City *of* Tigard
City Center Development Agency Board - Agenda

TIGARD CITY CENTER DEVELOPMENT AGENCY BOARD AND CITY COUNCIL - Revised on 1/29/2015 to move the Executive Session to the beginning of the meeting.

MEETING DATE AND TIME: February 3, 2015 - 6:30 p.m.

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

PUBLIC NOTICE:

Times noted are estimated.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for City Center Development Agency Board meetings by noon on the Monday prior to the City Center Development Agency Board 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

City *of* Tigard
City Center Development Agency Board - Agenda

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6:30 PM

1. CITY CENTER DEVELOPMENT AGENCY BOARD MEETING

   A. Call to Order- City Center Development Agency

   B. Roll Call

   C. Call to Board and Staff for Non-Agenda Items

   - EXECUTIVE SESSION: The Tigard City Center Development Agency will go into Executive Session to discuss real property transaction 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. Executive Sessions are closed to the public. **- 6:35 p.m. estimated time**

2. CONSENT AGENDA - Tigard City Center Development Agency: 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. AUTHORIZE THE CCDA EXECUTIVE DIRECTOR TO ACCEPT THE DEED FOR THREE CONTIGUOUS PARCELS ON BEHALF OF THE AGENCY

   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 City Center Development Agency has voted on those items which do not need discussion

3. JOINT MEETING WITH CITY CENTER ADVISORY COMMISSION **- 7:35 p.m. estimated time**

4. REVIEW THE CCDA BOARD'S 2015 CALENDAR **- 8:20 p.m. estimated time**

5. PRESENTATION ON THE URBAN RENEWAL TAX INCREMENT REVENUE FORECAST **- 8:30 p.m. estimated time**

6. CITY COUNCIL: CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING - CONSIDERATION OF A + O APARTMENTS COMPREHENSIVE PLAN AMENDMENT (CPA2014-00002) PLANNED DEVELOPMENT REVIEW (PDR2014-00003), SITE DEVELOPMENT REVIEW (SDR2014-00004), AND SENSITIVE LANDS REVIEW (SLR2014-00002) **- 8:55 p.m. estimated time**

7. NON AGENDA ITEMS

8. ADJOURNMENT **- 9:45 p.m. estimated time**

AIS-2108 **2.**

CCDA Agenda

Meeting Date:	02/03/2015		
Length (in minutes):	Consent Item		
Agenda Title:	Authorize CCDA Executive Director to Accept the Deed to Properties		
Submitted By:	Sean Farrelly, Community Development		
Item Type:	Motion Requested	**Meeting Type:**	Consent Agenda
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

Authorize the CCDA Executive Director to accept the deed for three contiguous parcels on behalf of the Agency.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the CCDA Board authorize the CCDA executive director to accept the deed for the three parcels on behalf of the Agency.

KEY FACTS AND INFORMATION SUMMARY

At the January 27, 2015 Council meeting, Council authorized the transfer of three contiguous city-owned parcels (Tax lots 2S102AD02800, 2S102AD02900, and 2S102AD03000, which currently comprise of the Ash Avenue Public Works Yard and the Ash Avenue Dog Park) to the City Center Development Agency.

To complete the transfer the Agency needs to accept the deed to the properties.

OTHER ALTERNATIVES

Not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

City Center Urban Renewal Plan

Tigard City Council 2015-2017 Goals

Make Downtown Tigard a Place Where People Want to Be

-Support residential and mixed use development in walkable and transit-supported areas by completing the Ash Ave/Burnham Redevelopment project

Tigard Comprehensive Plan
Economic Development
Goal 9.1 Develop and maintain a strong, diversified, and sustainable local economy
Goal 9.3 Make Tigard a prosperous and desirable place to live and do business
Housing
Goal 10.1 Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

DATES OF PREVIOUS COUNCIL CONSIDERATION

On January 27, 2015 Council considered authorizing the transfer of three contiguous parcels.

Attachments

No file(s) attached.

AIS-2087 **3.**

CCDA Agenda

Meeting Date:	02/03/2015		
Length (in minutes):	45 Minutes		
Agenda Title:	Annual Joint Meeting with City Center Advisory Commission		
Submitted By:	Sean Farrelly, Community Development		
Item Type:	Joint Meeting-Board or Other Juris.	**Meeting Type:**	City Center Development Agency
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

Annual Joint Meeting with City Center Advisory Commission.

STAFF RECOMMENDATION / ACTION REQUEST

Review and discuss with the City Center Advisory Commission their 2014 Annual Report and draft 2015 Goals.

KEY FACTS AND INFORMATION SUMMARY

The City Center Advisory Commission (CCAC) makes recommendations to the Board of the City Center Development Agency (CCDA) on urban renewal policy, budget and implementation measures to improve Tigard's Downtown area.

Two documents will inform the joint meeting discussion. The first is the CCAC's 2014 Annual Report, describing the key activities of the commission (required by CCAC by-laws); it was previously provided in the December 4, 2014 Council Newsletter.

The second document is the CCAC's draft goals for 2015. The CCAC developed these draft goals (see attached) at their January 14th meeting . The CCAC will review these draft goals with the CCDA Board before finalizing them at their March meeting.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

City Center Urban Renewal Plan.

DATES OF PREVIOUS COUNCIL CONSIDERATION

March 5, 2013

Attachments

CCAC Annual Report 2014

CCAC Draft 2015 Goals

2014 Annual Report of the City Center Advisory Commission to the City Center Development Agency Board

December 1, 2014

The City Center Advisory Commission (CCAC) adopted annual goals and objectives for 2014. The agenda for the CCAC was largely devoted to developing and implementing these goals. This report is organized around that framework.

Goal 1. Support URA Plan projects

A. Participate in public process for the design of Tigard Street Trail and adjacent public plaza and promote participation by other downtown stakeholders

B. Support staff and council efforts to acquire property for downtown plaza/public space and advise on specific initiatives

- **Includes existing Brownfield program**

C. Support and Advise CCDA on Parking Management Plan

Outcomes:

After the City secured an agreement with the railroad and ODOT Rail to lease the unused right of way, CCAC members engaged in efforts to participate in the design process. At the August Downtown street fair the City invited public input on a potential mini-plaza adjacent to Main Street. CCAC representatives proposed a joint committee including members of the Parks and Recreation Board and the Transportation Advisory Committee, with other public stakeholders, to participate in the design of the trail. The possibility of siting a Veteran's Memorial has also been explored. Commissioner Shavey encouraged the City to hold a preliminary design session for the trail, which members of the CCAC participated in.

Briefings on potential smaller public space projects and pending land acquisition were opportunities for CCAC members to provide feedback and input to staff.

The CCAC wrote a letter of support for the City's successful $400,000 EPA Brownfield Assessment grant application.

Staff briefed CCAC on initial concepts for a Parking Management Plan. This plan is pending an assessment of existing conditions upon the completion of Main Street construction.

Goal 2. Support programs & staff work to facilitate identified URA Plan & City Council Goals

A. Support and advise CCDA regarding strategies to support residential development in the URA

- **Includes VHZ, private redevelopment programs, Public Works development and other initiatives**

B. Support staff work to develop programs to address private redevelopment and pursue options / develop recommendations regarding incentive matrix for developers

- **Strategy development can support future initiative such the possible relocation of the Post Office and the development of other desirable URA Plan projects including an Arts facility, permanent Farmers Market location, etc.**

C. **Support and advise CCDA on streetscape improvements that will attract, enhance and increase recreational, shopping and transportation experiences in URA**
- **Includes FIP/TIP programs, Strolling Street program, Main Street/Green Street, and bicycle and pedestrian infrastructure projects.**

Outcomes:
The CCAC was briefed and expressed support of the Vertical Housing Development Zone that the City established in 2014. The zone included the urban renewal area.

The CCAC monitored the pre-development work done on the Public Works Yard and dog park for 122 units of market rate housing. Members of the CCAC participated in a concept review session for the project. The CCAC will provide input on criteria to base a decision on moving ahead with the project.

The commission, through its participation in the Urban Renewal Improvement Programs Joint Committee, provided oversight of the Main Street Strolling Street program started this year. The committee reviewed several applications for assistance and selected the first two project matching grant awardees.

A proposal for possible development incentives that support desired development in the Urban Renewal Area is currently under development by the CCAC.

Goal 3. Communications and Economic Development

A. **Identify primary and secondary liaisons to attend CCDA, PRAB, and TTAC meetings; assign/recruit other liaisons as needed**
B. **Explore opportunities to enhance and improve City sponsored URA Communications**
C. **Advocate on behalf of businesses to mitigate impacts of Green Street Construction on businesses**
D. **Assess options for engaging in a marketing and/or branding campaign and make recommendation to CCDA**

Outcomes:
The commission continued to maintain and improve its communications with other boards and commissions. One or more commissioners routinely attend Park and Recreation Advisory Board (PRAB) and TTAC meetings. The chair of the CCAC has regularly attended CCDA Board meetings, including executive sessions, and Council/CCDA's liaison regularly attends CCAC meetings. The chair of the CCAC also serves on the board of the Tigard Downtown Alliance.

CCAC were regularly briefed on Main Street/Green Street construction and provided input on outreach content and methods. Input was provided regarding the CCAC webpage content.

CCAC members conducted research on branding and marketing and outreach to the Tigard Downtown Association (TDA) on the topic. The TDA was identified as the appropriate party to

lead any future efforts in this area. Several CCAC members attended the 2014 Oregon Main Street Conference.

The City Center Advisory Commission looks forward to further progress in the year to come.

On behalf of the commission,

Tom Murphy
Chair

Carine Arendes
Vice-Chair

City Center Advisory Commission
Draft Goals for 2015

Goal 1. Support implementation of current City Center Urban Renewal projects and programs

Projects:

- Ash/Burnham redevelopment
- Public space (Tigard St. Trail, Fanno Creek Park improvements, etc.)
- Gateway art

Attract additional development:

- Development incentives

Goal 2. Support planning for Medium/Long Term projects

- Main St / Green St Phase 2

Goal 3. Urban Renewal Plan review

- Review City Center Urban Renewal Plan and prioritize future projects.

Goal 4. Communications

- Continue to liaise with other city boards and committees, as well as other groups (i.e. Tigard Downtown Alliance, SW Corridor Plan, etc.), on issues related to Downtown.
- Develop a communications plan to proactively engage with the community on Downtown issues.

AIS-2090 **4.**

CCDA Agenda

Meeting Date:	02/03/2015		
Length (in minutes):	10 Minutes		
Agenda Title:	Review CCDA 2015 Calendar		
Submitted By:	Sean Farrelly, Community Development		
Item Type:	Update, Discussion, Direct Staff	**Meeting Type:**	City Center Development Agency
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

Review City Center Development Agency Board 2015 Calendar.

STAFF RECOMMENDATION / ACTION REQUEST

Staff requests CCDA Board feedback on the proposed schedule of policy discussions and action items for 2015.

KEY FACTS AND INFORMATION SUMMARY

Staff has a proposed schedule of topics and action items for meetings of the City Center Development Agency Board in 2015 (see Attachment 1).

OTHER ALTERNATIVES

The Board could suggest different topics for policy discussion or a different meeting schedule.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2015-17 Tigard City Council Goals

Goal 2 Make Downtown Tigard a Place Where People Want to Be

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

CCDA Schedule

City Center Development Agency
Projected 2015 Policy Discussion and Action Items

Meeting Date	Topic
February 3	Urban Renewal Financing: Review urban renewal finances with advisor CCAC joint meeting (including Bubble Chart updates)
March (proposed mtg)	Ash Avenue Housing Development: Approve development agreement Saxony PPA Future of Saxony Site Study – Introductory Presentation Art/Gateway Update
April 7	Strolling Street Program Update Brownfield Initiative: Update and plans for Brownfields grant Downtown Dog Park Report
May (proposed mtg)	Ash Avenue Housing Design Presentation Downtown Events and Programming – Assessment and Future Options TDA Presentation
June 2	Downtown Parking Plan Fanno Creek Remeander Presentation

	Fanno Creek Overlook Update
July (proposed mtg)	Southwest Corridor/Downtown Zoom-In Future of Saxony Site - Update
August	(no meeting, National Night Out)
September 1	Ash Avenue Design & Permitting Update Six-Month report from the CCAC TDA Report
October (proposed mtg)	Strolling Street Update
November 3	Brownfields Initiative Update Downtown Housing Inventory and Report Downtown Jobs Inventory and Report (Ec Dev Mgr)
December 1	Annual Report on the Urban Renewal District

Revised January, 2015

AIS-1961 **5.**

CCDA Agenda

Meeting Date:	02/03/2015		
Length (in minutes):	25 Minutes		
Agenda Title:	Urban Renewal Financial Plan		
Submitted By:	Sean Farrelly, Community Development		
Item Type:	Update, Discussion, Direct Staff	**Meeting Type:**	City Center Development Agency
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

The CCDA Board will be briefed on the Urban Renewal Financial Plan and Tax Increment revenue forecast by staff and consultants ECONorthwest.

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; the CCDA Board is asked to listen to the briefing and provide feedback.

KEY FACTS AND INFORMATION SUMMARY

The consultant, ECONorthwest, will prepare materials for the February 3 CCDA's presentation. The materials will be included in the January 29 Council newsletter.

Among the topics to be covered are:

- The projected amount of Tax Increment Financing (TIF) generated in the Urban Renewal District over the life of the district.
- The effect of new development on TIF.
- The capacity for additional loans to be taken out by the CCDA.

OTHER ALTERNATIVES

Not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

City Center Urban Renewal Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

September 3, 2013

Attachments

No file(s) attached.

AIS-2103 **6.**

CCDA Agenda

Meeting Date:	02/03/2015		
Length (in minutes):	45 Minutes		
Agenda Title:	Continuation of A+O Apartments Comprehensive Plan Amendment/Planned Development		
Prepared For:	Gary Pagenstecher, Community Development		
Submitted By:	Carol Krager, City Management		
Item Type:	Public Hearing - Quasi-Judicial	**Meeting Type:**	Council Business Meeting - Main
Public Hearing:	Yes	**Publication Date:**	

Information

ISSUE

On January 13, 2015, City Council held a hearing to consider the A+O Apartments proposal. Council continued the hearing to February 3rd, keeping the hearing open for public testimony and to hear answers to specific questions posed by Councilors (see attached Response to Council Questions and Applicant's Memo to Council dated January 22, 2015).

On December 15, 2014, the Planning Commission recommended (by a vote of 4 to 3) approval of the applications below by the City Council**,** subject to the recommended Conditions of Approval in the Staff Report.

Shall the Council approve, approve with conditions, or deny the following applications:

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

Sensitive Lands Review (SLR) approval is requested to allow modification to the 100-year floodplain of Ash Creek on the site to include reshaping of the existing ground surface to decrease the floodplain area without modifying the flood storage capacity or floodwater transmission capacity of the site. Approximately 2,780 cubic yards of material will be placed in the floodplain.

Planned Development (PDR): Concurrent Concept Plan and Detailed Development Plan Review approvals are requested to develop 215 multi-family residential dwelling units in

four buildings on an 11.17-acre site on the south side of SW Oak Street within the Washington Square Regional Center Plan Area. The proposed planned development would preserve more than six acres of the site as permanent open space including wetlands and riparian area adjacent to Ash Creek, and would include the provision of easements to the city for development of future pedestrian trails in this area. A parking exception is requested to reduce required parking by 9.1 percent.

STAFF RECOMMENDATION / ACTION REQUEST

At its hearing on December 15, 2014, the Planning Commission recommended approval by the City Council**,** subject to recommended conditions of approval. The split 4 to 3 vote is recorded in the attached minutes (see AIS Attachment 3). In summary, the Planning Commission recommendation to council reflects the sense that the majority believe a balance of natural resource protection and development objectives has been achieved. The minority opinion is that it would be possible to avoid impacts to wetlands and meet the planning goals of the Washington Square Regional Center, although at greater cost to the developer. The livability issues associated with the requested parking exception and increased traffic are in part addressed through recommended conditions of approval # 7 and # 8, as place holders for council deliberation, as described below.

KEY FACTS AND INFORMATION SUMMARY

Procedure for review: First, according to TDC18.390.080.D.2.b.ii, the decision on the Wetland and Stream Corridors map amendment (**CPA**) shall precede other actions. Second, a decision on impacts to the floodplain, drainageways, and wetlands (**SLR**) follows as that decision affects the net buildable area of the planned development proposal. Third, in the case of concurrent applications for concept plan and detailed development plan (**PDR**), separate actions shall be made on each element of the planned development application, i.e., the **concept approval** must precede the **detailed development approval.**

Key Issues Summary - (See pages 7 and 8 of the Staff Report)

Comprehensive Plan Amendment (CPA)

TDC18.775.130 states, among other criteria, that "The Environmental, Social, Economic and Energy (ESEE) analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource." If Council approves the application for Comprehensive Plan Amendment, then the ESEE analysis will be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" will be amended to remove the site from the inventory. (See applicant's ESEE Analysis, AIS Attachment 2, and Staff Report page 9.)

Sensitive Lands Review (SLR)

Provided the Council agrees to limit conflicting uses in significant wetlands as recommended in the ESEE, then the impacts to those wetlands and the associated vegetated corridor and the floodplain are subject to Tigard's sensitive lands review standards. The proposed development includes approximately 3,423 cubic yards of fill material within significant

wetlands and 2,780 cubic yards of fill material in the floodplain. The applicant's coordination with Clean Water Services and Corps/DSL to mitigate for adverse impacts has satisfied the sensitive lands review criteria, and can be approved. (See AIS Attachment 1, Staff Report pages 12-20.)

