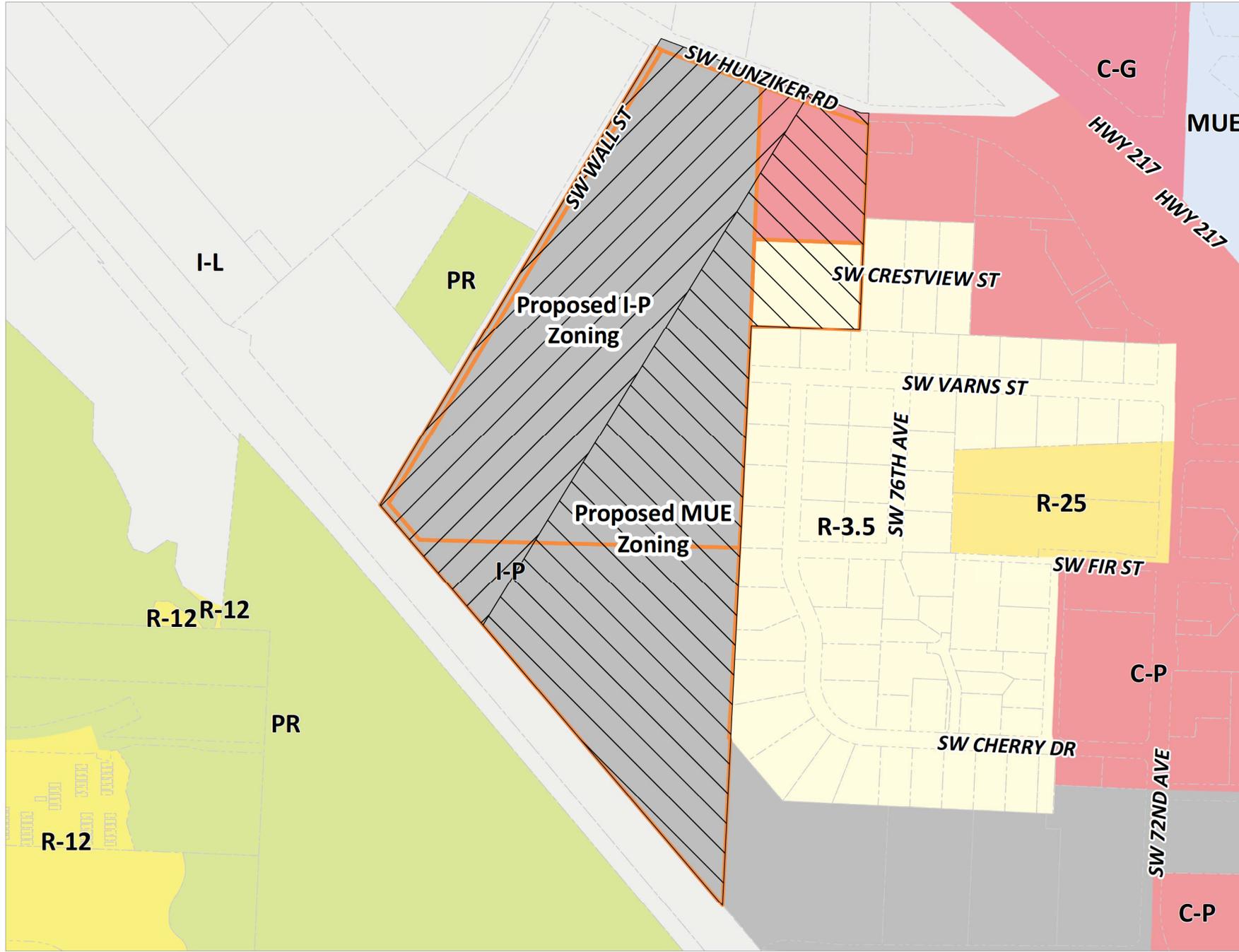
III. DESCRIPTION OF PROPOSAL Brian Varricchione, Mackenzie

IV. DISCUSSION Meeting Attendees

V. NEXT STEPS Brian Varricchione, Mackenzie

c: Participants

Fields Trust Zone Change Hunziker Rd & Wall St Existing & Proposed Zones



- LEGEND**
- Site Taxlots
 - Tax Lots
 - Existing Zoning**
 - C-G: General Commercial
 - C-P: Professional Commercial
 - I-L: Light Industrial
 - I-P: Industrial Park
 - MUE: Mixed Use Employment
 - PR: Parks and Recreation
 - R-3.5: Low-Density Residential
 - R-7: Medium-Density Residential
 - R-12: Medium-Density Residential
 - R-25: Medium High-Density Residential
 - Proposed Zoning**
 - Proposed I-P Zoning
 - Proposed MUE Zoning

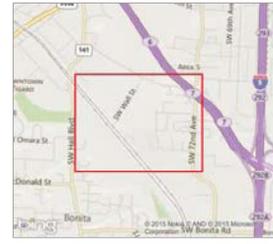


SOURCE DATA:
Metro GIS Use Base Data, Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 NADN, Oregon North Lambert Conformal Conic

Date: 5/1/2015
File: neighborhood meeting board

Map Created By: BV
Project No: 213674102



40
31

After recording, return to:

David M. Munro
Thede Culpepper Moore Munro & Silliman LLP
111 S.W. Fifth Avenue, Suite 3675
Portland, Oregon 97204

Washington County, Oregon
05/05/2010 10:15:44 AM 2010-033975
D-DW Cnt=1 Stn=12 S PFEIFER
\$40.00 \$5.00 \$11.00 \$15.00 - Total = \$71.00



I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



WARRANTY DEED

FRED W. FIELDS, Grantor, conveys and warrants to FRED W. FIELDS, in his capacity as Trustee of the Fred W. Fields Revocable Living Trust under Revocable Living Trust Agreement dated February 17, 2009, Grantee, the real property situated in Washington County, Oregon, more particularly described on Exhibit A attached hereto.

The true consideration for this conveyance is \$0.00.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of Grantor to preserve any existing title insurance coverage.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF

Until a change is requested, all tax statements shall be sent to the following address:

Fred W. Fields, Trustee
1149 S.W. Davenport Street
Portland, Oregon 97201

ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED this 3rd day of May, 2010.

Fred W. Fields
Fred W. Fields

STATE OF Oregon)
COUNTY OF Multnomah)

On May 3, 2010, before me, Helen Parker, personally appeared Fred W. Fields personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument he executed the instrument.

WITNESS my hand and official seal.

Helen Parker
Notary Public for Oregon
My commission expires: July 5, 2012



EXHIBIT A

Parcel I:

The North one-half of Lot 1, EDGEWOOD ACRE TRACTS, in the City of Tigard, County of Washington and State of Oregon.

Parcel II:

The South one-half of Lot 1, EDGEWOOD, in the City of Tigard, County of Washington and State of Oregon.

Parcel III:

A tract of land in Section 1, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, more particularly described as follows:

Beginning at the most Easterly Southeast corner of that certain tract described in deed recorded March 21, 1949, in Deed Book 293, Page 530, to Jane Brooks, running thence West along the South line of the Brooks tract above described, a distance of 330 feet; thence Northerly parallel to the most Easterly East line of the said tract described in the Brooks deed above mentioned, to a point on the South line of County Road No. 245; thence Southeasterly on the South line of said County Road No. 245 to a point on the East line of the tract described in the Brooks deed above mentioned; thence South along the East line of said Brooks tract to the place of beginning.