Planned Development Review (PDR)

Concept Plan
The proposed Concept Plan substantially meets the approval criteria, subject to consideration of an enhanced mobility plan to promote walkability and transit use, addressed through recommended Condition #7, below.

Detailed Plan
The Detailed Development Plan Approval Criteria are met or can be met, as conditioned. The following two issues and recommended conditions of approval relate to expected off-site impacts of the proposed development.

Parking exception
The proposed 9.1% (28 spaces) exception to the minimum parking requirement is less than the 10% allowed. The proposed mix of studio and one bedroom units and the availability of nearby transit can reasonably expected to lower the demand for on-site parking. It is in the public interest to preserve wetlands to the south of the development site (Wetland A). Therefore, the proposed exception to the minimum number of off-street parking spaces requirement meets the criteria and may be granted. However, staff finds that the availability of transit may not be sufficient to ensure its use and recommends condition of approval (# 7): "The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014." (See TriMet letter, Exhibit C to AIS Attachment 1, Staff Report, and Staff Report pages 23-24.)

Funding future transportation
Under the Purpose section of the Washington Square Regional Center Plan District, TDC18.630.010.C. Development Conformance, states in part: "developments will be required to dedicate and improve public streets . . . and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center." As a purpose statement, it serves as guidance and is not an approval criterion. The statement is highlighted to bring attention to critical improvements that will be necessary in the near future for development in the WSRC to occur.

To meet required participation in funding future transportation and public improvements projects, should the applicant be conditioned, for example, to dedicate SW Lincoln Street from Oak Street to Lincoln, or construct a bike/ped path within a bike/ped easement (subject to nexus and rough proportionality)? Staff has recommended Condition #8: "The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, including the SW Lincoln Street

extension." (See AIS Attachment 1 Staff Report pages 27-28.)

Public Comment (See AIS Attachments 4 and 5) has been generally concerned with the proposed development's adverse impacts on significant wetlands and on neighborhood livability due to increased traffic, particularly on SW 90th Avenue, and off-site parking demand due to the requested minimum parking space exception. At the Planning Commission hearing, two testified in favor of the project while seven opposed.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The proposal is a quasi-judicial land use case that comes before the City Council because of the request to remove significant wetlands from the Wetlands and Stream Corridors map, a part of the city's natural resources inventory and Comprehensive Plan. In addition, the Washington Square Regional Center Plan, and the City's Park System and Trail System Master Plans apply to the proposal.

DATES OF PREVIOUS COUNCIL CONSIDERATION

On January 13, 2015, City Council held a hearing to consider the A+O Apartments proposal. Council continued the hearing to February 3rd, keeping the hearing open for public testimony and to hear answers to specific questions posed by Councilors (see attached Response to Council Questions and Applicant's Memo to Council dated January 22, 2015).

Attachments

Proposed Ordinance
Proposed Resolution
Response To Council Questions
Applicant's Memo to Council
Comments received after January 5 2015
Comments received after January 5 2015
Draft PC Minutes
Written Testimony at Hearing
Staff Report
PC Public Comment
ESEE Analysis 12/8/2014
Link to Applicant Materials

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

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT, CPA2014-00002, TO REMOVE .42 ACRES OF LOCALLY SIGNIFICANT WETLANDS FROM THE "TIGARD WETLAND AND STREAM CORRIDOR MAP" INVENTORY.

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

WHEREAS, Section 18.775.090.A. states in order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0040) pertaining to wetlands, all wetlands classified as significant on the City of Tigard "Wetlands and Streams Corridors Map" are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130; and

WHEREAS, Section 8.775.130 Plan Amendment Option, provides that any owner of property affected by the Goal 5 safe harbor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek may apply for a quasi-judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an alternatives analysis, as described in Section 3.02.5 of the CWS "Design and Construction Standards;" and

WHEREAS, Section 8.775.130.A further provides that the applicant shall demonstrate that such an amendment is justified by an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040; and

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

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

WHEREAS, the Tigard City Council has found the following to be the applicable review criteria: Community Development Code Chapters 18.390, Decision Making Procedures; and 18.775 Sensitive Lands; and

WHEREAS, the Tigard Planning Commission held a public hearing on December 15, 2014 and recommended approval of CPA2014-00002 by motion with a 4-3 vote in favor; and

WHEREAS, the Tigard City Council held a public hearing on January 13, 2015 to consider the request for a quasi-judicial Comprehensive Plan Amendment and determined that the amendment will not adversely affect the health, safety and welfare of the City and meets all applicable review criteria.

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

SECTION 1: Comprehensive Plan Amendment, CPA2014-00002, is hereby approved.

SECTION 2: The attached findings **(Exhibit A)** are hereby adopted in explanation of the Council's decision.

SECTION 3: The ESEE analysis (ESEE analysis revised, dated 12-8-14) **(Exhibit B)** shall be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" shall be amended to remove the site from the inventory, as approved.

SECTION 4: 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 A. Krager, City Recorder

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

_____
John L. Cook, Mayor

Approved as to form:

_____
City Attorney

_____
Date

Exhibit A

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

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

TIGARD

120 DAYS = 1/28/2015

SECTION I. APPLICATION SUMMARY

FILE NAME: A + O Apartments Planned Development

CASE NOS.:

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

REQUEST:

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

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

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

APPLICANT:

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

OWNER:

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

LOCATION:

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

ZONE/ COMP PLAN DESIGNATION:

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

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

APPLICABLE REVIEW CRITERIA:

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

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

SECTION II. STAFF RECOMMENDATION

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

RECOMMENDED CONDITIONS OF APPROVAL

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

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the Community Development Department Attn: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

1. Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

2. The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

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

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

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

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

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

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

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

9. Prior to any work on site, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for

the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

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

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

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

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

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

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

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

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

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

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

20. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

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

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

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

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

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

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the Community Development Department Attn: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

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

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

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

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

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

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

29. Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

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

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

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

SECTION III. BACKGROUND INFORMATION

Site History and Description

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

Vicinity Information:

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

Proposal Description:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION V. ISSUES SUMMARY

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

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

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

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

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

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

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

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

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

SECTION VI. SUMMARY OF APPLICABLE CRITERIA

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

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

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

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

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

SECTION VII. APPLICABLE REVIEW CRITERIA AND FINDINGS

A. COMP PLAN AMENDMENT REVIEW CRITERIA

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

Applicable Provisions Of The City's Implementing Ordinances:

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

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

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

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

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

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

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

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

This provision is met.

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

within the Tigard Planning Area;

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

This provision is met.

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

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

This provision is met.

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

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

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

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

This provision is met.

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

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

This provision is met.

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

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

This provision can be met.

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

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

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

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

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

B. SENSITIVE LANDS REVIEW CRITERIA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Natural Resources

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

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

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

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

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

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

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

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

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

Hazards

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

A. areas having a severe soil erosion potential;

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

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

D. areas having severe weak foundation soils.

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

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

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

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

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

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

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

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

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

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

Parks Recreation and Open Space

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

A. developed areas with facilities for active recreation; and

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

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

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

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

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

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

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

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

C. PLANNED DEVELOPMENT REVIEW CRITERIA

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

18.350 PLANNED DEVELOPMENTS

18.350.020 Process

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

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

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

18.350.050 Concept Plan Approval Criteria

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.350.060 Detailed Development Plan Submission Requirements

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

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

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

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

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

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

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

4. Structure setback provisions:

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

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

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

18.350.070 Detailed Development Plan Approval Criteria

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

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

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

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

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

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

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

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

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

No density bonus is requested.

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

No exception to the applicable minimum landscaping requirements is requested.

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

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

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

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

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

The applicant has not identified any opportunities for shared parking.

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

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

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

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

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

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

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

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

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

No exception to the dimensional standards for signs is requested.

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

No exception to the vision clearance requirements is requested.

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

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

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

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

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

a. Public safety will not be compromised; and

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

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

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

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

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

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

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

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

18.520 COMMERCIAL ZONING DISTRICTS

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

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

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

18.520.040 Development Standards

A. Compliance required. All development must comply with:

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

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

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

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

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

MUR-1

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

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

18.630 WASHINGTON SQUARE REGIONAL CENTER PLAN DISTRICT

18.630.010 Purpose and Applicability

A. Purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.630.040 Street Connectivity

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

B. Demonstration of standards. All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Section 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

1. Design option.

a. Local street spacing shall provide public street connections at intervals of no more than 530 feet.

b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.

2. Performance option.

a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.

b. The shortest vehicle trip over public streets from a major building entrance to a collector or greater facility is no more than twice the straight-line distance.

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

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

18.630.050 Site Design Standards

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

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

1. **Purpose. Architecture helps define the character and quality of a street and can make a strong statement about the overall community and city at large. The placement and design of buildings provides the framework for the streetscape and defines the edges of the public right-of-way. Architecture and ground floor uses can activate the street, either by its design presence or by those who come and go from it. At intersections, investing in building frontages can create gateways and special places that add to the character of the area.**
2. **Standard. Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.**

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

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

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

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

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

1. **Purpose. The front yard is the most conspicuous face of a building and requires special attention. Places for people and pedestrian movement helps create an active and safer street. Higher level of landscape anticipates a more immediate visual result.**
2. **Standard. For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to the applicable standard in subsection E of this section. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.**

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

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

1. **Purpose. As density increases and employee and resident populations increase, it is expected that more people will move between businesses within the WSRC. Provisions should be made to encourage people to walk from business to business, and housing to business rather than use automobiles.**
2. **Standard. A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner adjacent to a public street intersection are required. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.**

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

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

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

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

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

However, the applicant states that "landscape materials in these areas will need to be kept trimmed to allow for clear vision areas at the intersections of these driveways with SW Oak Street." According to the Preliminary Landscape Plan (Sheet L1.2) Blue Oat Grass and Kinnikinnick are specified. Pursuant to 18.630.090, Landscaping and Screening, within these landscaped areas "L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years." Visual Clearance Areas require 3-8 foot clear and allow trees. This standard is not met.

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

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

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

1. **Purpose. Blank walls along the street frontage tend to be neglected, and are not pedestrian friendly. Windows help keep "eyes on the street" which promotes safety and security, and can help create a lively street frontage by displaying activities and products within the building. Lighting at night from ground floor windows also adds to the presence of activity and the sense that someone is home.**
2. **Standard. All street-facing elevations within the building setback (0 to 10 feet) along public streets shall include a minimum of 50% of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50% of the ground floor window requirement may be met on an adjoining elevation as long as the entire requirement is located at a building corner.**

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

B. <u>Building façades.</u>

1. **Purpose. Straight, continuous, unarticulated walls lack interest, character and personality. The standard provides minimum criteria for creating a diverse and interesting streetscape.**
2. **Standard. Façades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least one foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building's structural system. No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.**

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

C. Weather protection.

1. **Purpose. Weather protection is encouraged to create a better year-round pedestrian environment and to provide incentive for people to walk rather than drive.**
2. **Standard. Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.**

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

D. Building materials.

1. **Purpose. High quality construction and building materials suggest a level of permanence and stature appropriate to a regional center.**
2. **Standard. Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet.**

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

E. Roofs and roof lines.

1. **Purpose. Roof line systems that blur the line between the roof and the walls of buildings should be avoided. This standard simply states that roofing materials should be used on the roof and that wall finish materials should be use on building walls. The premise is that future buildings in the WSRC should have a look of permanence and quality.**
2. **Standard. Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.**

The materials of roofs and roof lines are different from the materials used on the building elevations so as to avoid blurring the distinction between the roof and walls as required by the standard. This standard is met.

F. Roof-mounted equipment.

1. **Purpose. Roof top equipment, if not screened properly, can detract from views of adjacent properties. Also roofs and roof mounted equipment can be the predominant view where buildings are down slope from public streets.**
2. **Standard. All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.**

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

18.630.070 Signs

A. <u>Sign standards.</u> In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:

1. **Zoning district regulations. Residential only developments within the MUC, MUE and MUR zones shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MUC zone shall meet the sign requirements for the commercial zones, 18.780.130.C; nonresidential development within the MUE zone shall meet the sign requirements of the C-P zone, 18.780.130.D and nonresidential development within the MUR zones shall meet the sign requirements of the C-N zone, 18.780.130.E.**

2. **Sign area limits. The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted.**
3. **Height limits. The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted.**
4. **Sign location. Freestanding signs within the Washington Square regional center shall not be permitted within required L-1 landscape areas.**

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

18.630.090 Landscaping and Screening

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

A. L-1 parking lot screen. The L-1 standard applies to setbacks on public streets. The L-1 standard is in addition to other standards in other chapters of this title. The setback shall be a minimum of eight feet between the parking lot and a public street. L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.

B. L-2 general landscaping. The L-2 standard applies to all other trees and shrubs required by this chapter and Chapter 18.745 (except those required for the L-1 parking lot screen). For trees and shrubs required by Chapter 18.745, the L-2 standard is an additional standard. All L-2 trees shall be 2½-inch caliper at the time of planting. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

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

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

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

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

18.705 ACCESS, EGRESS, AND CIRCULATION

18.705.020 Applicability of Provisions

A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.

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

therefore these standards apply.

18.705.030 General Provisions

D. <u>Public street access.</u> All vehicular access and egress as required in 18.705.030.H and I shall connect directly with a public or private street approved by the city for public use and shall be maintained at the required standards on a continuous basis.

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

F. <u>Required walkway location.</u> On-site pedestrian walkways shall comply with the following standards:

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

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

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

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

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

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

1. An access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the city and AASHTO (depending on jurisdiction of facility).

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

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting

adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

2. Driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from city engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

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

3. The minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet.
4. The minimum spacing of local streets along a local street shall be 125 feet.

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

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

TABLE 18.705.2
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
MULTIFAMILY RESIDENTIAL USE

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

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

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

CONDITIONS: Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

18.715 DENSITY COMPUTATIONS

18.715.010 Purpose

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

18.715.020 Density Calculation

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

1. All sensitive land areas:

a. Land within the 100-year floodplain,

b. Land or slopes exceeding 25%,

c. Drainage ways, and

d. Wetlands,

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

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

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

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

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

4. All land proposed for private streets; and

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

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

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

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

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

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

18.725 ENVIRONMENTAL PERFORMACE STANDARDS

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

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

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

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

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

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

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

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

18.745 LANDSCAPING AND SCREENING

18.745.030 General Provisions

A. **Maintenance responsibility. Unless otherwise provided by the lease agreement, the owner, tenant and his or her agent, if any, shall be jointly and severally responsible for the ongoing maintenance of all landscaping and screening used to meet the requirements of this chapter according to applicable industry standards.**
B. **Installation requirements. The installation of all landscaping and screening required by this chapter shall be as follows:**
   1. **All landscaping and screening shall be installed according to applicable industry standards;**
   2. **All plants shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-2004, and any future revisions); and**
   3. **All landscaping and screening shall be installed in accordance with the provisions of this title.**
C. **Certificate of occupancy. Certificates of occupancy shall not be issued unless the requirements of this chapter have been met or other arrangements have been made and approved by the city such as the posting of a bond.**

18.745.040 Street Trees

A. Street trees shall be required as part of the approval process for Conditional Use (Type III), Downtown Design Review (Type II and III), Minor Land Partition (Type II), Planned Development (Type III), Site Development Review (Type II) and Subdivision (Type II and III) permits.

B. The minimum number of required street trees shall be determined by dividing the linear amount of street frontage within or adjacent to the site (in feet) by 40 feet. When the result is a fraction, the minimum number of required street trees shall be determined by rounding to the nearest whole number.

C. Street trees required by this section shall be planted according to the Street Tree Planting Standards in the Urban Forestry Manual.

D. Street trees required by this section shall be provided adequate soil volumes according to the Street Tree Soil Volume Standards in the Urban Forestry Manual.

E. Street trees required by this section shall be planted within the right of way whenever practicable according to the Street Tree Planting Standards in the Urban Forestry Manual. Street trees may be planted no more than 6 feet from the right of way according to the Street Tree Planting Standards in the Urban Forestry Manual when planting within the right of way is not practicable.

F. An existing tree may be used to meet the street tree standards provided that:

1. The largest percentage of the tree trunk immediately above the trunk flare or root buttresses is either within the subject site or within the right of way immediately adjacent to the subject site;

2. The tree would be permitted as a street tree according to the Street Tree Planting and Soil Volume Standards in the Urban Forestry Manual if it were newly planted; and

3. The tree is shown as preserved in the Tree Preservation and Removal site plan (per 18.790.030.A.2), Tree Canopy Cover site plan (per 18.790.030.A.3) and Supplemental Report (per 18.790.030.A.4) of a concurrent urban forestry plan and is eligible for credit towards the effective tree canopy cover of the site.

G. In cases where it is not practicable to provide the minimum number of required street trees, the Director may allow the applicant to remit payment into the Urban Forestry Fund for tree planting and early establishment in an amount equivalent to the City's cost to plant and maintain a street tree for three (3) years (per the Street Tree Planting Standards in the Urban Forestry Manual) for each tree below the minimum required.

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

18.745.050 Buffering and Screening

A. General provisions.

1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix.

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

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

1. Screening and landscaping of parking and loading areas:

a. Screening of parking and loading areas is required. In no cases shall nonconforming screening of parking and loading areas (i.e., nonconforming situation) be permitted to become any less

conforming. Nonconforming screening of parking and loading areas shall be brought into conformance with the provisions of this chapter as part of the approval process for conditional use (Type III), downtown design review (Type II and III), planned development (Type III), and site development review (Type II) permits only. The specifications for this screening are as follows:

i. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;

ii. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;

iii. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;

iv. All parking areas, including parking spaces and aisles, shall be required to achieve at least 30% tree canopy cover at maturity directly above the parking area in accordance with the parking lot tree canopy standards in the Urban Forestry Manual.

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

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

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

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

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

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

18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE

18.755.010 Purpose and Applicability

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

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

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

18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.765.030 General Provisions

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

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

G. Disabled-accessible parking. All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the state building code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.

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

18.765.040 General Design Standards

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

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

18.765.050 Bicycle Parking Design Standards

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

2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.
C. Design requirements. The following design requirements apply to the installation of bicycle racks:
1. The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required;
2. Bicycle racks must be securely anchored to the ground, wall or other structure;
3. Bicycle parking spaces shall be at least two and one-half feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;
4. Each required bicycle parking space must be accessible without moving another bicycle;
5. Required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement;
6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.
D. Paving. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete, other pervious paving surfaces, or similar material. This surface must be designed and maintained to remain well-drained.
E. Minimum bicycle parking requirements. The total number of required bicycle parking spaces for each use is specified in Table 18.768.2 in 18.765.070.H. In no case shall there be less than two bicycle parking spaces. Single-family residences and duplexes are excluded from the bicycle parking requirements. The director may reduce the number of required bicycle parking spaces by means of an adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in 18.370.020.C.5.e.

Pursuant to Table 18.765.2, one bicycle parking space is required for every two multi-family dwelling units, or a minimum of 108 bicycle parking spaces are required. As shown in the Preliminary Site Plan (Sheet P2.0), 108 covered bike parking spaces are provided. This standard is met.

18.765.070 Minimum and Maximum Off-Street Parking Requirements
H. Specific requirements. See Table 18.765.2.

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

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

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

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

18.790 URBAN FORESTRY PLAN

18.790.030 Urban Forestry Plan Requirements

A. Urban forestry plan requirements. An urban forestry plan shall:

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

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

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

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

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

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

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

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

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

18.790.060 Urban Forestry Plan Implementation

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

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

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

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

FINDING: Based on the analysis above, the applicable urban forestry tree inventory and establishment standards have been met. To ensure compliance, the following conditions are applied:

CONDITIONS: Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

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

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

18.795 VISUAL CLEARANCE

18.795.030 Visual Clearance Requirements

A. At corners. Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

B. Obstructions prohibited. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

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

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

1. Relationship to the natural and physical environment:

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

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

trees. This criterion is met.

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

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

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

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

2. Buffering, screening and compatibility between adjoining uses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Private outdoor area—Residential use:

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

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

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

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

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

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

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

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

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

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

i. Additional outdoor passive use open space facilities;

ii. Additional outdoor active use open space facilities;

iii. Indoor recreation center; or

iv. A combination of the above.

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

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

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

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

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

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

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

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

7. Access and circulation:

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

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

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

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

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

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

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

9. Public transit:

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

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

ii. The size and type of the proposed development.

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

i. A waiting shelter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This criterion is met.

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

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

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

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

18.810 STREET AND UTILITY IMPROVEMENTS STANDARDS:

18.810.030 Streets

A. Improvements.

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

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

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

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

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

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

N. Grades and curves.

1. **Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet); and**
2. **Centerline radii of curves shall be as determined by the city engineer.**

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

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

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

This standard may be met by condition.

18.810.050 Easements

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

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

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

18.810.070 Sidewalks

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

B. Requirement of developers.

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

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

18.810.090 Sanitary Sewers

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

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

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

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

18.810.100 Storm Drainage

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

1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and

3. Surface water drainage patterns shall be shown on every development proposal plan.

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

C. Accommodation of upstream drainage. A culvert or other drainage facility shall be large enough to

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

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

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

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

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

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

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

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

18.810.120 Utilities

A. Underground utilities. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
2. The city reserves the right to approve location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to undergrounding requirement.

1. The developer shall pay a fee in-lieu of undergrounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the

only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.

2. **An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay the fee in-lieu of undergrounding.**

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

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

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

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

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

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

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:
The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:
The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of $50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

SECTION VIII. IMPACT STUDY

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

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

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

ROUGH PROPORTIONALITY ANALYSIS

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

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

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

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

SECTION IX. OTHER STAFF COMMENTS

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

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

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

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

SECTION X. AGENCY COMMENTS

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

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

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

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

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

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

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

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

SECTION XI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

Limiting conflicting uses in Goal 5 protected wetlands (CPA)

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

Planned Development (PDR)

Parking Exemption

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

Funding future transportation

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

CONCLUSION

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

RECOMMENDATION

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

Exhibits:

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

PREPARED BY: Gary Pagenstecher
Associate Planner

12-8-14
DATE

APPROVED BY: Tom McGuire
Assistant Community Development Director

12/8/14
DATE

EXHIBIT A

City of Tigard Memorandum

To: Gary Pagenstecher, Associate Planner

From: Greg Berry, Project Engineer

Re: SDR 2014-04; A+O Apartments

Date: November 26, 2014

Access Management (Section 18.705)

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

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

Section 18.705.030.D states that all vehicular access and egress … shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.

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

Section 18.705.F Required walkways

PLANNING

Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and/or AASHTO (depending on jurisdiction of facility).

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

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

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

Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.

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

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

Standards for the proposed 215 units are not provided. The proposed three accesses with a 24-foot paved width and would provide a level of access similar to that required for the development sizes listed.. The standard is met.

Street And Utility Improvements Standards (Section 18.810):
Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

Streets:

Improvements:
Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.

Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.

Minimum Rights-of-Way and Street Widths: Section 18.810.030E requires minimum rights-of-way and street widths for streets adjacent to or within a development.

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

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

No streets within the development are proposed.

This standard is expected to be met.

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

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

Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.

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

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

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

This standard may be met by condition.

Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the right-of-way line except:

- **Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;**
- **For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.**
- **For non-residential blocks in which internal public circulation provides equivalent access.**

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

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

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

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

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

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

No streets are proposed. This standard is met.

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

No additional sidewalks are required.

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

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

Sanitary Sewers:

Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

Sewer Plan approval: Section 18.810.090.B requires that the applicant obtain City Engineer approval of all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

Over-sizing: Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

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

Storm Drainage:

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

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

Accommodation of Upstream Drainage: Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

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

Effect on Downstream Drainage: Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2007 and including any future revisions or amendments).

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

<u>Storm Water Quality:</u>
The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 07-20) which require the construction of on-site water quality facilities. The facilities shall be designed in accordance with the CWS Design and Construction Standards for Sanitary Sewer and Surface Water Management and shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

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

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces of more than 1,000 square feet provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention, but a fee-in-lieu would be required.

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

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- **The developer shall make all necessary arrangements with the serving utility to provide the underground services;**
- **The City reserves the right to approve location of all surface mounted facilities;**
- **All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and**
- **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

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

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

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

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

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

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:
The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:
The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of $50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

Sensitive Lands (Section 18.775.070)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendations:

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

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

Prior to any work on site, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

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

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

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

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

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

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

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

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

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

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

An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

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

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

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

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

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

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

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

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

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

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

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

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

Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

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

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

EXHIBIT B

Tualatin Valley Fire & Rescue

www.tvfr.com

December 3, 2014

City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

Re: A + O Apartments Planned Development

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

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

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

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

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

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

Considerations for placing fire hydrants may be as follows:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

John Wolff

John Wolff
Deputy Fire Marshal

Copy: TVF&R FIle

EXHIBIT C

December 4, 2014

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

RE: Case File Number, CPA 2014-2

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

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

TRIMET STAFF RECOMMENDATIONS

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

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

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

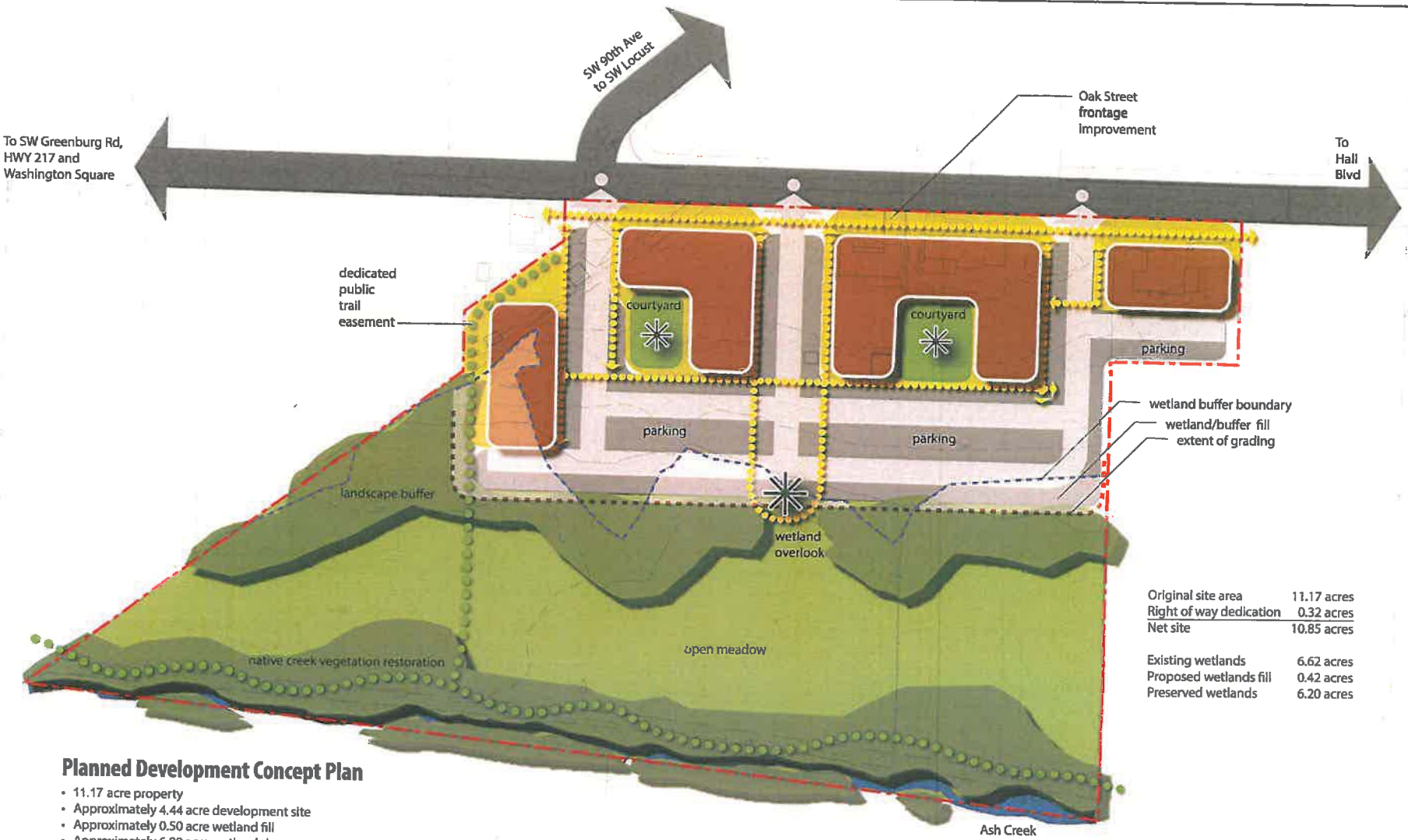
Again, thank you for your time and consideration. If you have any questions, please contact me at 503-962-6478.

Sincerely,

Grant O'Connell

Grant O'Connell, Planner II
Transit Development
Capital Projects

Exhibit D



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

Planned Development Concept Plan

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

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

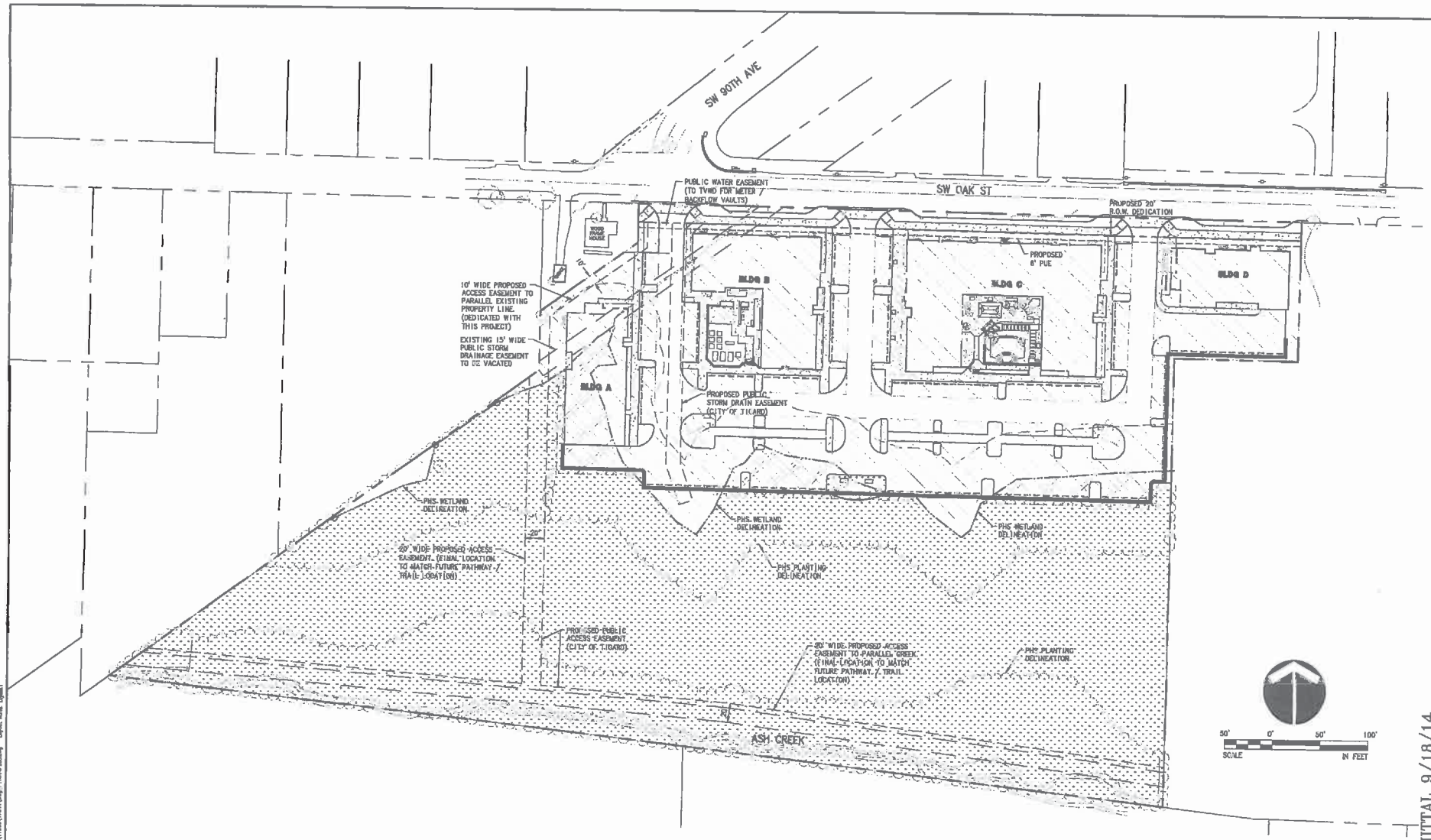
PLANNED DEVELOPMENT CONCEPT PLAN

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

Project No. 17044 Drawing No. P17044P202
Sheet No. P2.2

Exhibit E

"REP" LIST
Listed: 50
Received:
P17044X230
P17044X001
P17044X190



DEVELOPMENT AREA:

ACTUAL DEVELOPMENT SITE: 4.44 AC

SOUTH OF RETAINING WALL: 6.41 AC

NET DEVELOPMENT SITE
(FOR DENSITY CALCULATION PURPOSES)

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

NET DEVELOPMENT AREA = 4.05 AC

SITE INFORMATION

TOTAL SITE AREA: 11.17 AC

EXISTING WETLANDS: 6.62 AC

PROPOSED WETLAND IMPACT AREA: 0.42 AC

REMAINING WETLAND AREA: 6.20 AC

NO.	DATE	BY	REVISION COMMENTS

Design: Drawn: Checked: Date: Revised Issue Date:

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

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

OVERALL DETAILED PLANNED DEVELOPMENT PLAN

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

17044 P17044P.203
Project No. Drawing No.
P2.3
Sheet No.

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Plotted: Sep 18, 2014 - 1:11pm eric\ce L:\Projects\17000\17044\Dwg\17044P203.dwg Layout: Alma Layout1

EXHIBIT B

Economic, Social, Environmental, and Energy (ESEE) Analysis for the A+O Apartments in Tigard, Oregon

(Township 1 South, Range 1 West, Section 35AC, Tax Lots 4000, 4100, 4200, 4300, and 4400 and Township 1 South, Range 13 West, Section 35AD, Tax Lot 1303)

Prepared for

Attn: DBG Oak Street, LLC
Walter O. Grodahl, Manager
2164 SW Park Place
Portland, OR 97204

Prepared by

John van Staveren
Tricia Sears
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070
(503) 570-0800
(503) 570-0855 FAX

PHS Project Number: 5341

December 8, 2014

TABLE OF CONTENTS

Page

1.0 INTRODUCTION.....1

2.0 ESEE ANALYSIS.....1

2.1 Identification of Impact Area.....2

2.1.1 Overview of Existing Local Land Uses.....2

2.1.2 Overview of Local Natural Features.....3

2.1.3 Natural Resources within the Development Property.....3

2.1.4 Identification of Impact Area.....4

2.2 Potential Conflicting Uses within the Impact Area.....4

2.3 Site Specific ESEE Analysis.....7

2.3.1 Environmental Consequences.....7

2.3.2 Economic Consequences.....10

2.3.3 Social Consequences.....11

2.3.4 Energy Consequences.....11

3.0 COMPARISON WITH OTHER COMPARABLE SITES WITHIN THE TIGARD PLANNING AREA.....12

4.0 ESEE DECISION.....13

APPENDIX A: Figures

1.0 INTRODUCTION

DBG Oak Street, LLC proposes to develop 215 multi-family residential dwelling units within four, 4-story multi-family residential buildings on 11.17 acres south of SW Oak Street in Tigard. The property encompasses tax lots 1303, 4000, 4100, 4200, 4300, and 4400. A wetland delineation conducted in February 2014 by Pacific Habitat Services, Inc. (PHS) identified 6.62 acres of wetland within the proposed development site, plus Ash Creek, which flows to the west at the site's southern boundary.