Parcel IV:

All that certain tract of land in the William Graham Donation Land Claim No. 39 in Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, conveyed to Beecher B. Robinson by deed recorded at page 193 of Volume 126, Washington County, Oregon Deed Records, and being more particularly described as follows, to-wit:

Beginning at the Southwest corner of the aforesaid Robinson tract in the center of the County Road at the Northwest corner of Lot 1 of EDGEWOOD, a duly recorded subdivision of Washington County, Oregon, which beginning point is said to bear 5.60 chains West and 21.02 chains North of the Northwest corner of Section 12, Township 2 South, Range 1 West of the Willamette Meridian; thence from said point of beginning North 0°22' East in the center of the said County Road 969.4 feet to the Northwest corner of said Robinson tract; thence South 47°43' East 26.9 feet to an iron pipe; thence continuing South 47°43' East 431.1 feet to an iron pipe; thence South 99.0 feet to an Alder tree marked "C.8"; thence continuing South 16.0 feet to a point in the center of Fanno Creek, from which point an iron pipe bears North 19.9 feet; thence down stream following the center of Fanno Creek the following courses and distance: South 37°01' East 110.0 feet; South 26°58' West 126.0 feet; South 6°44' West 86.8 feet; South 30°08' East 40.5 feet; South 73°51' East 44.8 feet; North 53°56' East 71.7 feet; South 74°06' East 33.1 feet; South 4°44' West 72.6 feet; South 24°24' East 64.3 feet; South 51°2' East 137.0 feet; and

South 11°35' West 42.7 feet to a point on the North line of said EDGEWOOD Subdivision; thence North 89°00' West along the North line of aforesaid subdivision 35.1 feet to a point in the center of Fanno Creek, from which point an iron pipe bears South 89°00' East 17.1 feet; thence running downstream in the center of Fanno Creek North 39°18' West 32.8 feet North 58°29' West 104.5 feet, South 86°48' West 41.6 feet and South 12°02' West 76.4 feet to a point on the North line of aforesaid subdivision, from which point an iron pipe bears North 89°00' West 28.0 feet; thence leaving Fanno Creek and running along the North line of said subdivision 528.0 feet to the place of beginning.

SAVE AND EXCEPT THEREFROM that portion conveyed to the State of Oregon, by and through the State Highway Commission recorded August 20, 1965, in Book 656, Page 306, Records of Washington County.

PARCEL V:

Beginning at a stone at the Northwest corner of the W. W. Graham Donation Land Claim No. 39, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon and running thence South 43°23' West along the Northwesterly line of said Donation Land Claim 734.0 feet to a point in the center of County Road; thence South 60°59' East in the center of said County Road; 1814.8 feet to a stone at the Northeast corner of that certain tract of land conveyed to R. and Sophia Hunziker by deed as recorded on Page 271 of Volume 90 of Washington County, Oregon Deed Records; thence South 29°34' West along the East line of said Hunziker tract 1652.9 feet to a point on the Northerly boundary of the Southern Pacific Railroad right of way; thence South 42°00' East along said Northerly boundary 120.0 feet to an iron pipe at the true point of beginning of the herein described tract; thence from the above described true point of beginning North 89°51'-½' East along the North line of said Hunziker tract 998.4 feet to an iron pipe at the most Easterly Northeast corner thereof; thence South 1°14' West along the East line of said Hunziker tract 1085.6 feet to an iron pipe at the Northerly boundary line of the Southern Pacific Railroad right of way; thence North 42°00' West along said Northerly boundary 1457.2 feet to the point of beginning.

PARCEL VI:

Beginning at a stone at the Northwest corner of the W. W. Graham Donation Land Claim No. 39, in Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, and running thence South 43°23' West along the Northwesterly line of said Donation Land Claim 734.0 feet to a point in the center of the County Road; thence South 60°59' East in the center of said County Road 1814.8 feet to a stone at the Northeast corner of that certain tract of land conveyed to R. and Sophia Hunziker by deed as recorded on Page 271 of Volume 90 of Washington County, Oregon Deed Records; which point is the true point of beginning of the herein described roadway; thence from the above described true point of beginning South 29°34' West along the East line of said Hunziker tract 1631.8 feet to an iron pipe; which pipe is 20.0 feet from, when measured at right angles to the Northerly boundary of the Southern Pacific Railway right of way; thence South 42°00' East parallel to and 20.0 feet from, when measured at right angles to said Northerly boundary a distance of 144.7 feet to an iron pipe on the North line of said Hunziker tract; thence South 89°51'-½' West along the said North line 26.8 feet to an iron pipe on the Northerly boundary of said Southern Pacific Railroad right of way; thence North 42°00' West along said Northerly boundary 141.1 feet to an iron pipe;

thence North 29°34' East parallel and 20.0 feet from, when measured at right angles to the East line of said Hunziker tract a distance of 1646.0 feet to a point in the center of said County Road; thence South 60°59' East in the center of said road 20.0 feet to the point of beginning.

PARCEL VII:

Beginning at an iron pipe at the reentrant corner on the South line of the W.W. Graham Donation Land Claim No. 39, in Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon and running thence North 1°27' East 1020.7 feet to a square iron at the Northeast corner of EDGEWOOD; thence North 89°07' West along the North line of said subdivision 151.1 feet to a corner of that certain tract of and conveyed to R. and Sophia Hunziker by deed as recorded in Deed Book 90, Page 271; thence North 4°13' East along the property line 597.1 feet to the Southwest corner of that certain tract of land conveyed to the Oregon Electric Railway Company by deed as recorded in Deed Book 83, Page 163; thence South 43°44' East along the Southerly line of said tract of land 400.0 feet to the most Easterly corner thereof; thence South 41°35' East along the Southerly boundary of the Oregon Electric Railroad right of way 1796.9 feet to an iron pipe on the recognized South line of the said W.W. Graham Donation Land Claim; thence North 89°23' West on said recognized South line 1387.8 feet to the place of beginning.

PARCEL VIII:

Beginning at the Northwest center of Lot 2 of EDGEWOOD, in the City of Tigard, County of Washington and State of Oregon, and running East 13.24 chains (873.8 feet) to the Northeast corner of said Lot 2; thence South with the East boundary thereof 30 feet; thence West 2.68 chains (176.9 feet); thence North 79°30' West 0.827 chains (54.6 feet) to a pipe ¾" in diameter; thence West 9.80 chains (646.8 feet), more or less, to the West boundary of said Lot 2; thence with said West boundary, North 20 feet to the place of beginning.

PARCEL IX:

Section 1, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon:

Beginning 20 chains North and 20 chains West of the Southeast corner of the W.W. Graham Donation Land Claim; thence West 17.11 chains to stake; thence North 30° East 26.60 chains to center of County Road; thence South 72°48' East 9.91 chains to the Southwest corner of J.A. Keller's tract of land; thence South 10 chains to a stake; thence West 5 chains to a stake; thence South 10 chains to place of beginning.

EXCEPTING THEREFROM a certain tract conveyed by Rudolph Hoohuli, et ux and George J. Erdner, et ux, to Beaverton and Willsburg Railroad Company as shown by instrument recorded in Deed Book 75, Page 420, on May 14, 1907.

EXCEPT a tract of land in Section 1, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, more particularly described as follows:

Beginning at the most Easterly Southeast corner of that certain tract described in deed recorded March 21, 1949, in Deed Book 293, Page 530 to Jane Brooks; running thence West along the South line of the Brooks tract above described, a distance of 330 feet; thence Northerly parallel to the most Easterly East line of the said tract described in the Brooks deed above mentioned to a point on the South line of County Road No. 245; thence Southeasterly on the South line of said County Road No. 245; thence Southeasterly on the South line of said County Road to a point on the East line of the tract described in the Brooks deed above mentioned; thence South along the East line of said Brooks tract to the place of beginning.

SUBJECT TO:

1. An easement created by instrument, including the terms and provisions thereof:

Recorded : April 12, 1948, in Book 284, Page 406
Favor of : Tillie Zurcher
Affects : Parcels V & VI

Tillie Zurcher conveyed an undivided one-half of her interest in said easement to her husband, Paul A. Zurcher, by instrument

Recorded : January 4, 1951, in Book 315, Page 386

2. An easement created by instrument, including the terms and provisions thereof:

Recorded : December 31, 1952, in Book 340, Page 167
Favor of : Portland General Electric Company, a corporation of Oregon
For : Electrical transmission lines
Affects : Parcels V, VI & IX

3. An easement created by instrument, including the terms and provisions thereof:

Recorded : June 14, 1957, in Book 395, Page 58
Favor of : Portland General Electric Company
Affects : Parcels V & VI

4. An easement created by instrument, including the terms and provisions thereof:

Recorded : September 12, 1960, in Book 435, Page 312
Favor of : Tigard Water District, a municipal corporation, and the
South Tigard Sanitary District, a municipal corporation
For : Sewer lines and water lines
Affects : Parcel VI

5. An easement created by instrument, including the terms and provisions thereof:

Recorded : October 9, 1961, in Book 451, Page 10
Favor of : Northwest Natural Gas Company, a corporation of
the State of Oregon
For : Pipeline
Affects : Parcels VI & IX

6. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : December 8, 1965, in Book 580, Page 313
 - Favor of : City of Tigard, a municipal corporation of Oregon
 - Affects : Parcels VI, VII & VIII

7. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : December 27, 1965, in Book 575, Page 43
 - Favor of : D.H. Overmyer Warehouse Co., an Oregon corporation
 - For : Railroad spur track
 - Affects : Parcels VI & IX

The above easement was assigned by instrument

 - Dated : June 14, 1966
 - Recorded : July 5, 1966, in Book 606, Page 590
 - To : Southern Pacific Company, a Delaware corporation

8. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : January 4, 1966, in Book 583, Page 258
 - Favor of : Northwest Natural Gas Company, an Oregon corporation
 - For : Gas pipeline
 - Affects : Parcels V & IX

9. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : March 16, 1966, in Book 592, Page 13
 - Favor of : Southern Pacific Company, a Delaware corporation
 - For : Railroad track
 - Affects : Parcel V

10. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : June 10, 1971, in Book 821, Page 413
 - Favor of : Tigard Water District, a municipal corporation of Washington County, Oregon
 - For : Underground pipeline and/or mains for water
 - Affects : Parcel VI

11. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : September 16, 1971, in Book 835, Page 507
 - Favor of : Portland General Electric Company, an Oregon corporation
 - For : Anchor easement
 - Affects : Parcels VI, VII, & VIII

12. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : December 15, 1971, in Book 847, Page 55
 - Favor of : Tigard Water District, a municipal corporation of Washington County, Oregon
 - For : Underground pipeline and/or mains for the purpose of conveying water
 - Affects : Parcel IV

13. An easement created by instrument, including the terms and provisions thereof:
Recorded : July 20, 1972, in Book 878, Page 295
Favor of : Unified Sewerage Agency of Washington County, a
municipal corporation and county service district of the
State of Oregon
For : Sewer
Affects : Parcel I

14. An easement created by instrument, including the terms and provisions thereof:
Recorded : July 20, 1972, in Book 878, Page 298
Favor of : Unified Sewerage Agency of Washington County, a
municipal corporation and county service district of the
State of Oregon
For : Sewer
Affects : Parcel II

15. An easement created by instrument, including the terms and provisions thereof:
Recorded : April 18, 1973, in Book 920, Page 38
Favor of : Unified Sewerage Agency of Washington County, a
municipal corporation and county service district of the
State of Oregon
For : Sewer
Affects : Parcels VII & VIII

16. An easement created by instrument, including the terms and provisions thereof:
Recorded : September 15, 1975, in Book 1043, Page 992
Favor of : City of Tigard, a municipality of the State of Oregon
For : Street dedication and slope easement
Affects : Parcels VI & IX

17. An easement created by instrument, including the terms and provisions thereof:
Recorded : September 15, 1975, in Book 1043, Page 994
Favor of : City of Tigard, a municipality of the State of Oregon
For : Street dedication and slope easement
Affects : Parcels VI & IX

18. An easement created by instrument, including the terms and provisions thereof:
Recorded : November 18, 1975, in Book 1054, Page 608
Favor of : City of Tigard, a municipality of the State of Oregon
For : Street dedication and slope easement
Affects : Parcel III

19. Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of Fanno Creek or has been formed by the process of accretion or reliction. (Affects Parcel IV)

Pacific NW Title Accom. Only
06280596-W
T.D.

Washington County, Oregon 2006-051473
05/01/2006 09:44:11 AM
D-DBS Cnt=1 Stn=7 K GRUNEWALD
\$15.00 \$6.00 \$11.00 - Total = \$32.00



00946850200600514730030030

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



After recording, return to:

Pacific NW Title Co.
Commercial Services Division
111 SW Columbia Ave., #200
Portland, OR 97201

Re: Order No. 06280596

Until a change is requested, all tax statements should be sent to the following address:

Fred W. Fields
1149 SW Davenport
Portland, OR 97201

BARGAIN AND SALE DEED

F.W.F. Investment Company, a dissolved Oregon corporation, Grantor, conveys to **Fred W. Fields** and **H. Suzanne Fields**, husband and wife, Grantee, the following described real property:

The real property described on attached Exhibit A (TL 2S11DB-00300 and TL 2S11DB-00400 in the NW ¼ of the SE ¼ of Section 1, T2S, R1W, WM, in the city of Tigard, Washington County, Oregon).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true consideration for this conveyance is \$10 and other property or other value given or promised.

Dated April 13, 2006.

F.W.F. Investment Company

By Fred W. Fields
Fred W. Fields
President

RECORDED BY PACIFIC NW TITLE AS AN ACCOMMODATION ONLY. NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

State of Oregon)
)
County of Multnomah) ss.

This instrument was acknowledged before me on April 13, 2006, by Fred W. Fields, president of F.W.F. Investment Company, a dissolved Oregon corporation.

Cheryl A Schoebel
Notary Public for Oregon
My commission expires: 10-23-09

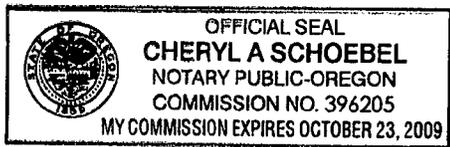


Exhibit A

PARCEL I:

A tract of land in the Northwest one-quarter of the Southeast one-quarter of Section 1, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, described as follows:

BEGINNING at the most Easterly Southeast corner of that certain tract described in Deed recorded March 21, 1949, in Deed Book 293, Page 530, to Jane Brooks, running thence West along the South line of the Brooks Tract above described, a distance of 330 feet; thence Northerly parallel with the most Easterly East line of the said tract described in the said Deed above mentioned, a distance of 271 feet; thence Easterly, parallel with the above mentioned South line of the said Brooks Tract, a distance of 330 feet, to a point on the East line of the tract described in the Brooks Deed above mentioned; thence South along the East line of the said Brooks Tract, a distance of 271 feet, to the place of beginning.

PARCEL II:

A tract of land in the Northwest one-quarter of the Southeast one-quarter of Section 1, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, described as follows:

BEGINNING at a point on the most Easterly East line of that certain tract described in Deed recorded March 21, 1949, in Deed Book 293, Page 530 to Jane Brooks, which point is Northerly a distance of 271 feet from the most Easterly Southeast corner of said Brooks Tract described in the said Deed mentioned above; and running thence Westerly parallel with the South line of the Brooks Tract above described, a distance of 330 feet; thence Northerly parallel with the said most Easterly East line of the said Brooks Tract described in the said Deed above mentioned, to a point in the South line of County Road No. 245; thence Southeasterly on the South line of said County Road to a point on the East line of the tract described in the Brooks Deed above mentioned; thence South along the said East line of the said Brooks Tract to the place of beginning.