The wetland is designated as "significant" (i.e. a Statewide Planning Goal 5 resource) on the City of Tigard's "Wetlands and Streams Corridors Map" and is protected. The City does not allow any land form alterations or developments within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130. As described in Section 18.775.130 Plan Amendment, the City allows applicants to impact significant wetlands if one of two options can be demonstrated. The first option is to conduct an Economic, Social, Environmental, and Energy (ESEE) Analysis that shall consider the consequences of allowing the proposed conflicting use. The second option is to demonstrate the wetland's "insignificance." PHS reviewed the significance thresholds included as an addendum to the City of Tigard's Local Wetlands Inventory and determined that even though the quality of the wetland, its connection to Ash Creek still ensures it would be regarded as significant. As such, the applicant is submitting an ESEE analysis for a quasi-judicial comprehensive plan amendment under a Type IV procedure.

This document focuses on the significant wetland and does not include a significant habitat evaluation. It is understood the significant habitat evaluation is an incentive based, non-regulatory element within the City's regulatory frame work.

2.0 ESEE ANALYSIS

The applicant has prepared an ESEE consequences analysis in accordance with OAR 660-23-040. The ESEE analysis is used to determine whether a jurisdiction will allow, limit or prohibit a use that may conflict with preservation of the significant natural resource. For the proposed development on SW Oak Street, the subject properties include a Goal 5 resource considered significant (i.e. the wetland that borders Ash Creek).

The Goal 5 ESEE analysis involves evaluating the tradeoffs associated with different levels of natural resource protection. As required by the Goal 5 rule, the evaluation process involves identifying the consequences of allowing, limiting or prohibiting conflicting uses in areas containing significant natural resources. Specifically, the rule requires the following steps:

- ***Identify conflicting uses*** – A conflicting use is "any current or potentially allowed land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource." [OAR 660-23-010(1)]
- ***Determine impact area*** – The impact area represents the extent to which land uses or activities in areas adjacent to natural resources could negatively impact those resources. The impact area identifies the geographic limits within which to conduct the ESEE analysis.

- ***Analyze the ESEE consequences*** – The ESEE analysis considers the consequences of a decision to either fully protect natural resources; fully allow conflicting uses; or limit the conflicting uses. The analysis looks at the consequences of these options for both development and natural resources.
- ***Develop a program*** – The results of the ESEE analysis are used to generate recommendations or an "ESEE decision." The ESEE decision sets the direction for how and under what circumstances the local program will protect significant natural resources.

The site of the proposed development has been evaluated in a prior ESEE Analysis. The ESEE Analysis (*Tualatin Basin Goal 5/ Natural Resources ESEE* Analysis) was prepared in March 2005 by the Tualatin Basin Partners for Natural Places and by Angelo Eaton & Associates. It addressed Riparian Corridors (OAR 660-023-0090); Wildlife Habitat (OAR 660-023-0110); and Inner and Outer Impact Areas. The report divided their study area into sixty nine "streamsheds". The proposed project is located within the Ash Creek Streamshed (Local site #2) (Figure 1). The ESEE analysis also included information from Metro. For its Goal 5 inventory, Metro divided the entire region into twenty-seven "Regional Sites". The Metro "Regional Sites" were developed using 5th and 6th field watershed mapping. The proposed project is located in Regional Site #12 (Figure 2).

2.1 IDENTIFICATION OF IMPACT AREA

Under the Goal 5 rule, "local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified natural resource" (OAR 660-23-040(3)).

2.1.1 Overview of Existing Local Land Uses

As stated above, the proposed project is located within the Ash Creek Streamshed (Local site #2). Land uses within the streamshed primarily include low density single family residential and high density commercial and mixed use located along major roads. The streamshed is largely developed, with only 40 acres (4%) of the streamshed identified in the City buildable lands inventory (BLI) as vacant or redevelopable. Within the resource areas, 17 acres are designated as buildable. Tigard's BLI includes vacant sites, consisting of individual or combinations of parcels, ¼ acre or larger. It excludes all Title 3 protected areas (floodplain, wetlands, and buffers). The 17 acres in question are designated for either light or moderate protection. The resource type involved is upland wildlife habitat.

Located within the streamshed are the Washington Square Mall, Lincoln Center, and other commercial developments. While the amount of vacant land within this streamshed is small, the potential for redevelopment is relatively large because a major portion of the area falls within the *Washington Square Regional Center Plan* area. The Washington Square Plan calls for higher density urban development. This higher density includes mixed use developments within the plan area. Other uses in the streamshed include single family attached and detached structures, multi-family developments, Metzger Park, a public golf course, Metzger Elementary School, offices, retail establishments, and eating and drinking establishments. Also present is the subject property and the adjacent pasture located south of Ash Creek and north of Highway 217.

According to Clean Water Services (CWS), the amount of overall effective impervious area (EIA) within the regional site is 21%. The EIA is a very high 42-70% in the area of the Washington Square Mall and a high 23-41% in the other commercially developed areas. In contrast, the EIA within the residentially developed areas is a low 1-13%.

2.1.2 Overview of Local Natural Features

According to Metro's *Regionally Significant Riparian and Wildlife Inventory*, Regional Site #12 (2,693.5 acres) contains streams that generally have a medium gradient. Anadromous fish are present in 7 of the 46 stream miles located within the regional site. The *Natural Resource Assessment Technical Report* for the *Washington Square Regional Center Implementation Plan* indicates that Ash Creek offers poor habitat for fish. This is because important habitat elements such as large woody debris, cold water temperatures, pool and riffle complexity, and quality spawning gravel areas are largely absent from the area's stream system.

The *Tualatin Basin Existing Environmental Health Report* (EEHR) rates the overall health of the Regional Site as fair. In terms of the individual components used to assess health, wildlife habitat is rated as fair, water quality as poor and riparian vegetation as fair.

Conifer and hardwood forests are identified as the predominant habitat types within the resource site, with wetlands accounting for 13% of the site's wildlife habitat. The regional site accounts for nearly 4% of the regional wetlands and ranks 6th among the 27 resource sites in terms of wetland acreage. The site is characterized as having relatively small habitat patches with little forest interior, but reasonably good connectivity and very good water resources.

The City's local Goal 5 inventory, conducted in 1994, indicates that water quality is excellent in the stream's upstream reach (including the south fork of Ash Creek). Water quality deteriorates as the stream flows downstream through residential areas and receives stormwater run-off from these areas. This conclusion is consistent with the finding of the EEHR and the *Natural Resource Technical Assessment Report*, prepared for the *Washington Square Regional Center Implementation Plan*.

2.1.3 Natural Resources within the Development Property

Land use adjacent to the proposed development includes residential, commercial, and open space. The proposed development consists of six tax lots with four houses. The houses are located in the northern portion of the study area along SW Oak Street and include paved driveways, accessory buildings, and existing landscape vegetation. One of the houses is vacant; the other three are currently occupied. Within the study area, PHS identified one large wetland (designated as Wetland A), a stormwater ditch, and Ash Creek. PHS conducted the wetland delineation in February, 2014 (Figure 3).

Wetland A: Wetland A is located in the southern half of the study area, and is approximately 288,490 square feet (6.62 acres). The Cowardin class is palustrine, emergent, seasonally flooded (PEMC) and the HGM class is Slope. The wetland slopes gently from north to south, and

continues to the edge of Ash Creek. Vegetation within the wetland consists of pasture grasses; meadow foxtail (*Alopecurus pratensis*), tall fescue (*Festuca arundinacea*), creeping bentgrass (*Agrostis stolonifera*), and velvet grass (*Holcus lanatus*, FAC). Reed canarygrass (*Phalaris arundinacea*) is present in the western portion of the wetland. Other facultative pasture grasses are likely present, but due to the time of year, identification was not possible. Vegetation in the adjacent upland consists of the same pasture grasses as in the wetland, however Canada thistle (*Cirsium arvense*) and Himalayan blackberry (*Rubus armeniacus*) are also present.

Soils within the wetland meet the definition for redox dark surface (F6), and are considered hydric. The soils within Wetland A were generally not saturated; hydrology was satisfied using the oxidized rhizospheres indicator, or secondary indicators, including raised ant mounds and geomorphic position. Wetland A continues east, west, and south outside of the study area.

A 48,228 sq. ft. (1.11 acre) vegetated corridor regulated by Clean Water Services exists adjacent to the wetland to the north. Due to past disturbance, the quality of the vegetated corridors is considered to be degraded.

Stormwater Ditch: A stormwater ditch is located in the northwestern portion of the study area. It covers approximately 471 square feet (0.01 acre) within the study area. The ditch carries stormwater from SW Oak Street, as well as from the existing condominium complex located north of SW Oak Street, and empties into Wetland A.

Ash Creek: Ash Creek provides rearing and migration habitat for Lower Columbia River winter steelhead trout to river mile 1.53 (including the reach adjacent to the project site). Ash Creek is a straightened channel within the project area, with a degraded riparian area.

2.1.4 Identification of Impact Area

The Impact Area for the ESEE is defined as the 11.17 acres south of SW Oak Street in Tigard, which includes tax lots 1303, 4000, 4100, 4200, 4300, and 4400, all of Wetland A, the stormwater ditch, the vegetated corridor, and Ash Creek.

2.2 Potential Conflicting Uses within the Impact Area

The proposed development is located within District C (Lincoln Center-Ash Creek), one of five districts within the *Washington Square Regional Center Plan*. The Regional Center Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. One important component of developing within the property is adherence to the plan's vision of maintaining the functions of Ash Creek and adjacent sensitive areas. As described in the plan: "plantings, setbacks and other mitigation and enhancement techniques will buffer Ash Creek and adjacent sensitive areas from disturbance." As will be described in detail below, the proposed

development achieves a high residential density, while preserving and enhancing Ash Creek and adjacent sensitive areas.

Within the property, 0.33 acres of right-of-way will be dedicated for the widening of SW Oak Street across the site's frontage leaving a potential development area of 10.84 acres; however, the property includes 6.62 acres of jurisdictional wetland and Ash Creek, which flows to the west along the southern property boundary. The project proposes to unavoidably impact 0.42 acres of this lower quality wetland closer to Oak Street, but will preserve 6.2-acres of remaining wetland, which will be protected in perpetuity (Figure 4). There are also 1.02 acres of vegetated corridor impacts and the preservation and enhancement of 0.09 acres. Of the 6.2 acres, 3.2 acres will be enhanced with native tree and shrubs plantings, leaving 3 acres unplanted to create habitat diversity within the floodplain of Ash Creek. The 3.2 acres of enhancement is a voluntary action by the applicant and is not proposed as required mitigation (credits from a local wetland mitigation bank will be purchased to satisfy the Department of State Lands and US Army Corps of Engineers' mitigation requirements).

The density of the project will be 51.8 units per net acre on the development portion of the site, and 19 dwelling units per acre for the entire site. The project site includes six existing parcels, which will be consolidated into a single parcel prior to site development. If a separate tract is required to be created for the open space area, a property line adjustment application will be submitted and the parcels will be reconfigured to create a development parcel and a tract prior to or concurrent with consolidation of the parcels. All existing buildings and site improvements will be removed from the site with initial site grading.

Four, 4-story buildings are proposed and will be between 47-feet and 53-feet tall when viewed from SW Oak Street. All together, the proposed buildings will contain 64 studio units of less than 500 square feet in size, 98 one-bedroom units, and 53 two-bedroom units. The apartment buildings will have similar appearances. Variations amongst the buildings will be provided by their varied sizes and by different paint schemes and minor variations in trim packages. The development will include a landscaped plaza with benches, community gardens for the use of residents, landscape beds, and a bicycle parking pavilion. A 20-foot wide public pedestrian easement will be provided along the western edge of the site and into the wetlands area to the south for future development of a public pedestrian trail to connect with a future east-to-west public trail near Ash Creek. The east-to-west trail is described in the City of Tigard's Parks Master plan as a portion of a planned Washington Square Regional Center Trail. The applicant will work with the City on the provision of and the final locations for these public pedestrian easements.

A total of 278 on-site parking spaces will be provided. Partially below-ground level parking garages will provide covered parking spaces for 37 vehicles. A surface parking lot will be located to the south of the buildings. A total of 241 surface parking spaces will be provided. The applicant will work with a car share provider to encourage project residents to utilize shared vehicles in order to reduce the demand for on-site parking. Information on a car share program(s) will be provided to residents. A small number of conveniently located parking spaces may be reserved for car share vehicles.

The application to the City of Tigard requests a 9.15 percent reduction in the number of required onsite parking spaces due to anticipated less than normal demand for parking spaces by project residents, and in order to not increase the amount of proposed wetland impact to create additional parking spaces. Less than normal demand is anticipated for parking due to the relatively small size of the units providing housing for fewer residents (prevalence of studios and 1-bedroom units compared to typical suburban apartment complexes); the availability of car share vehicles, the availability of nearby transit; and the proximity to nearby shopping and employment opportunities.

Construction of the proposed project will result in the placement of fill within 0.42 acres of the wetland and 1.02 acres of the vegetated corridor. Mitigation for the wetland impacts are described below, but will include the purchase of credits from the Tualatin Valley Environmental Bank. The planting of 3.2 acres within the wetland and riparian area of Ash Creek is not regarded as wetland mitigation, but is being voluntarily proposed by the applicant.

Numerous development plans have been proposed for the property since at least 1996. All of the previous proposals would have resulted in greater than the proposed 0.42 acres of wetland impact proposed in this application. Figures 5A-5C show previous development proposals.

Alternative 1: This alternative shows development of the entire site, from SW Oak Street all the way to the banks of Ash Creek (Figure 5A). This scenario would have proposed impacts to almost the entire 6.62 acres of wetlands and would have impacted the riparian area of Ash Creek.

Alternative 2: This alternative shows development of the central and northern portions of the site (Figure 5B). Although impacts to the wetland are less than Alternatives 1 or 3, impacts to Wetland A are still significant.

Alternative 3: This alternative shows development of the entire site, from SW Oak Street all the way to the banks of Ash Creek (Figure 5C). Again, this scenario would have proposed impacts to almost the entire 6.62 acres of wetlands and would have impacted the riparian area of Ash Creek. In addition, this scenario shows a portion of Wetland A excavated to create a pond.

The Applicant also considered an alternative site plan that completely avoided Wetland A. This alternative results in no impact to any jurisdictional wetlands; however, because of the City of Tigard's requirements for density and parking, this alternative reduces the amount of developable area and does not meet project specific criteria as well as the preferred alternative.

For this proposal, the impact to the wetland is lessened significantly from prior proposals. The project proposes to unavoidably impact 0.42 acres of this lower quality wetland closer to SW Oak Street, but will preserve the 6.2 acres of remaining wetland, which will be protected in perpetuity as described earlier. Of the 6.2 acres, 3.2 acres will be enhanced with native tree and shrubs plantings, leaving 3.0 acres unplanted to create habitat diversity within the floodplain of Ash Creek (Figures 6-6A).

The proposed design minimizes impacts by proposing underground parking, increasing the building heights, and reducing the proposed number of units. The proposed development is

clustered together. The proposed residential density is well below that desired by Metro for the property.

Ash Creek provides rearing and migration habitat for steelhead trout, which is listed as Threatened under the Federal Endangered Species Act. There will be no direct effects to steelhead from the proposed development plan. The project includes a buffer of between approximately 260 to 300 feet from the creek to the southern edge of the proposed development. The list of trees and shrubs to be planted in the wetland and the riparian area is included below.

Wetland Enhancement – 3.2 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
Alnus rubra	Red alder	5-6’	10’	139
Crataegus douglasii	Douglas hawthorn	5-6’	10’	349
Fraxinus latifolia	Oregon ash	5-6’	10’	446
Salix lasiandra	Pacific willow	5-6’	10’	349
Thuja plicata	Western red cedar	5-6’	10’	112
			Total	**1,395**
Shrubs/Small Trees				
Cornus alba	Red osier dogwood	2-3’	5’	2,092
Spiraea douglasii	Douglas spiraea	2-3’	5’	1,744
Lonicera involucrata	Twinberry	2-3’	5’	1,394
Physocarpus capitatus	Ninebark	2-3’	5’	1,744
			Total	**6,974**

In addition to the buffer and the proposed plantings, all stormwater will be treated to that required by the National Marine Fisheries Service’s Standard Local Operating Procedures for Endangered Species (SLOPES) V. As such, there will be minimal impact to Ash Creek and the majority of the wetland. Storm drainage runoff will be collected by building laterals and catch basins for onsite runoff. Runoff will be treated using mechanical treatment devices such as StormFilter catch basins and storm drain splitter manholes and StormFilter manholes. The private storm drainage system will discharge to riprap pads above the wetlands in four locations south of the parking area and retaining wall. Stormwater from these discharge points ultimately will flow to Ash Creek through the intervening wetlands. It is anticipated that no on-site storm water detention will be necessary. A Storm Drainage Report for the project is included as an attachment to this application. Stormwater management will comply with SLOPES V, as described in the Stormwater Management Plan prepared by Otak.

A discussion of alternatives for impacts to the vegetated corridor is included in Appendix B.