PRE-APPLICATION NOTES FOR
FIELDS ZONE CHANGE/COMPREHENSIVE PLAN AMENDMENT
May 13, 2014

STAFF PRESENT: Gary Pagenstecher, Lloyd Purdy, Greg Berry

APPLICANT: Christine McKelvey/Mackenzie

PROPERTY LOCATION: SE Corner of SW Hunziker and Wall Streets.

TAX MAP/ LOT #'s: 2S101CA TL 100; 2S101 TL1100; 2S101DB TLs 300/400

PROPOSAL DESCRIPTION:

The applicant requests a zone change and comprehensive plan amendment on approximately 23 acres, from I-P, C-P and R3.5 to R-25 or MUE; minor portion of C-P to I-P. The application is made within the context of a public/private partnership between the Fields Trust and the City to address site slope constraints which make a portion of the site unsuitable for some industrial uses and is based on the February 13, 2014 Development Analysis and Opportunity Study, prepared by McKenzie.

COMP PLAN DESIGNATIONS: Industrial Park, Professional Commercial, Low Density Residential

ZONING: I-P, C-P, R3.5

NEIGHBORHOOD MEETING

A neighborhood meeting is required for a quasi-judicial zone change/comprehensive plan amendment.

APPLICABLE CRITERIA

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map

A. Quasi-judicial amendments. Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in subsection B of this section. The approval authority shall be as follows:

The commission shall make a recommendation to the council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The council shall decide the applications on the record as provided by Chapter 18.390.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations; (Goal 1, Citizen Involvement; Goal 2, Land Use Planning, 2.1- policies 5, 6, 7, 14, 15, 16; Goal 9, Economic Development, 9.1, policies 3, 5, 6, 7, and 12; Goal 10, Housing, 10.2, policies 7 and 8).
2. Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; (18.380 Zoning Map and Text Amendments; 18.390 Decision Making Procedures); and

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application. (COT 2011 Economic Opportunity Analysis/February 13, 2014 Development Analysis and Opportunity Study)

C. Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050.

18.390.050 Type III Procedure

A. Preapplication conference. A preapplication conference is required for all Type III actions.

B. Application requirements.

1. Type III applications shall be made on forms provided by the director.
2. Type III applications shall:
 - a. Include the information requested on the application form;
 - b. Address the relevant criteria in sufficient detail for review and action;
 - c. Be accompanied by the required fee;
 - d. Include two sets of pre-stamped, pre-addressed envelopes for all persons who are property owners of record as specified in subsection C of this section. The records of the Washington County Department of Assessment and Taxation shall be the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
 - e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services.

18.390.060.G. Decision-making considerations. The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; (Goals 1, 2, 9, and 10)
2. Any federal or state statutes or regulations found applicable; (Oregon Administrative Rue 660, Division 9, Economic Development)
3. Any applicable METRO regulations; (Metro Urban Growth Management Functional Plan, Title 4 Industrial and other Employment Areas)
4. Any applicable comprehensive plan policies; and (Goal 1, Citizen Involvement; Goal 2, Land Use Planning; and Goal 9, Economic Development, Goal 10, Housing)
5. Any applicable provisions of the city’s implementing ordinances. (18.380 Zoning Map and Text Amendments; 18.390 Decision Making Procedures).

PROCESS

Application for a Type III quasi-judicial zone change/comprehensive plan amendment: two hearings, one before the commission and one before the council.

APPLICATION FEES:

Comprehensive Plan Amendment:	\$9,996
<u>Quasi-Judicial Zone Change</u>	<u>3,761</u>
Total	\$13,757

APPLICANT'S QUESTIONS:

1. Verification of the zone change request from I-P to R-25 (or MUE) for approximately 23 acres of the site.

MUE is a zone which includes employment uses, in addition to multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. Since the city is interested in preserving vacant land for employment uses to the extent possible, the city could support rezoning to MUE.

2. Specific criteria the City would like addressed, other than those that would be the result of the described Comp Plan/Zone Changes?

Goal 2.1, Policy 16, permits the city to condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use and per specific design/development requirements.

Anticipating that the EOA land efficient need scenario will continue to apply and be in deficit given the findings in the Fields Property Development Analysis and Opportunity Study, please provide an analysis that addresses the suitability of the upland portion of the site for employment uses other than large-footprint industrial building types. The case for residential use in lieu of employment uses in the proposed MUE will need to be made.

3. Specific traffic concerns that the applicant should be prepared to address, other than those that would be the result of the Comp Plan/Zone Changes?

See Development Engineering notes.

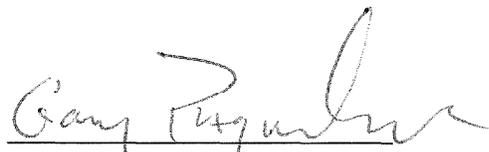
4. Wall Street classification/improvements?

See Development Engineering notes.

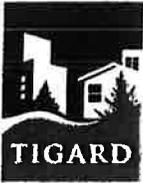
Attachments:

TDT Rate Calculation Worksheet

PREPARED BY:



Gary Pagenstecher
Associate Planner



City of Tigard

TDT — COUNTYWIDE TRANSPORTATION DEVELOPMENT TAX

Rate Calculation Worksheet

PRE-APP ESTIMATE

APPLICANT	MACKENZIE	DATE	5/1/14
MAILING ADDRESS	15155 WATER AVE #100	PREPARED BY	AMS
CITY / ZIP / PHONE	PORTLAND 97214	PLANS CHECK	PRE 2014 00015
TAX MAP #	25101CA00100, 251010001100 25101DB00300 & -00400	PROJECT TITLE	FIELDS PROPERTY DEVELOPMENT
SITUS # ADDRESS	13085 SW 76 TH AVE		

FORMER USE(S)

USE #	ITE CODE	# UNITS	X	RATE	=	TDT AMOUNT	DESCRIPTION/NOTES
			X		=	0	VACANT LAND (DOCUMENTATION)
			X		=		OF PREVIOUSLY EXISTING
			X		=		STRUCTURES NEEDED TO
			X		=		EVALUATE TDT (CREDITS).

* TOTAL TDT, FORMER USE(S) 0
 * ASSUMES "POTENTIAL BUILDINGS/USES" PER FIELDS PROP. DEVELOPMENT ANALYSIS *

PROPOSED USE(S)

USE #	ITE CODE	# UNITS	X	RATE	=	TDT AMOUNT	DESCRIPTION/NOTES
1	110	174	X	\$4,682	=	\$814,668	174,000 ^{sq} GEN ^l LIGHT INDUSTRIAL
2	710	40	X	\$6,869	=	\$274,760	40,000 ^{sq} GEN ^l OFFICE
3	220	300	X	\$4,325	=	\$1,297,500	300 APARTMENT UNITS
			X		=		

TOTAL TDT, PROPOSED USE(S) \$2,386,928 TOTAL IMPACT \$8,840,474.
 UNMITIGATED IMPACT \$6,453,546.

LESS TOTAL TDT, FORMER USE(S) 0
 TDT INCREASE/(DECREASE) \$2,386,928 TDI (INCREASE = TDT DUE)

PAYMENT METHOD

PARKS

CASH/CHECK	NOTES
CREDIT	① GEN LT INDUST = EST. 600\$/EE 174K ÷ 600 = 290 EES
BANCROFT AGREEMENT (PROMISSORY NOTE)	② GEN OFFICE = EST. 475\$/EE 40K ÷ 475 = 84 EES 374 EES x \$414.71 = \$155,101.54 374 EES
DEFER TO OCCUPANCY	③ APTS = @ \$498.04 x 300 = \$1,497,912
TOTAL PARKS = \$1,593,013.54	

PRE-APPLICATION CONFERENCE NOTES

➤ DEVELOPMENT ENGINEERING ◀



City of Tigard, Oregon
Community Development
Shaping A Better Community

PUBLIC FACILITIES

Tax Map(s): 2S101CA, 2S1 01, 2S1 01DB
Tax Lot(s): 100, 1100, 300, 400
Use Type: Indust,Com, Residential

These notes were prepared based on information provided by the applicant requesting a Comprehensive Plan/Zone Change. Mentioned improvements and dedications are those typically required.

The extent of necessary public improvements and dedications which shall be required of the applicant will be recommended by City staff and subject to approval by the appropriate authority. There will be no final recommendation to the decision making authority on behalf of the City staff until all concerned commenting agencies, City staff and the public have had an opportunity to review and comment on the application. The following comments are a projection of public improvement related requirements that may be required as a condition of development approval for your proposed project.

Right-of-way dedication (required with zone change):

The City of Tigard requires that land area be dedicated to the public:

- (1.) To increase abutting public rights-of-way to the ultimate functional street classification right-of-way width as specified by the Community Development Code; or
- (2.) For the creation of new streets.

Approval of a development application for this site will require right-of-way dedication for:

- SW Hunziker Street 37 feet from centerline of right-of-way.
- SW Wall Street, a designated collector in the Tigard Transportation System Plan, to a full dedicated width of 62 feet. If a new north-south street is constructed away from Wall St, it will need to meet the Local Commercial/Industrial street standard right-of-way width of 50 feet.

Street improvements: (Required with development):

- Partial street improvements would be necessary to meet standards along SW Hunziker Street to match adjacent improvements with a pavement half-width of 23 feet, curb, storm drainage, 5' planter strip, street trees, street lights, 8' sidewalk, and other improvements to collector standards.
- Full street improvements would be necessary to meet standards along SW Wall Street. Sidewalk to a 36-foot paved width with 5' planter strip, street trees, street lights, 8' sidewalk, and other improvements to collector standards. If the street abuts a rail line that is in use, sidewalk and planter strip may be deleted along the rail side.

Traffic Analysis Requirements

In accordance with Tigard Comprehensive Plan Chapter 2, Land Use Planning, Goal 2.1:

In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following criteria:

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services.

A comprehensive traffic analysis is also required by Oregon Administrative Rule 660-012 – the Transportation Planning Rule

A traffic study is required for the proposed zone change, and will be required to be confirmed prior to development. These studies will need to be coordinated with and approved by both the City of Tigard and the Oregon Department of Transportation (ODOT). The actual study area will be determined after the applicant provides detailed and acceptable trip generation and distribution information. It is likely that the study area will include at least Hunziker St, its intersections with Hall Blvd and with 72nd Ave, the whole 72nd Ave/217 interchange area, and other intersections in the area.

It is likely that the traffic study will identify capacity deficiencies in the area and will need to identify mitigation measures and/or proportional share contributions to mitigation measures that will need to be constructed and paid before development will be allowed on the subject property.

Connectivity:

The applicant will be required to construct a street connection through the subject property to SW Varns St.

Railroad Issues

The applicant will need to obtain approval from ODOT Rail and the owner of the rail line (Portland and Western Railroad) for any new rail crossings or any work affecting a street within 500 feet of a rail crossing. The rail line along the western portion of the subject property is considered by ODOT Rail to be active, and typical railroad requirements and standards apply.

18.730.040 Additional Setback Requirements: This section sets requirements for additional setback distance from roadways. The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the city's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

This does not appear to be applicable in this case

Agreement for Future Street Improvements:

In some cases, where street improvements or other necessary public improvements are not currently practical, the improvements may be deferred. In such cases, a condition of development approval may be specified which requires the property owner(s) to provide a future improvement guarantee. The City Engineer will determine the form of this guarantee. The following street improvements may be eligible for such a future improvement guarantee:

(1.) *This does not appear to be applicable in this case*

Overhead Utility Lines:

Section 18.810.120 of the Tigard Municipal Code (TMC) requires all overhead utility lines adjacent to a development to be placed underground or, if approved by the City Engineer, a fee in-lieu of undergrounding can be paid. This requirement is valid even if the utility lines are on the opposite side of the street from the site. If the fee in-lieu is approved, it is equal to \$ 35.00 per lineal foot of street frontage that contains the overhead lines.

The existing utilities along SW Hunziker and Wall Streets will be required to be relocated underground as a condition of development.

All utilities serving the property shall be placed underground.

Sanitary Sewers:

The applicant will need to verify adequacy of existing lines to accommodate the proposed development. Contact the City of Tigard Utility Billing Department for connection fees.

Sanitary sewer service appears to be available from adjacent streets as shown on attached. The applicant will need to demonstrate adequacy to serve the intended uses of the subject property.

The area around Varns Street to the east is without sewer service. The developer will be required per TMC 18.810 to extend the public sewers to Varns Street so that it may be further extended to provide service in that area.

Water Supply:

The City of Tigard provides public water service in this area. Coordinate with the City of Tigard Public Works Department for information regarding adequate water supply for the proposed development and connection fees.

Water service appears to be available from adjacent streets.

Fire Protection:

Tualatin Valley Fire and Rescue District [Contact: John Wolff, 503-259-1504] provides fire protection services within the City of Tigard. The District should be contacted for information regarding the adequacy of circulation systems, the need for fire hydrants, or other questions related to fire protection.

Storm Sewer Improvements:

All proposed development within the City shall be designed such that storm water runoff is conveyed to an approved public drainage system. The applicant will be required to submit a proposed storm drainage plan for the site, and may be required to prepare a sub-basin drainage analysis to ensure that the proposed system will accommodate runoff from upstream properties when fully developed.

Provide a plan that shows how the storm drainage system for the site connects to the public system. Storm drainage plan and calculations shall be submitted with the application for it to be considered complete.

Storm water detention is required. Storm water detention facilities must be reviewed and approved by the city. Storm water detention calculations shall be submitted to the Development Engineer for review and approval. The stormwater plan and facilities must meet Clean Water Services (CWS) standards.

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (Resolution and Order No. 07-20) which requires the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from impervious surfaces. The resolution contains a provision that would allow an applicant to pay a fee in-lieu of constructing an on-site facility provided specific criteria are met. The City will use discretion in determining whether or not the fee in-lieu will be offered. If the fee is allowed, it will be based upon the amount of impervious surfaces created; for every 2,640 square feet, or portion thereof. Please contact the Building Division for the current fee. Preliminary sizing calculations for any proposed water quality facility shall be submitted with the development application. It is anticipated that this project will require:

- Construction of an on-site water quality facility.
- Payment of the fee in-lieu.

Water quality treatment is required. Calculations for sizing of water quality treatment facilities must be submitted to the Development Engineer for review and approval. Water quality facilities also must be reviewed and approved by the city. Review and comply with provisions of Chapter 4 Clean Water Services Design and Construction Standards (Runoff Treatment and Control).

If the applicant can demonstrate that it is practically impossible to provide detention on specific small areas of the site, a fee-in-lieu may be considered for those specific areas.