2.3 Site Specific ESEE Analysis

This section considers the economic, social, environmental and energy consequences of the following:

a. Prohibit conflicting uses providing full protection of the resource site.
b. Limit conflicting uses offering limited protection of the resource site (balance development and conservation objectives).
c. Allow conflicting uses fully with no local protection for the resource site.

2.3.1 Environmental Consequences

Prohibit Conflicting Uses: If all conflicting uses are prohibited, then the wetland in its current condition would be conserved. The wetland is privately owned and the property owner has no plans to enhance the property should all conflicting uses be prohibited. Any proposed development would likely be restricted to the redevelopment of the existing houses on SW Oak Street and the wetland in its current condition would remain intact.

The wetland provides functions and values, but these are degraded due to past disturbance to the site. Ash Creek likely flowed freely through the property prior to human settlement of the area, but it was straightened decades ago and now forms the southern property boundary. The wetland was grazed for many years and as a result many of the trees and shrubs that dominated the wetland, such as Oregon ash and western red cedar, have been replaced by non-native pasture grasses.

Even with the impacts from past human use, however, the wetland still provides important functions and values. Water quality treatment is provided due to the fact that the stormwater ditch discharges into the wetland before reaching Ash Creek. As such, the non-native grasses within the wetland filters the stormwater flowing untreated from impervious surfaces upstream. Wildlife habitat is provided by the open space adjacent to the creek and by the proximity of the creek itself. The property likely serves as a travel corridor for a variety of common urban wildlife species, but also for more uncommon species such as coyotes and deer. The property is partially within the 100-year floodplain. Although the property does not detain flood flows for any appreciable time, it likely provides temporary habitat for steelhead when water levels rise above the top of the bank. The wetland also provides a visual buffer from the adjacent developed areas.

Limit Conflicting Uses: If conflicting uses are limited, there will be a balance of development and conservation objectives. The proposed development will unavoidably impact 0.42 acres of the wetland, but will conserve 6.2 acres. As such, only approximately 6% of the wetland is proposed for impact and approximately 94% of the wetland will be preserved in perpetuity (the property owner will record a conservation easement on the undeveloped portion of the property).

There are short term construction-related impacts, which would occur when preparing land for and constructing the proposed development. Construction activity will result in the excavation

and removal of vegetation, or “ground disturbing activities.” However, these disturbances can be restored through native plantings and a strictly enforced erosion control plan will ensure that impacts are limited to the footprint of the proposed development. Construction noise can have a detrimental impact on wildlife, especially during nesting periods.

The proposed development will impact a small portion of the total wetland on the site, but it will have little effect on the overall functions and values that the wetland currently provides. It can be argued that allowing the conflicting use will actually enhance the wetland by ensuring the remaining portion of the wetland is enhanced. Limiting conflicting uses would ensure that the remainder of the wetland is enhanced through the planting of native trees and shrubs. A total of 1,395 trees and 6,974 shrubs will be planted within 3.2 acres of the wetland. The remaining 3 acres will remain open to ensure there is a diversity of habitats within the remaining wetland. Open wet meadows surrounded by dense woody vegetation provide an important niche for many species of wildlife and can be uncommon in urban settings. The plantings will be focused on the riparian area on the north side of Ash Creek, which will moderate water temperatures and enhance the quality of instream habitat for salmonids by providing a source of food. The enhancement will also be focused within the northern portion of the wetland adjacent to the proposed development. The dense woody plant community adjacent to the development will provide both a visual and a sound buffer between the wetland and the proposed development.

The proposed development will impact a small portion of the 100-year floodplain, but there will be no net rise in floodplain elevation. The addition of 8,369 trees and shrubs to the wetland and the floodplain will, over time, attenuate flood flows, ensuring water is released downstream slower than under current conditions.

The proposed development will result in increased impervious surfaces. The proposed 11.28 acre residential development project will consist of 4.39 acres of impervious surface, of which 3.93 acres will be new impervious surface. Allowing conflicting uses, however, will not degrade the quality of the remaining wetland or Ash Creek. The applicant proposes to manage stormwater through the use of proprietary water quality treatment filters, Low Impact Development Approach (LIDA) planters, and underground detention chambers. The A+O Apartments site will be divided into public and private stormwater management systems. Most of the private runoff will be collected and conveyed to a proprietary water quality treatment filter facility and then to an underground detention facility at the south side of the site. Runoff from two small private areas at the eastern and western sides of the site will be treated with proprietary water quality treatment filters and discharged directly to the Ash Creek floodplain without detention. The new impervious area within the SW Oak Street public right-of way frontage will be treated by LIDA treatment facilities (infiltration planters and/or swales). These structures will also provide detention for smaller storm events. All onsite stormwater treatment facilities will be designed to treat the water quality design storm event, which SLOPES V has identified as 50% of the 2-year, 24-hour storm event. Runoff water quality treatment standards will be met using proprietary filter cartridges for the private basins and LIDA facilities for the public impervious areas. The water quality storm event generates 4,010 cubic feet of runoff from the onsite basin under proposed conditions. As the proprietary treatment filters are a flow-based system, a design flow of 1.04 cubic feet per second will be used for sizing the private water quality facilities. New impervious surfaces within the public right-of-way will be treated using LIDA facilities sized to meet CWS design standards.

LIDA swales and infiltration planters function by collecting runoff generated by the water quality event and filtering it through 18-inches of water quality mix material, which is comprised of topsoil, sand, and compost. Beneath the water quality mix layer is a section of open-graded rock surrounding a perforated pipe. What stormwater does not infiltrate into the native soil is collected and conveyed to the storm sewer system.

Allow Conflicting Uses: If conflicting uses are allowed, then theoretically a much larger proportion of the wetland could be impacted by development. Obviously any impacts to the wetland will need to be reviewed and approved by the Oregon Department of State Lands and the US Army Corps of Engineers.

Allowing conflicting uses will result in the removal of vegetative cover and habitat for a variety of wildlife. Lost habitat would include feeding places for birds, and loss of feeding and refuge areas for mammals, reptiles, amphibians, and insects. Existing habitat may be replaced with lawns and ornamental, non-native vegetation. Impervious surfaces may permanently replace native habitats. The wildlife migration corridor that the property currently provides will likely be lost or severely impacted depending on the level of wetland filled. The property currently provides habitat connectivity along Ash Creek. Fences and other development can form barriers to wildlife migration. As the range of habitat for indigenous wildlife becomes restricted and isolated, opportunities for recruitment from other areas are limited and wildlife populations become vulnerable to disease, predation and local extinction.

Increased impervious surface and vegetation loss can lead to increased storm runoff and peak flows in streams, resulting in erosion, bank failure, flooding, and significant loss of fish and aquatic habitat function. It is assumed, however, that the development resulting from allowing conflicting uses will still need to adhere to the water quality and detention standards set by the National Marine Fisheries Service and CWS.

The increase in impervious surface and storm runoff also leads to reduced groundwater recharge and altered volumes of water in wetlands and streams contributed by groundwater. This can alter an area's hydrology by lowering surface water levels or groundwater tables and removing a local source of water essential to the survival of fish, amphibians and aquatic organisms as well as terrestrial animals. Clearing and grading activities can reduce the capacity of soil to support vegetation and absorb groundwater by reducing soil fertility, microorganisms, and damaging soil structure.

As with allowing limited conflicting uses, there are short term construction-related impacts, which occur when preparing land for and constructing the proposed development. Construction activity results in the excavation and removal of vegetation, or "ground disturbing activities." However, these disturbances can be restored through native plantings and a strictly enforced erosion control plan will ensure that impacts are limited to the footprint of the proposed development. Construction noise can have a detrimental impact on wildlife, especially during nesting periods.

2.3.2 Economic Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would keep the wetland intact and likely limit the footprint of the proposed development activity to the existing houses on SW Oak Street. The houses would be remodeled or torn down and replaced by new houses. As there will be no change in density, prohibiting conflicting uses would impact the potential densities planned for (and required) in the *Washington Square Regional Center Implementation Plan*. The economic benefits for local businesses from developing a high density apartment complex would not be realized. The applicant would also realize far less economic benefit from remodeling or replacing the four houses.

There will be a loss in short term construction jobs required when the apartment complex is developed. There are many studies that state living next to an open space increases property values. As such, prohibiting conflicting uses could benefit property values on SW Oak Street in the long term.

Limit Conflicting Uses: Balancing development and conservation goals for the property will result in an economic gain for local businesses, while ensuring that adjacent properties benefit from an enhanced and largely intact open space. The applicant's proposed development of 215 multi-family residential dwelling units will economically benefit businesses in the area, such as Washington Square and Lincoln Center. The applicant will also receive income generated by the proposed development. There will be a gain in construction jobs generated by the construction of the apartment complex.

Allow Conflicting Uses: Allowing conflicting uses would increase the population of people residing in the apartment complex and would thus be expected to increase the economic gains of local businesses. There would be more short term construction jobs required to construct the larger complex.

Adjacent properties could be negatively impacted by the loss of open space and the increased footprint of the apartment complex, which (at least temporarily) would not be in keeping with adjacent developments.

2.3.3 Social Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would result in the redevelopment of the area of the houses along SW Oak Street, with the wetland remaining in its current degraded condition. The wetland and the creek would remain in private property and would not be accessible for educational purposes. As such, there would not be any benefit from passive recreation (e.g. bird watching); however, the social benefits afforded from living adjacent to an open space would remain intact.

Limit Conflicting Uses: Limiting conflicting uses would allow the development of the 215 unit apartment complex and the enhancement of the wetland. The enhanced wetland and its proximity to a relatively large population would establish new connections for people to the outdoors.

Although access to the enhanced wetland will be restricted by the home owners association, the proximity of the enhanced resource will benefit passive recreation, such as bird watching.

By increasing the amount of buildable land inside the Urban Growth Boundary (UGB), expansion of the UGB onto farm and grazing land could be slightly delayed.

Allow Conflicting Uses: Allowing conflicting uses would result in the loss of open space and views, which could negatively affect adjacent properties and the local area as a whole. The property is partly visible from Highway 217, so the visual impact of a large development, with no associated enhancement, could have a negative social effect.

Wetlands provide educational opportunities for those living near them, which would be lost if conflicting uses are allowed. Wetlands also provide opportunities for urban quiet and solitude, the lack of which has adverse social consequences.

2.3.4 Energy Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would result in the redevelopment of the houses on SW Oak Street. This would increase the pressure to expand the UGB in the long term, which could result in people needing to travel farther to work, school, and to shop, which would increase energy consumption. This could also result in the need for new roads and infrastructure further from population centers.

Limit Conflicting Uses: Limiting conflicting uses would result in the proposed enhancement of the wetland and the addition of over 8,000 trees and shrubs to the wetland. Trees provide shade that cools buildings in the summer and serve as a windbreak in the winter. Plants absorb sunlight and transpire during the growing season, which can slightly reduce ambient air temperatures. Trees help capture carbon dioxide, a contributing factor to global warming. Trees also reflect and absorb solar radiation before it heats the ground, buildings, or pavement. Trees planted to the south of a building, as will be the case with the proposed development, can reduce air conditioning costs by blocking the sun during the summer.

Although access to the enhanced wetland will be limited, it can still provide local recreational opportunities, thus reducing the need to drive for outdoor experiences (i.e. passive recreation such as bird watching).

The applicant has asked the City of Tigard for permission to install less than the normally required amounts of on-site parking so as to avoid additional impacts to the wetland. The understanding is that fewer people will rely on owning their own vehicles. The development property has excellent access to transportation corridors for public transportation, pedestrian and bike routes, and local shopping areas, which will reduce energy consumption.

Allow Conflicting Uses: Allowing conflicting uses would increase the footprint and the density of the proposed development. This would diminish the need to expand the UGB and ensure that people were more centrally located to businesses, jobs and schools. The need for new infrastructure to support the increase in population would be less. However, the loss of over

8,000 trees and shrubs, which are proposed to be planted could negatively impact local climate conditions. The larger property may not be buffered from the south by shade, which could increase energy costs during the summer and winter.

3.0 COMPARISON WITH OTHER COMPARABLE SITES WITHIN THE TIGARD PLANNING AREA AND ALTERNATIVE SITE PLANS

DBG Oak Street, LLC conducted a thorough analysis of other comparable sites within the Tigard planning area and concluded that none are available. Two potentially available properties were identified as comparable to the proposed development site. Both properties are zoned MUR-1 (no maximum density; 50 units per acre minimum density). Despite the lack of a maximum density requirement, the small size of these parcels and the surrounding pattern of development (detached single-family homes and 2-story multi-family development) make the likelihood of developing this site with over 75 units very unlikely.

The first site, known as the Davis property, is located on several parcels to the east, west, and south of the proposed development site. The LWI maps large wetland areas within these parcels, including Ash Creek and a large pond. The applicant expects that these parcels contain at least as much wetland, if not more, than the proposed development site. Although these parcels together total an acreage large enough for the proposed development, the landowner was unwilling to sell the property when the proposed development was being designed.

The second site potentially available to the applicant is the Hunziker Road site. This site is located approximately 1.5 miles southeast of the proposed development, west of Highway 217. Although only encumbered by 1.25 acres of wetland (WD2011-0270), this parcel is steeply sloped. As such, creating a relatively flat area for the development of high density housing would require a large amount of earthwork. Because of the location of the wetland in the west-central portion of the site, it is likely that the entire wetland would need to be filled to create a flat, developable area.

The Hunziker Road property is zoned I-P industrial park, which does not allow for multi-family development. This parcel is the largest remaining industrial site within the City of Tigard, and the applicant inquired about the potential for a zoning change. Initial conversations with City staff indicated that they are not supportive of a zoning change. The site abuts a low density residential development, which could make it difficult and controversial for adjacent high-density residential development.

Lastly, the presence of Highway 217 and Highway 99W between the Hunziker Road site and the Washington Square Regional Center and the associated traffic congestion in that area functionally disconnects these properties from the Regional Center. It is unlikely that the City of Tigard would allow enough roadway improvements (i.e. sidewalks and bike lanes) to make this area attractive for non-vehicular traffic. The lack of readily available sites of sufficient size and zoning led the applicant to choose the proposed development site as the preferred development site.

4.0 ESEE DECISION

Prohibiting conflicting uses within the impact area would preserve the existing wetland, but will remove the opportunities to enhance the resource. The property could not be developed with a higher density, so the pressure to expand the UGB could be slightly increased. Local businesses would not benefit from the larger population base. Construction jobs will be fewer. The open space would be preserved in its current condition, which will preserve property values for adjacent property owners.

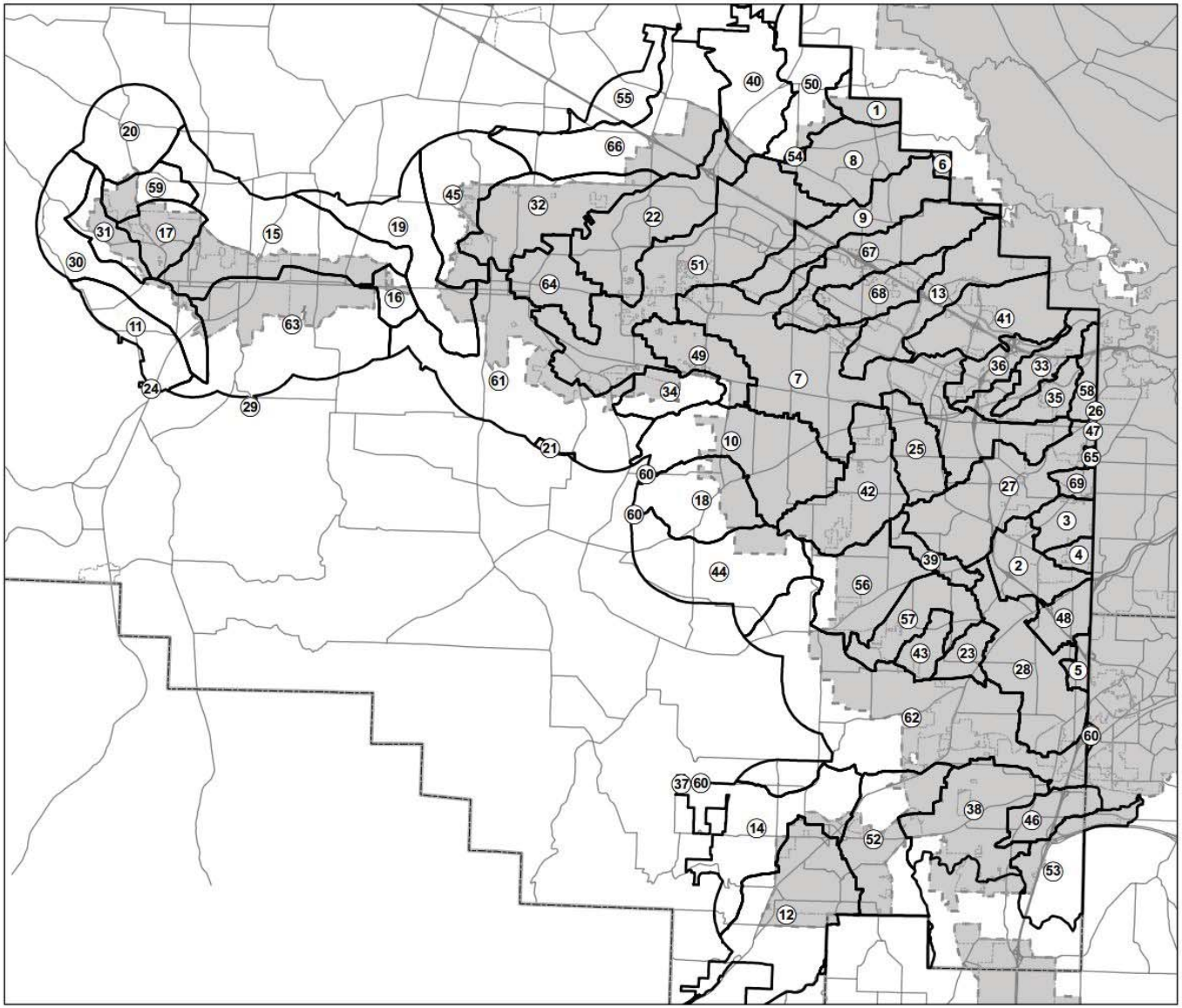
Limiting conflicting uses would allow for the development of 215 dwelling units and the planting of greater than 8,000 trees and shrubs in the adjacent wetland. The goals of the *Washington Square Regional Center Implementation Plan*, which calls for higher densities closer to urban centers, would be realized. The enhancement to the resource would ensure that wildlife habitat is improved and the travel corridor along Ash Creek is preserved. When mature, the trees and shrubs will attenuate flood flows. The trees will also moderate air temperatures during the summer, which will decrease energy costs. The increased population density and the focus on mass transit and car share programs will decrease energy reliance.