Other Comments:

Water quality and detention facility design and construction must be certified by a professional engineer as meeting Clean Water Services requirements. After completion of the construction of these facilities, the applicant shall enter into an agreement with the city on city-furnished forms for long-term maintenance of the facilities. This agreement will be recorded and city staff will be periodically inspecting the facilities for compliance with the terms of the agreement.

TRANSPORTATION DEVELOPMENT TAX

In 1990, Washington County adopted a county-wide Traffic Impact Fee (TIF) which was replaced in 2008 by a Transportation Development Tax (TDT) that became effective 7/1/09. The TDT program collects fees from new development based on the development's projected impact upon the City's transportation system. The applicant shall be required to pay a fee based upon the number of trips which are projected to result from the proposed development. The calculation of the TDT incorporates the proposed use of the land and the size of the project. The TDT is calculated, due, and payable at the time of building permit issuance. In limited circumstances payment of the TDT may be allowed to be deferred until the issuance of an occupancy permit. Deferral of payment until occupancy is permissible only when the TDT exceeds the TDT rate for a single-family home.

Pay TDT as required.

PERMITS

Public Facility Improvement (PFI) Permit:

Any work within a public right-of-way in the City of Tigard requires a PFI permit from Development Engineering. A PFI permit application is available at the Planning/Engineering counter in the Permit Center at City Hall. For more extensive work such as street widening improvements, main utility line extensions or subdivision infrastructure, plans prepared by a registered professional engineer must be submitted for review and approval. The PFI permit application shall include any on-site water quality and detention facilities that may be required as part of the land use approval.

The Permittee will also be required to post a performance bond, or other such suitable security. Where professional engineered plans are required, the Permittee must execute a Developer/Engineer Agreement, which will obligate the design engineer to perform the primary inspection of the public improvement construction work. The PFI permit fee structure is as follows:

NOTE: If an PFI Permit is required, the applicant must obtain that permit prior to release of any permits from the Building Division.

A PFI permit is required for this project. This permit must be obtained before any work begins on site.

Building Division Permits:

The following is a brief overview of the type of permits issued by the Building Division. For a more detailed explanation of these permits, please contact the Development Services Counter at 503-639-4171, ext. 304.

Site Improvement Permit (SIT). This permit is generally issued for all new commercial, industrial and multi-family projects. This permit will also be required for land partitions where lot grading and private utility work is required. This permit covers all on-site preparation, grading and utility work. Home builders will also be required to obtain a SIT permit for grading work in cases where the lot they are working on has slopes in excess of 20% and foundation excavation material is not to be hauled from the site.

Building Permit (BUP). This permit covers only the construction of the building and is issued after, or concurrently with, the SIT permit.

Master Permit (MST). This permit is issued for all single and multi-family buildings. It covers all work necessary for building construction, including sub-trades (excludes grading, etc.). This permit cannot be issued in a subdivision until the public improvements are substantially complete and a mylar copy of the recorded plat has been returned by the applicant to the City. For a land partition, the applicant must obtain an Engineering Permit, if required, and return a mylar copy of the recorded plat to the City prior to issuance of this permit.

Other Permits. There are other special permits, such as mechanical, electrical and plumbing that may also be required. Contact the Development Services Counter for more information.

PREPARED BY: Greg Berry **5/7/14**
DEVELOPMENT ENGINEER **DATE**
Phone: **(503) 718-2468**
E-mail: **greg@tigard-or.gov**

Revised: March 2012

AIS-2349

7.

Business Meeting

Meeting Date: 10/27/2015

Length (in minutes): 10 Minutes

Agenda Title: Consider a Resolution Concurring with Washington County Findings Regarding Right-of-Way Vacation of an Unnamed Street

Prepared For: Greg Berry, Public Works

Submitted By: Sherri Russell, Public Works

Item Type: Motion Requested Resolution

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Should the council approve a resolution concurring with Washington County findings as to the vacation of a portion of County Roads Nos. 746 and 812?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council approve the attached resolution.

KEY FACTS AND INFORMATION SUMMARY

The Board of County Commissioners of Washington County has resolved to vacate a portion of County Road Nos. 746 and 812. The area to be vacated is under the jurisdiction of the county, but lies entirely within the city limits of Tigard. It is therefore necessary for the City of Tigard to concur with the findings of the county governing body per ORS 368.361. A map of the proposed vacation is included with the attached resolution and order from the county.

OTHER ALTERNATIVES

Deny the resolution which would result in conflicts with the proposed development of the surrounding area.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Promotes implementation of the River Terrace Community Plan.

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time the council will address this matter.

Attachments

Proposed Resolution

WACO Resolution

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15-**

A RESOLUTION CONCURRING WITH WASHINGTON COUNTY FINDINGS REGARDING
VACATION OF A PORTION OF COUNTY ROADS NOS. 746 AND 812

WHEREAS, Washington County Board of Commissioners Resolution and Order No. 15-72 (the Order) ordered the vacation of a portion of County Roads Nos. 746 and 812, more particularly described in the Order attached to this Resolution as Exhibit 1; and

WHEREAS, after receiving notice of the proposed vacation and prior to the County adoption of the Order, the City of Tigard reviewed the proposed vacation and concurs with the findings of the County; and

WHEREAS, ORS 368.361(3) provides that a county body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if the city concurs with the findings of the county.

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

SECTION 1: Based upon the above findings which are incorporated herein by reference the City Council concurs with the findings of Washington County as specified in Washington County Board of Commissioners Resolution and Order No. 15-72.

SECTION 2: A copy of this Resolution shall be provided to the Washington County Surveyor's Office.

SECTION 3: This Resolution is effective immediately upon adoption.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA

OFF DOCKET

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Consent – Land Use & Transportation (CPO 4B)

Agenda Title: VACATE A PORTION OF COUNTY ROAD NOS. 746 AND 812 – AN UNNAMED COUNTY ROAD (VACATION NO. 518)

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A petition was received by the Board to vacate a portion of County Road Nos. 746 and 812, as shown on survey number 32,411, lying in the northeast one-quarter of Section 6, T2S, R1W, W.M., Washington County, Oregon, as described and shown in the attached Vacation Report.

The portion of these unnamed County Roads, proposed to be vacated, is unused right-of-way resulting from previous alignments of SW Scholls Ferry Road. Scholls Ferry Road has been realigned a few times since the original alignments of 746 and 812 were established in 1919 and 1922, and the alignment and right-of-way used for public purposes today has been established as County Road 3110. The adjacent property has dedicated additional right-of-way along SW Scholls Ferry Road for future public use. Vacating the proposed right-of-way will allow for the development of a new subdivision included in the River Terrace Community Plan.

The vacation petition was signed by 100% of the abutting property owners. Staff has reviewed this request and has determined the vacation of this portion of County Road Nos. 746 and 812 is in the public interest. There will not be any adverse impacts on the abutting properties or utilities.

A Resolution and Order has been prepared granting the requested vacation and, when executed, it will complete Washington County's portion of the vacation proceedings. This right-of-way is in the city limits of Tigard. Pursuant to ORS 368.361(3), the City, by resolution or order, must concur in the findings of the county governing body to complete the vacation proceedings.

- Attachments: 1. Resolution and Order
 2. Vacation Report with legal description and map (Exhibit "A")

DEPARTMENT'S REQUESTED ACTION:

Vacate the right-of-way described in the attached Vacation Report and request that the City Council of the City of Tigard resolve or order concurrence with this vacation pursuant to ORS 368.361(3).