Allowing conflicting uses within the impact area will increase the population density and ensure that local businesses receive the maximum economic gains. Short term construction jobs will be increased. The loss of the open space would negatively impact wildlife habitat (e.g. travel corridor) and wetland functions, such as groundwater recharge, water quality treatment, and hydrologic enhancement. Impacts from increased development in the floodplain could negatively impact adjacent properties. The loss of a visual buffer and open space could negatively impact adjacent property values and investment values. The loss of the open space could diminish recreational opportunities, such as bird watching. The lack of trees to the south of the proposed development could decrease shading and increase energy costs during the summer.

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

Appendix A

Figures

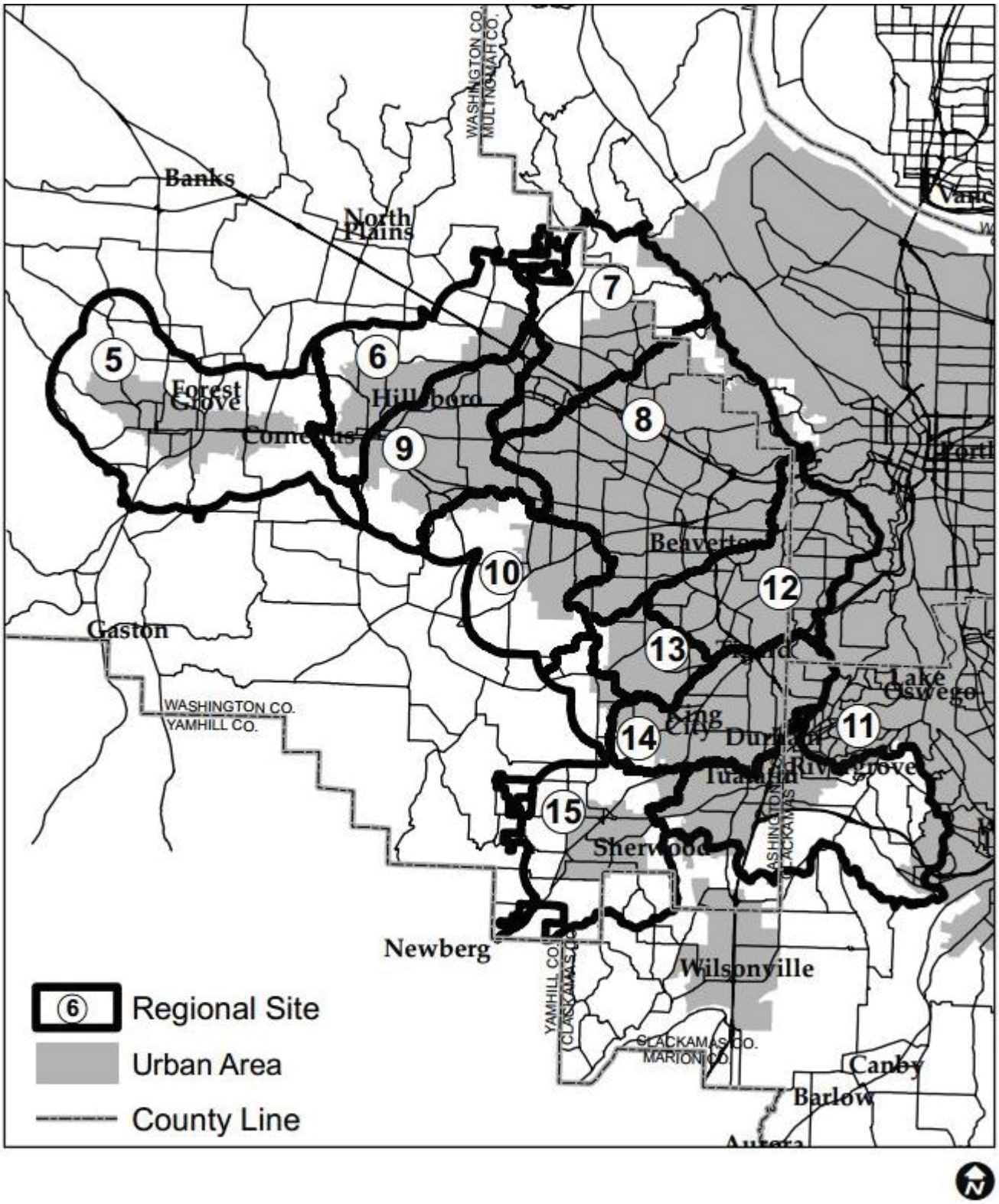


5341
5/21/14

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Tualatin Basin Goal 5/ Natural Resources ESEE Analysis - Streamshed Boundaries
A+O Apartments, Tigard, Oregon
Tualatin Basin Partners for Natural Places and by Angelo Eaton & Associates, 2005

FIGURE
1

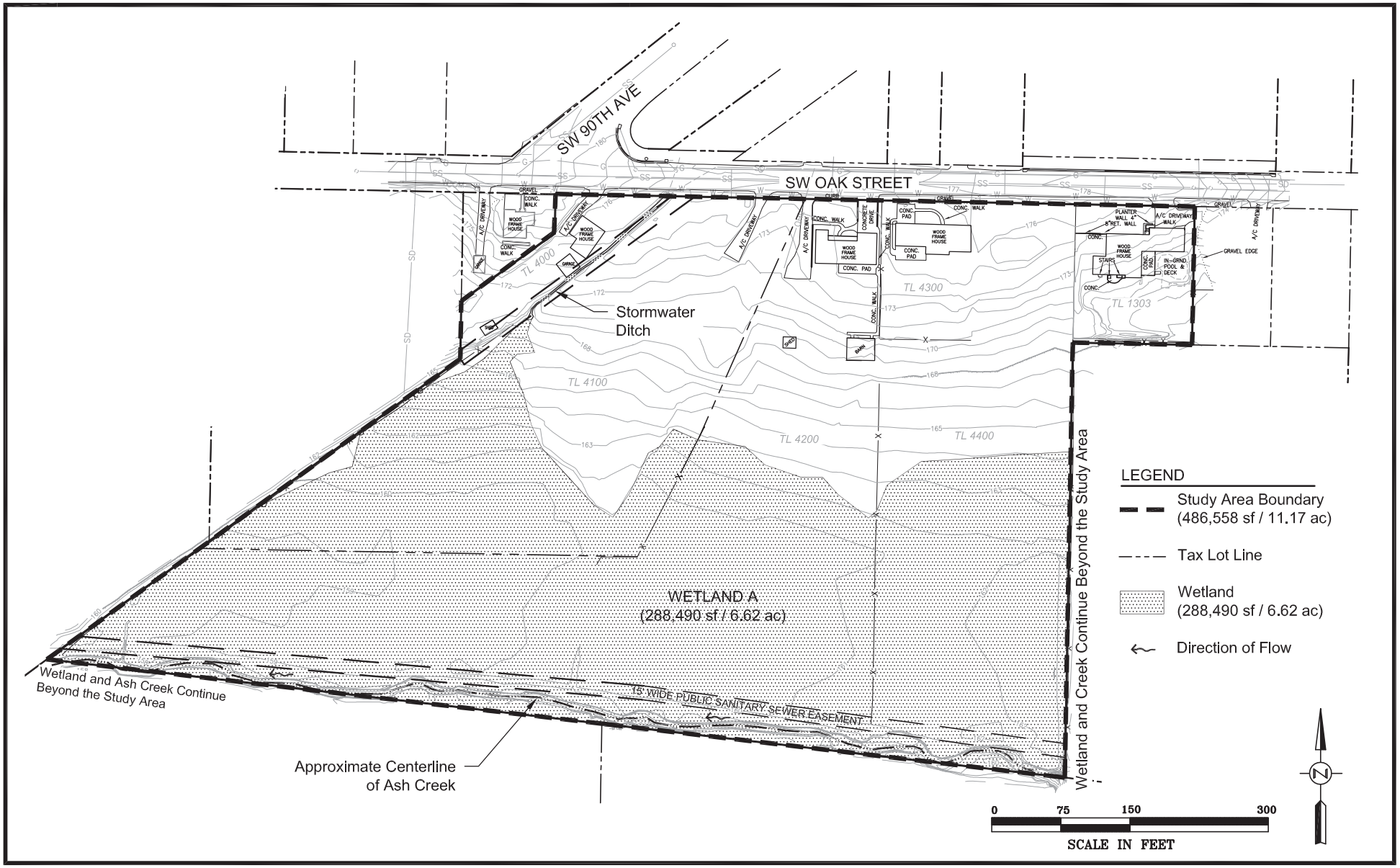


5341
5/21/14

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Metro's Goal 5 Inventory Regional Sites
A+O Apartments, Tigard, Oregon
Metro,

FIGURE
2



Site plan provided by Otak, Inc.

Existing Conditions

A+O APARTMENTS - Tigard, Oregon

FIGURE 3

5-14-2014

Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

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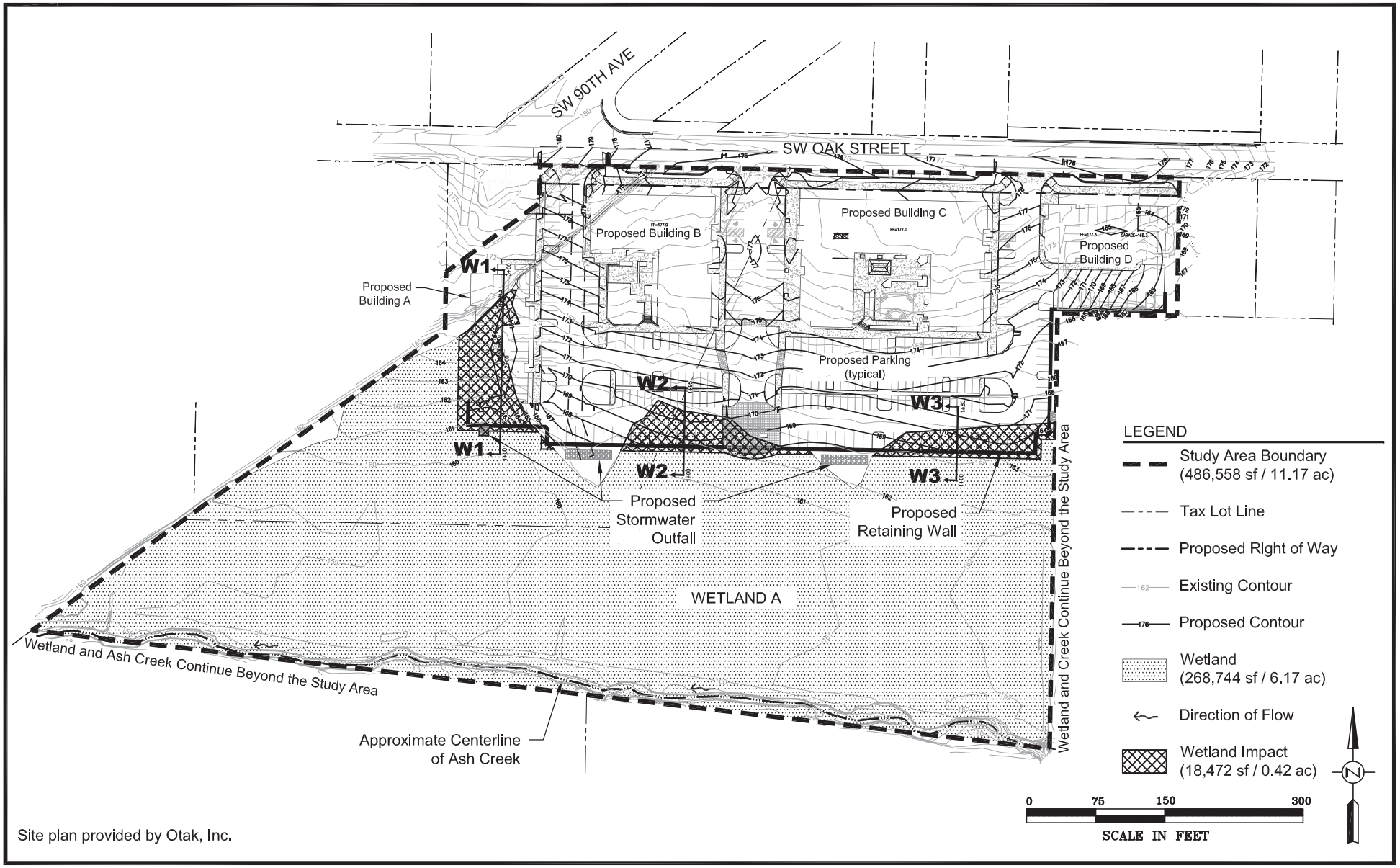

Site plan provided by Otak, Inc.

Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Proposed Site Plan, Wetland Impacts and Cross-Section Locations

A+O APARTMENTS - Tigard, Oregon

FIGURE 4

5-14-2014

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1996 Urban Mixed Use apprx. 100 d.u./acre

otak

8

OVERALL SITE PLAN

MASTER PLAN

PHS
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Alternative Plan Provided by OTAK, Inc.

Alternative Site Plan (Alternative 8)
A+O APARTMENTS - Tigard, Oregon

FIGURE
5A

05-14-2014

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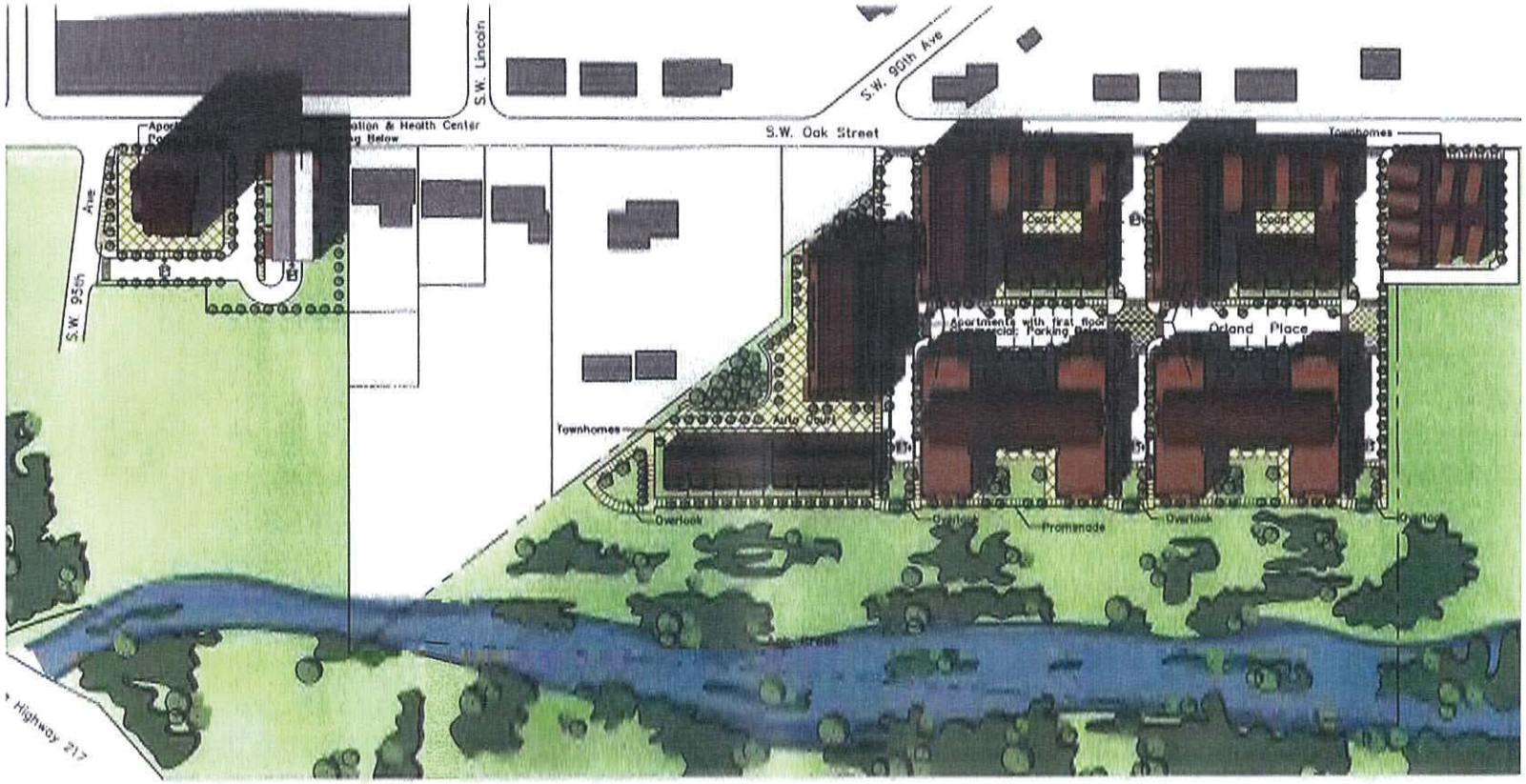
1996 - Orland Property Only



otak

12

ALTERNATIVE PLAN

MASTER PLAN

Alternative Plan Provided by OTAK, Inc.

Alternative Site Plan (Alternative 12)

A+O APARTMENTS - Tigard, Oregon

FIGURE 5B

05-14-2014

PHS
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

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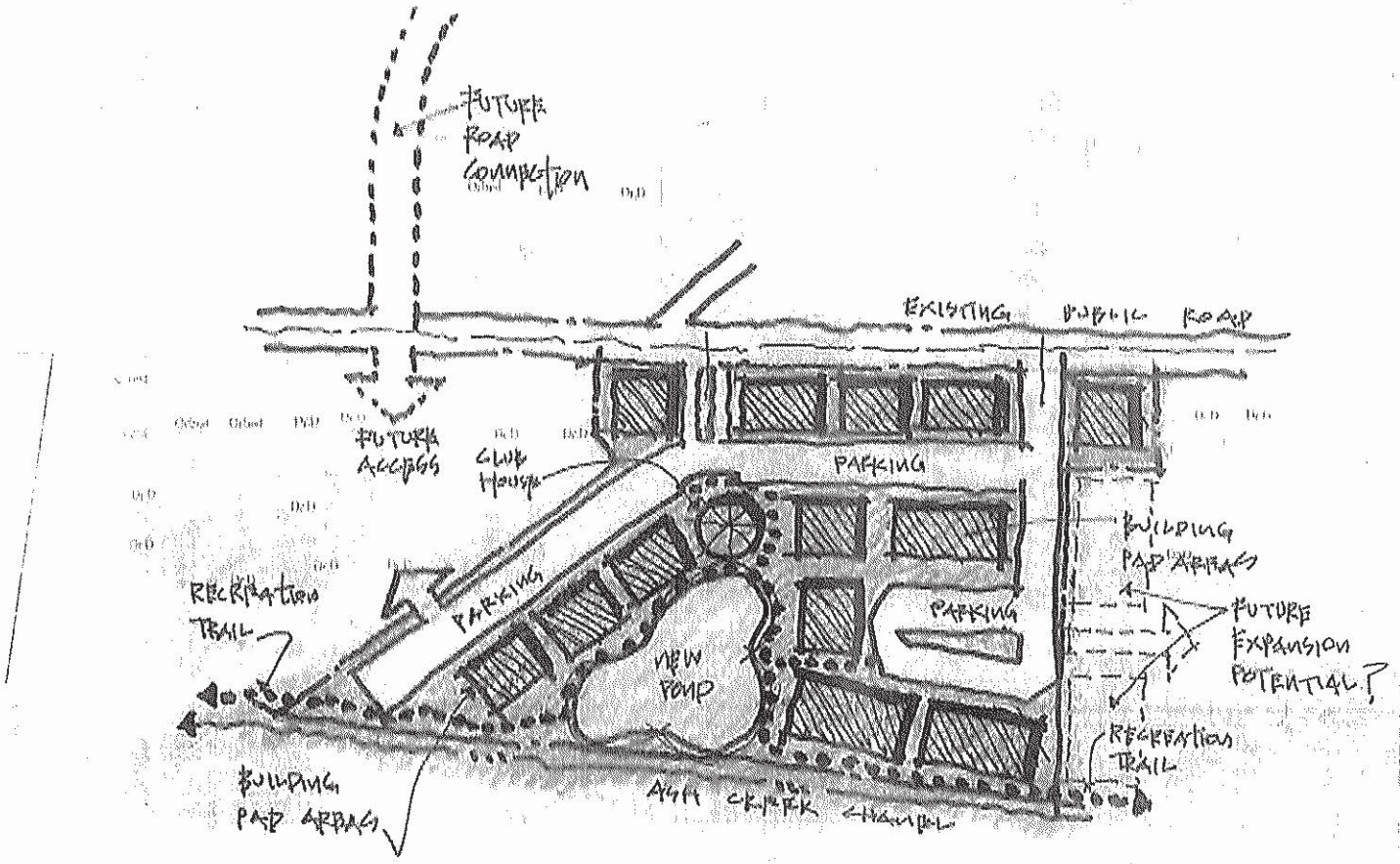

SITE DIAGRAM

DBG DEVELOPMENT

1" = 200' · SEPT 26 '13

OTAK

NORTH

Alternative Plan Provided by OTAK, Inc.

Alternative Site Plan (Diagram)

A+O APARTMENTS - Tigard, Oregon

FIGURE 5C

05-14-2014

PHS
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

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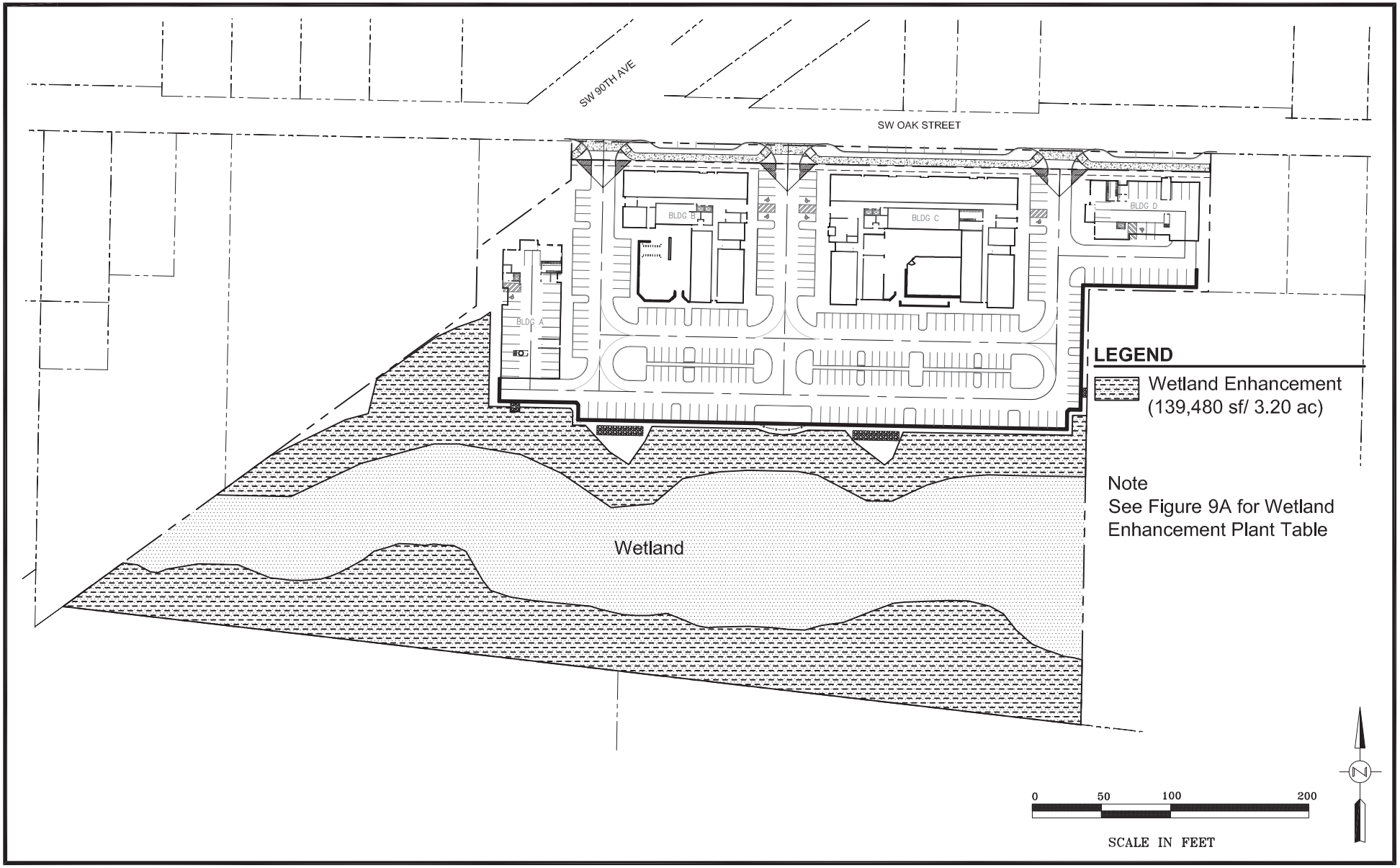

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by Otak, Inc.

Wetland Enhancement Planting Plan

A+O APARTMENTS - Tigard, Oregon

FIGURE 6

5-14-2014

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Appendix B

Vegetated Corridor Alternatives Analysis Memorandum

PACIFIC HABITAT SERVICES, INC

9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

(800) 871-9333 ● (503) 570-0800 ● Fax (503)570-085

June 27, 2014

Damon Reische and Amber Wierck
Clean Water Services - Environmental Review
2550 Southwest Hillsboro Highway
Hillsboro, Oregon 97123

Re: A+O Apartments; CWS File No. 14-001441

PHS Number: 5341

Damon and Amber:

Pacific Habitat Services, Inc. (PHS) has prepared this memorandum to address the mitigation requirements pursuant to the development of the proposed A+O Apartments in Tigard, OR (Figures 1 and 2). As discussed in the Natural Resources Assessment (NRA), the project proposes to construct 215 multi-family residential dwelling units within four, 4-story buildings.

Plant Community A (48,228 square feet) encompasses the corridor adjacent to the northern and western boundary of Wetland A. Approximately 44,295 square feet of permanent vegetated corridor encroachment will result from the construction of the parking areas and stormwater treatment outfalls (Figure 3). Mitigation for this encroachment will be accomplished through the enhancement of Wetland A.

Mitigation for the encroachment will be accomplished through the enhancement of Wetland A. Wetland enhancement (Figure 4) will consist of two areas planted to CWS' densities for native trees and shrubs. The southern planting area is located along Ash Creek, within the southern portion of Wetland A. Under current conditions, the riparian area adjacent to Ash Creek is narrow, and dominated by Oregon ash (*Fraxinus latifolia*), one-seed hawthorn (*Crataegus monogyna*), and Himalayan blackberry (*Rubus armeniacus*). The northern planting area is located along the northern portion of Wetland A, in an area dominated by non-native grasses, including reed canarygrass (*Phalaris arundinacea*), meadow foxtail (*Alopecurus pratensis*), tall fescue (*Festuca arundinacea*), and creeping bentgrass (*Agrostis stolonifera*).

A central planting area, located in the central portion of Wetland A, will consist of three smaller areas that will be planted with native herbaceous species. This area of Wetland A is dominated by non-native grasses, very similar to the northern planting area. Small areas will be cleared, and plugs of native herbaceous species will be planted within the mixed grasses.

The following table shows the proposed planting densities.

Wetland Enhancement for Northern and Southern Areas – 3.20 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
Alnus rubra	Red alder	5-6’	10’	139
Crataegus douglasii	Douglas hawthorn	5-6’	10’	349
Fraxinus latifolia	Oregon ash	5-6’	10’	446
Salix lasiandra	Pacific willow	5-6’	10’	349
Thuja plicata	Western redcedar	5-6’	10’	112
			Total	**1,395**
Shrubs/Small Trees				
Cornus alba	Red osier dogwood	2-3’	5’	2,092
Spiraea douglasii	Douglas spiraea	2-3’	5’	1,744
Lonicera involucrata	Twinberry	2-3’	5’	1,394
Physocarpus capitatus	Ninebark	2-3’	5’	1,744
			Total	**6,974**

Wetland Enhancement for Central Area – 0.38 acre (16,670 SF)

Botanical Name	Common Name	Minimum rooting size	Planting density (on center)	Quantity
Herbs				
Juncus effusus	Soft rush	4” plugs	Cluster	3,000
Scirpus microcarpus	Small-fruited bulrush	4” plugs	Cluster	2,500
Juncus patens	Spreading rush	4” plugs	Cluster	1,919
			Total	**7,419**

The encroachment into the vegetated corridor meets the following criteria, as required under a Tier II analysis:

1. The proposed encroachment area is mitigated in accordance with Section 3.08.

As discussed above, mitigation for permanent impacts to the vegetated corridor will be achieved through the enhancement of Wetland A with native trees and shrubs. Section 3.08.4 allows for enhancement of the existing vegetated corridor as mitigation, at a ratio of no less than 2:1. This project is proposing wetland enhancement at a ratio of 3.5:1 (3.6 acres). Two acres of the enhancement area is proposed for required mitigation; the additional 1.6 acres of enhancement is proposed for public benefit to water quality. The enhancement of Wetland A meets CWS’ requirements for mitigation and public benefit as described below.

Wider, forested riparian buffers, with densely planted native trees and shrubs, prevent and reduce pollutants, garbage, and human/domestic animal disturbance within wetlands and creeks. Forested riparian areas also provide habitat functions for a variety of wildlife.

The existing vegetated corridor, north of Wetland A, is in degraded corridor condition. Vegetation consists of non-native grasses, and Himalayan blackberry; no trees are present. The existing corridor provides little in the way of creek or wetland protection or habitat function. The riparian area adjacent to Ash Creek is narrow, and is dominated by Himalayan blackberry; water quality and wildlife habitat functions and values within the creek and within Wetland A are low. Enhancement of approximately 139,480 acres of Wetland A will more than compensate for the encroachment of the degraded vegetated corridors north of Wetland A.

The southern area of enhancement will elevate many functions and values within Ash Creek. Trees and shrubs will provide shade to protect and improve water quality; native trees and shrubs will improve wildlife habitat; a wider forested riparian buffer will reduce human and domestic animal disturbance within the creek.

The northern area of enhancement, adjacent to the new development, will also provide several important functions. This area is wetland, and native trees and shrubs will increase the wetland's functions for wildlife habitat. This area will act as a buffer, reducing the likelihood that area residents will use the wetland in inappropriate ways.

Planting in the northern and southern mitigation enhancement areas will occur at 100 percent of CWS densities for trees and shrubs. As such, 1,395 trees (139,480 x 0.01) and 6,974 shrubs (139,480 x 0.05) will be planted within Wetland A. Planting in the central enhancement areas will occur at a density that achieves 100% areal coverage; as such, 7,419 plugs will be planted within Wetland A.

2. The replacement mitigation protects the functions and values of the Vegetated Corridor and Sensitive Area.

As discussed above, the vegetated corridor to be impacted is in degraded corridor condition, and is not forested. The vegetated corridor provides very little in the way of protecting the functions and values of the wetland or of Ash Creek. The enhancement of Wetland A as mitigation will occur at a ratio of 3.5 to 1. This large ratio ensures that the functions and values lost through vegetated corridor encroachment will be more than adequately recovered through the enhancement mitigation process. Increasing the width of the riparian corridors adjacent to Ash Creek will greatly improve the functions and values of this area. Native trees and shrubs will provide shade, protecting water quality. A wider, forested riparian area along Ash Creek will reduce human/domestic animal disturbance in the area. Native plantings in the northern enhancement area will increase the wetland's overall functions and values, as well as provide elevated wildlife habitat.

3. Enhancement of the replacement area, if not already in Good Corridor Condition, and either the remaining Vegetated Corridor on the site or the first 50 feet of width closest to the resource, whichever is less, to a Good Corridor Condition.

The wetland enhancement area will be planted to CWS densities for trees and shrubs. The southern enhancement area will occur within the 50 feet closest to Ash Creek, with widths ranging from 50- to 110-feet from Ash Creek. The northern enhancement area will occur south of the development area. The remaining VC will be planted to good corridor condition, at CWS' densities for trees and shrubs.

4. A District Stormwater Connection Permit is likely to be issued based on proposed plans.

The applicant reasonably expects to obtain a District Stormwater Connection Permit based on proposed plans for the project.

5. Location of development and site planning minimizes incursion into the Vegetated Corridor.

The proposed development plan is located in the northern portion of the site. Retaining walls were used to minimize impacts to wetlands and the vegetated corridor. Permanent impacts are necessary to meet the housing goals and density of the Washington Square Regional Plan Center, minimum parking requirements (assuming the 10% parking reduction variance is approved), neighborhood compatibility with building heights, as well as stormwater treatment outfalls.

Encroachment into the adjacent vegetated corridor has been minimized to the maximum extent practicable. Vegetated corridor encroachments are limited to those necessary for construction of the plan as proposed, to accommodate buildings, parking areas, stormwater treatment outfall, and garbage/recycling dumpster areas. The overall development has sought to maximize the developable area on the northern portion of the site because the southern portion is encumbered by the remaining portion of Wetland A and its vegetated corridor. The encroachment is required to adequately site the proposed buildings, drive aisles (access and emergency vehicles), and parking areas within the developable northern portion of the site. The multi-family residential "product" proposed on-site is dimensioned to meet the market demands of this specific housing type and address the neighborhood compatibility concerns of the nearby property owners. Any decrease to the unit count may impact the marketability of this development. As such, the proposed encroachment is limited to the greatest practical extent to make this project economically feasible.

A site alternatives analysis is provided (see Attachment 1) that shows a matrix of development alternatives (A-D) that were considered, and a qualitative comparison of impacts, as well as comments regarding building type, parking, stormwater treatment, and site design options.

6. No practicable alternative to the location of the development exists that will not disturb the Sensitive Area or Vegetated Corridor.