COUNTY ADMINISTRATOR'S RECOMMENDATION:

RO 15-72

Agenda Item No.	_____
Date:	08/04/15

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of the Vacation of a portion of)
County Road Nos. 746 and 812, Situated in)
the Northeast One-quarter of Section 6, T2S,)
R1W, W.M., Washington County, Oregon)

RESOLUTION AND ORDER

NO. 15-72
VACATION NO. 518

The above-entitled matter having come on regularly before the Board at its meeting August 4, 2015; and

It appearing to the Board that a petition has been filed to Vacate a portion of County Road Nos. 746 and 812, as shown on survey number 32,411, and situated in the Northeast One-quarter of Section 6, T2S, R1W, W.M., Washington County, Oregon. The petition was signed by owners of 100% of the property to be vacated and by the owners of 100% of the abutting properties, pursuant to ORS 368.351; and

It appearing to the Board that said petition did describe the portion of County Road Nos. 746 and 812 to be vacated, the names of the parties to be particularly affected thereby, and set forth the particular circumstances of the case; and

It appearing to the Board that the portion of County Road Nos. 746 and 812, proposed to be vacated, is under the jurisdiction of Washington County and entirely within the corporate limits of the City of Tigard, Oregon as described in ORS 368.361(3); and

It appearing to the Board that the right-of-way proposed to be vacated is no longer needed for the use of the public; and

It appearing to the Board that the County Road Official did examine the area proposed to be vacated and hereby submits to the Board the Vacation Report attached hereto, and by this reference made a part hereof, in accordance with ORS 368.351(1); it is therefore

RESOLVED AND ORDERED that the portion of County Road Nos. 746 and 812, proposed to be vacated and more particularly described in the attached Vacation Report, is hereby vacated as it is in the public interest. This vacation shall become final upon the formal concurrence of the City of Tigard by either resolution or order pursuant to ORS 368.361(3); and it is further

RESOLVED AND ORDERED that the County Surveyor of Washington County, Oregon, be and hereby is authorized and directed to mark the vacated County Road on the plats and records of Washington County Oregon; and it is further

RESOLVED AND ORDERED that the County Surveyor of Washington County, Oregon, is hereby authorized and directed to have this order of vacation recorded in the records of Washington County, Oregon, and cause copies of this order to be filed with the Director of Assessment and Taxation and the County Surveyor's office in accordance with ORS 368.356(3).

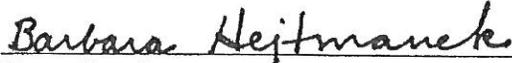
Dated this 4th day of August, 2015.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
DUYCK	✓	—	—
SCHOUTEN	✓	—	—
MALINOWSKI	✓	—	—
ROGERS	✓	—	—
TERRY	✓	—	—



Chairperson



Recording Secretary

Approved as to form


~~Richard Butler~~ Cortney D. Duke-Driessen
Assistant County Counsel
Date: July 31, 2015

Page 2 – R&O No. 15-72
Vacation No. 518

**DEPARTMENT OF LAND USE & TRANSPORTATION
REPORT ON VACATION NO. 518**

August 4, 2015

VACATION OF A PORTION OF COUNTY ROAD NOS. 746 AND 812)

A request for vacation proceedings has been received by the staff for the Board of County Commissioners to vacate a portion of County Road Nos. 746 and 812, as shown on survey number 32,411, and more particularly shown on Exhibit "A" and described as follows:

That portion of County Road Nos. 746 and 812, as shown on survey number 32,411, lying southwesterly of a line being 61.00 feet southerly of, and parallel with, the centerline of County Road 3110 (SW Scholls Ferry Road) and lying northeasterly of a line being 30.00 feet northerly of, and parallel with, the centerline of County Road 3282 T/J (SW Friendly Lane). Said portion of road is being situated in the Northeast One-quarter of Section 6, T2S, R1W, W.M., Washington County, Oregon, and being shown on Exhibit "A", attached hereto and incorporated herein.

The owners of the property abutting the unimproved roadway to be vacated are:

2S1 06AD, TL 100

Christopher and Sheri Ralston,
21029 SW Lebeau Rd
Sherwood, OR 97140

2S1 06, TL 200

Crescent Grove Cemetery Association,
An Oregon Non-Profit Corporation
9925 SW Greenburg Rd.
Tigard, OR 97223

CRITERIA FOR EVALUATION OF ROAD VACATION REQUEST

1) Conformance with the County's Comprehensive Plan

The portion of County Road Nos. 746 and 812, described herein and proposed to be vacated, is not a part of the transportation plan in the area. This area is a part of the River Terrace Community Plan which shows this area as being a part of a future subdivision plat. The Road is not in use and will not be needed for future use. The adjacent owners of tax lot 2s106ad00100 have dedicated 61.00 feet of right-of-way along SW Scholls Ferry Road to meet the future needs of that adjoining transportation facility.

2) Use of the Right-of-Way

This portion of road, proposed to be vacated, is unimproved and no longer in use. Once vacated, it will be incorporated into the lots of the adjoining land owners and will be developed through a proposed subdivision plat as part of the River Terrace Community Plan.

3) Impact of Utilities and Emergency Services

Utility providers have been notified and existing power and phone poles have been located. All poles are in a dedicated easement to PGE or in adjacent rights-of-way that will remain. There are no adverse impacts to public utility providers or emergency services.

4) Limits of Vacation and Evaluation of "Public Road" Status

The right-of-way proposed to be vacated is not needed for public use. It is within the city limits of Tigard and, pursuant to ORS 368.361(3), the city must concur with this vacation proceeding for it to become finalized.

The limits of the right-of-way proposed to be vacated are logical and justifiable, and the vacation of this right-of-way will not have any adverse impacts on the abutting property.

Based on the above statements, it is recommended that the Board of Commissioners grant the vacation of the road proposed herein, as it is in the public interest.



for Gary A. Stockhoff, P.E.
Washington County Engineer

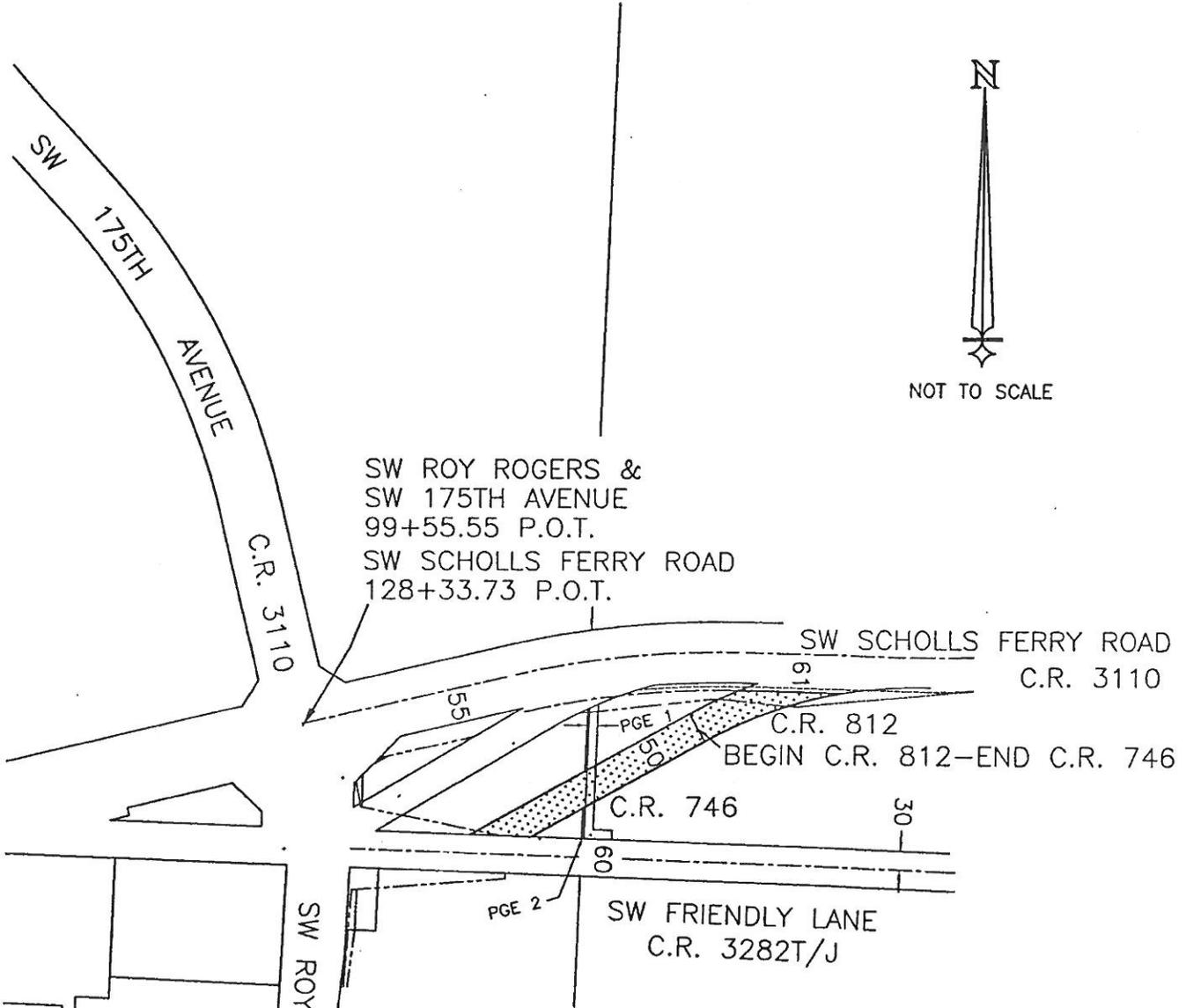
PROPOSED ROAD VACATION

VACATION 518

A PORTION OF
C.R. NOS. 746 AND 812



NOT TO SCALE



SW ROY ROGERS &
SW 175TH AVENUE
99+55.55 P.O.T.
SW SCHOLLS FERRY ROAD
128+33.73 P.O.T.

SW SCHOLLS FERRY ROAD
C.R. 3110

C.R. 812
BEGIN C.R. 812-END C.R. 746

C.R. 746

SW FRIENDLY LANE
C.R. 3282T/J

SW ROY ROGERS ROAD
C.R. 3110

- PGE 1 PGE EASEMENT PER 2010-028678 & 2010-054358
- PGE 2 6' WIDE UNDERGROUND DISTRIBUTION LINE EASEMENT PER 2011-008326
- SLOPE EASEMENTS
- EASEMENTS FOR SLOPES, WATER, GAS, ELECTRIC AND COMMUNICATION SERVICE LINES, FIXTURES AND FACILITIES
- PUBLIC UTILITY EASEMENT

EXHIBIT "A"

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

N/A

DATES OF PREVIOUS CONSIDERATION

Staff provides the council with regular briefings on the status of CIP projects. The last briefing was July 28, 2015.

Attachments

PowerPoint

CITY OF TIGARD

Respect and Care | Do the Right Thing | Get it Done



Capital Improvement Project Update

FY 2015-16

First Quarter

Tigard City Council Meeting

October 27, 2015

C I T Y O F T I G A R D

Adopted CIP FY2015/16 Engineering Projects Only

Total Projects by Category

▶ Parks	3
▶ Streets	5
▶ Water	2*
▶ Sanitary Sewer	3
▶ Storm	6
▶ Facilities	2
▶ Com. Development	2

*LO/Tigard Water Partnership is not included

C I T Y O F T I G A R D

Adopted CIP FY2015/16 Engineering Projects Only

Total Projects by Category

▶ Parks	3
▶ Streets	5
▶ Water	2*
▶ Sanitary Sewer	3
▶ Storm	6
▶ Facilities	2
▶ Com. Development	2

Projects Added*

▶ Parks	2
▶ Streets	1
▶ Water	1
▶ Sanitary Sewer	0
▶ Storm	0
▶ Facilities	0
▶ Com. Development	0

*LO/Tigard Water Partnership is not included

*New and projected to start this FY

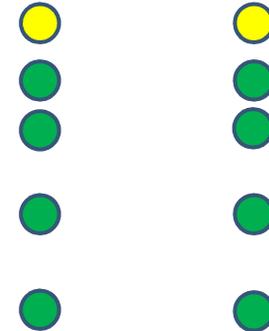
Parks Projects

Existing Projects

Budget

Schedule

- ▶ Dirksen Nature Park
 - ▶ The Education Center
 - ▶ Oak Savanna Restoration
 - ▶ Grant Applications
- ▶ Tigard Street Trail and Public Space
- ▶ Fanno Creek Trail – RFFA Grant



Added Projects

- ▶ Fanno Creek Remeander
- ▶ Tiedeman Trail



● On Target
 ● Minor Issues
 ● Major Issues
 C Change in Budget or Schedule

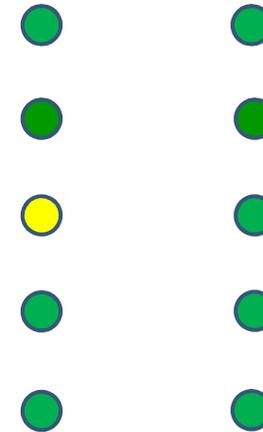
Streets Projects

Existing Projects

- ▶ Pavement Management Program
- ▶ Walnut Street Improvements
- ▶ Pacific Hwy / Gaarde / McDonald Intersection
- ▶ Upper Boones Ferry / Durham Adaptive Signal
- ▶ 95th / North Dakota Sidewalk (CDBG)

Budget

Schedule



Added Project

- ▶ Hunziker Core/Wall-Tech Center Drive



Water Projects

Existing Projects

- ▶ Aquifer Storage and Recovery Well #2 Rehab
- ▶ 550 Zone Connection to Price Reservoir

Added Project

- ▶ Red Rock Creek Waterline Relocation

Budget

Schedule



Sanitary Sewer Projects

<u>Existing Projects</u>	<u>Budget</u>	<u>Schedule</u>
▶ Barrows / Scholls Ferry Sewer Line Extension (Phase 3)	●	●
▶ East Tigard Sewer Replacement	●	●
▶ Walnut Sanitary Sewer	●	●

● On Target ● Minor Issues ● Major Issues ● Change in Budget or Schedule

Storm Projects

<u>Existing Projects</u>	<u>Budget</u>	<u>Schedule</u>
▶ Greenfield Drive WQF Reconstruction	●	●
▶ Canterbury Lane Storm Line Upgrade	●	●
▶ Ridgefield Lane WQF Reconstruction	●	●
▶ Outfall Retrofit Program	●	●
▶ Stormwater Master Plan	●	●
▶ River Terrace Stormwater Implementation	●	●

● On Target
 ● Minor Issues
 ● Major Issues
 C Change in Budget or Schedule

C I T Y O F T I G A R D

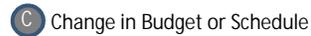
Facilities Projects

Existing Projects

Budget

Schedule

- ▶ Permit Center / City Hall / Police Building
Exterior Wall Repairs
- ▶ Citywide Facilities Plan



On Target

Minor Issues

Major Issues

Change in Budget or Schedule

C I T Y O F T I G A R D

Community Development Projects

Existing Projects

Budget

Schedule

▶ Main Street Gateway Monuments



▶ Public Works Yard Demolition (Complete)



On Target



Minor Issues



Major Issues



Change in Budget or Schedule

CITY OF TIGARD

Main Street Gateway Monuments



C I T Y O F T I G A R D

Dirksen Nature Park Oak Savanna Restoration