Alternative site designs were considered, and the current design was chosen due to site constraints. There are multiple benefits of locating the development at the proposed site, which would be negated if the development were moved off of this site. The site will be a residential development, which is in keeping with adjoining land uses. The project site is located within District C (Lincoln Center-Ash Creek) one of five districts within the *Washington Square Regional Center Plan*. The Regional Center Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. The sites location is within walking distance from public transportation, and is centrally located among commercial and retail development, public schools, public parks, as well as many commercial businesses that provide employment opportunities for future tenants.

7. The proposed encroachment provides public benefits.

The public benefit of vegetated corridor encroachment includes supporting City and Regional Goals for "smart growth" via affordable housing. The site is located near the Washington Square Mall, which will provide close-in access to retail, restaurant, office, and service businesses, much of it within walking distance of the site.

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

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

Allowing encroachment into the vegetated corridor allows for maximum build out of the site and for the greatest developmental density. Maintaining the high density as proposed reduces the need for development of larger tracts of land and reduces the need for automobile travel. These are not only financial, social, and commercial benefits realized by the public, but are also an overall air and water quality benefit because it requires less disturbance of land, the development of less impervious surface, and the generation of fewer pollutants associated with auto travel.

As discussed above, the enhancement of Wetland A at a ratio of 3.5:1 will elevate the functions and values within Wetland A and Ash Creek, providing water quality improvements for public benefit.

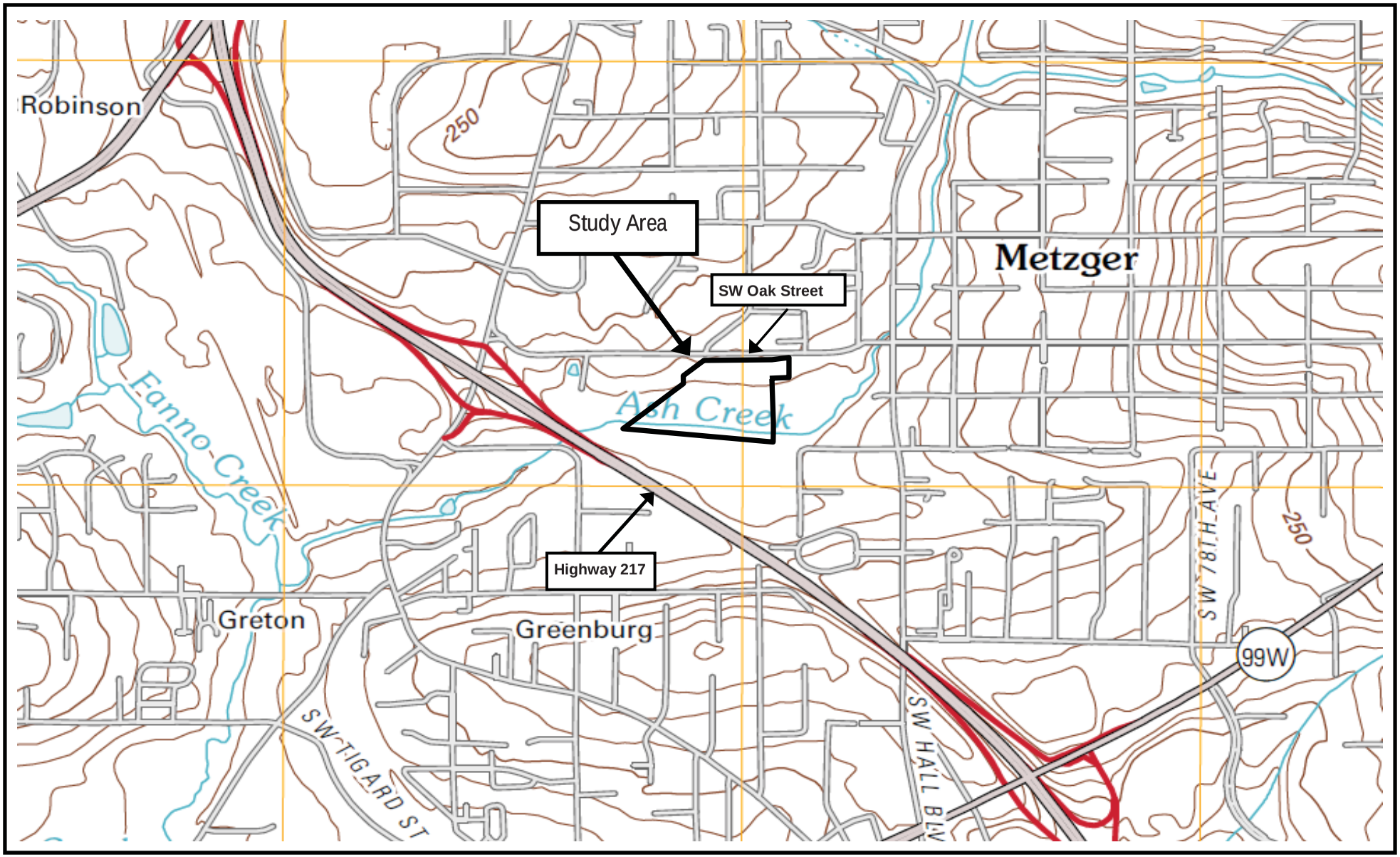
If you have any questions, please feel free to call.

Sincerely,

Amy Hawkins

Amy Hawkins, PWS
Project Manager

Attachments:
Figures 1-4
Alternatives Analysis Matrix and Exhibits

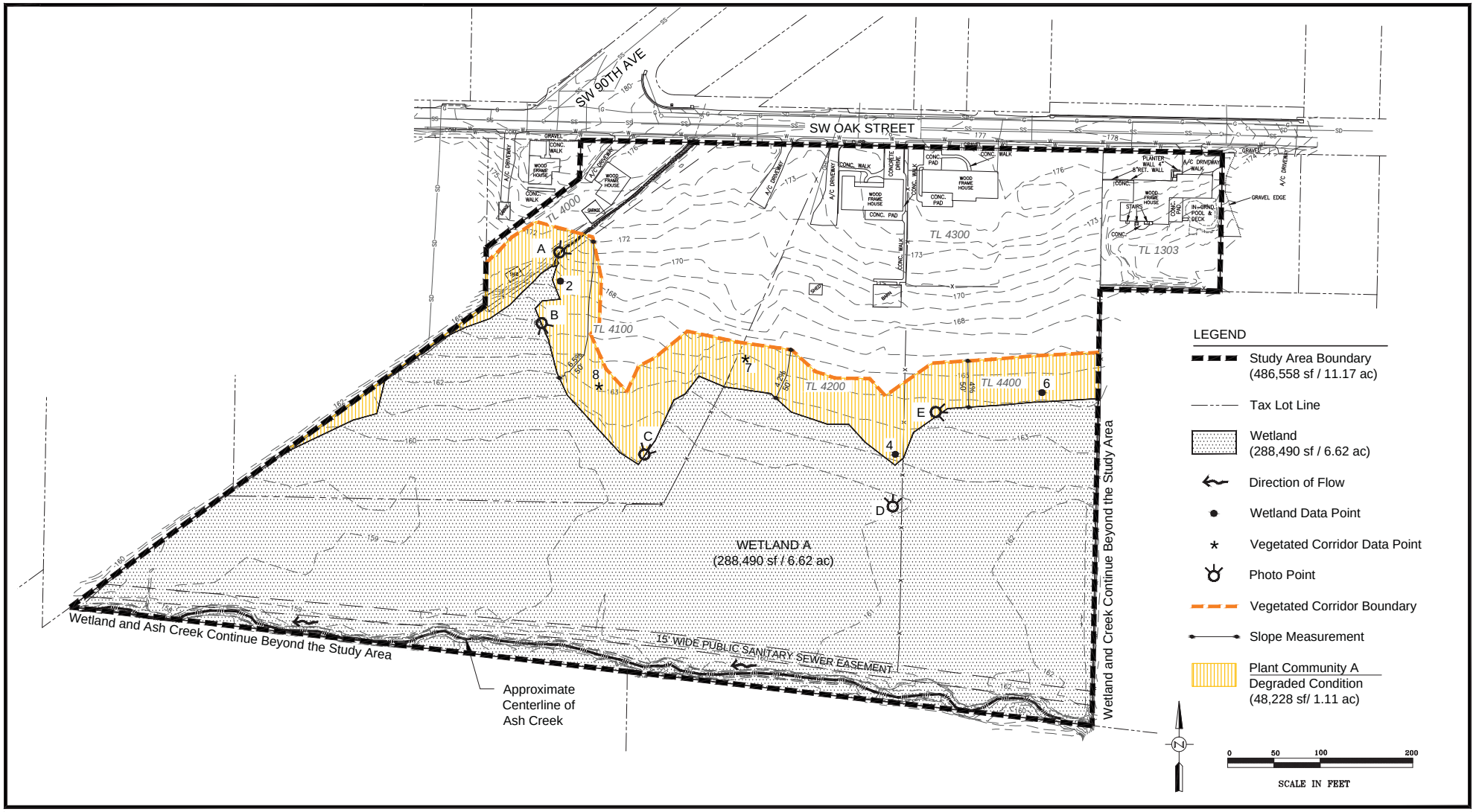


5341
01/21/2014

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

General Location and Topography
SW Oak Street Development Site - Tigard, Oregon
(USGS Beaverton, Oregon Quadrangle, 2011)

FIGURE
1



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by OTAK Inc.

Existing Conditions
A+O APARTMENTS - Tigard, Oregon

FIGURE 2

5-16-2014

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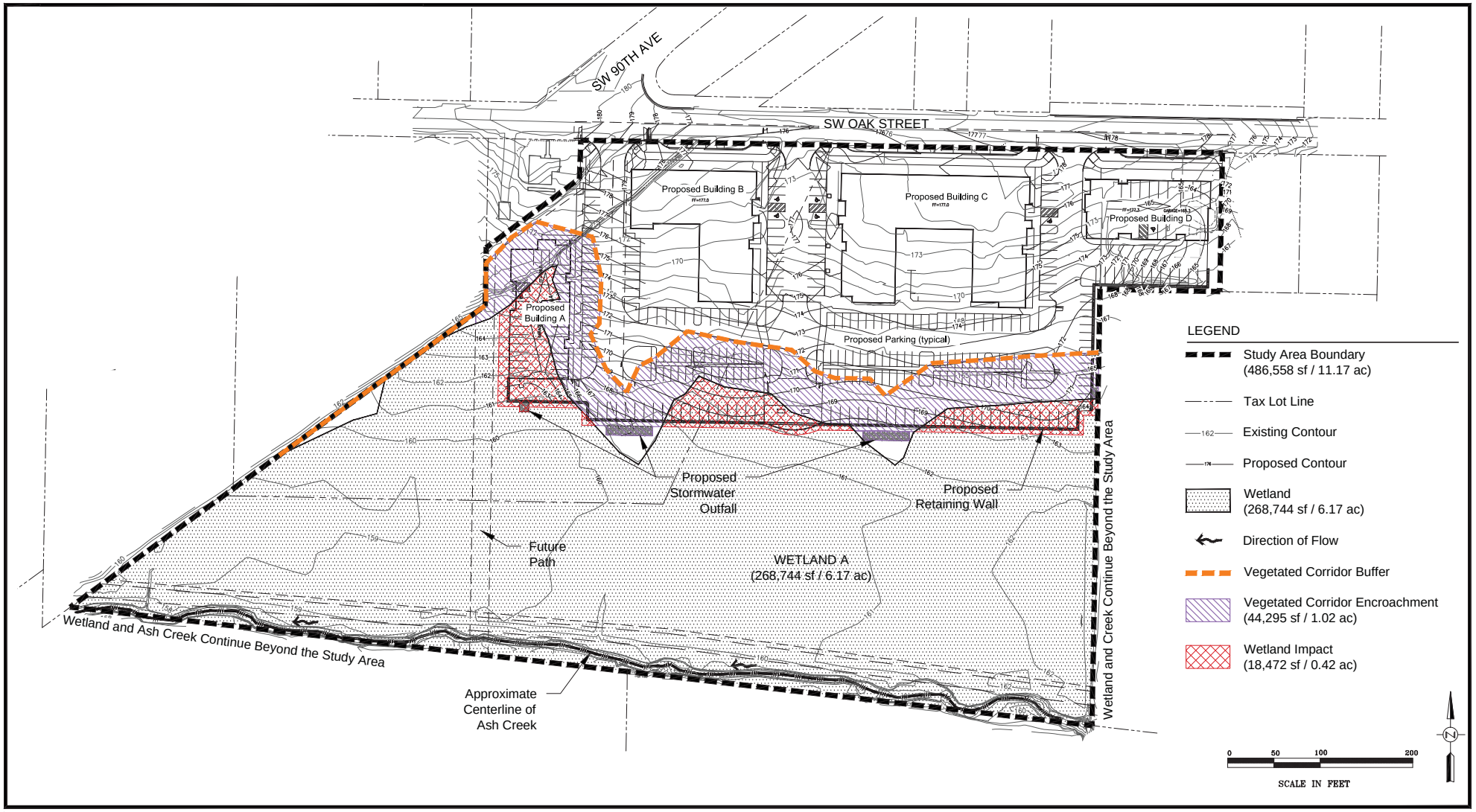

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9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by OTAK Inc.

Site Plan and Wetland/Vegetated Corridor Impacts
A+O APARTMENTS - Tigard, Oregon

FIGURE 3

5-19-2014

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Wetland Enhancement for Northern and Southern Areas – 3.20 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
Alnus rubra	Red alder	5-6'	10'	139
Crataegus douglasii	Douglas hawthorn	5-6'	10'	349
Fraxinus latifolia	Oregon ash	5-6'	10'	446
Salix lasiandra	Pacific willow	5-6'	10'	349
Thuja plicata	Western redcedar	5-6'	10'	112
			Total	1,395
Shrubs/Small Trees				
Cornus alba	Red osier dogwood	2-3'	5'	2,092
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			Total	6,974

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Botanical Name	Common Name	Minimum rooting size	Planting density (on center)	Quantity
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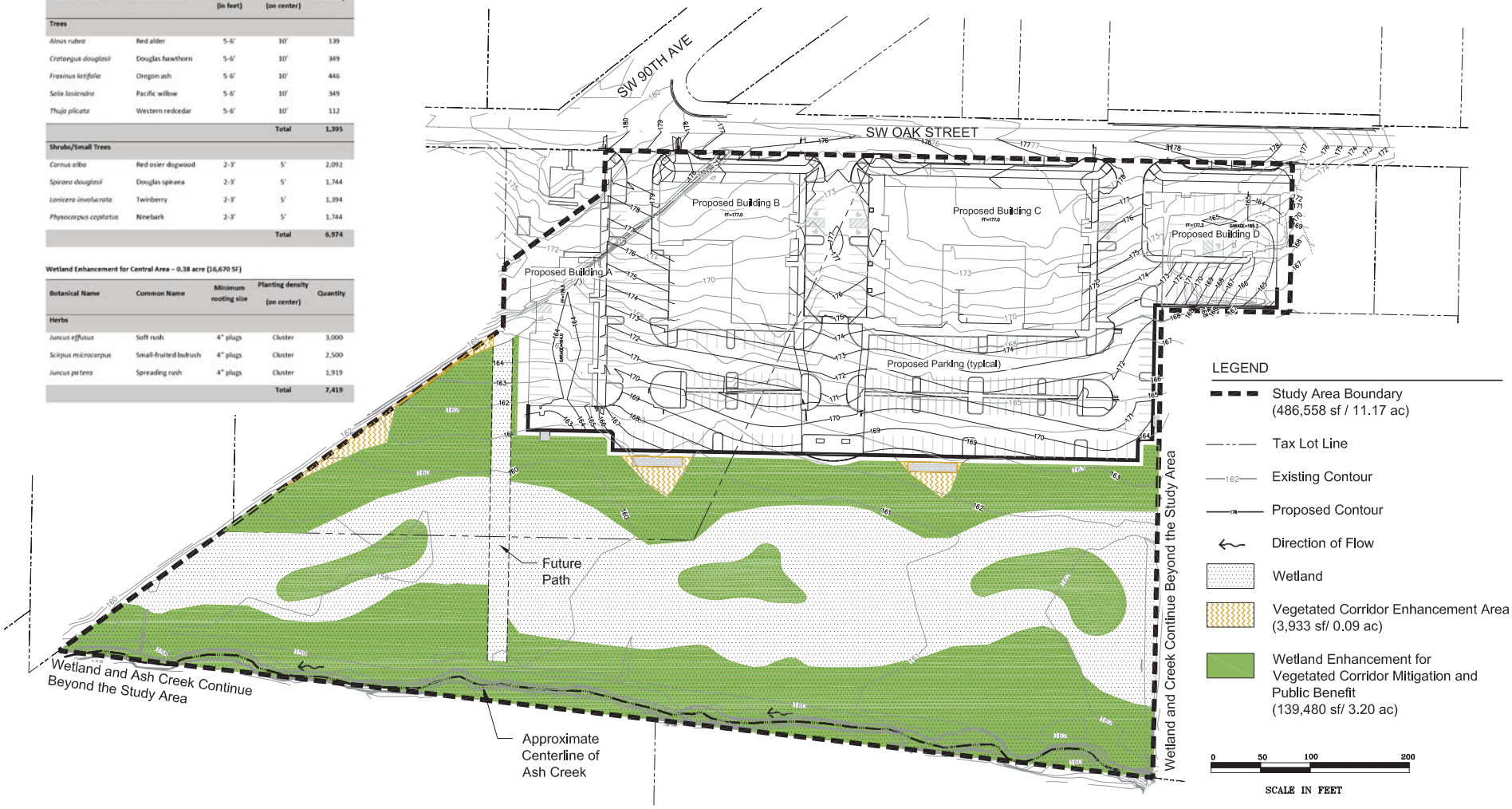
Juncus patens	Spreading rush	4" plugs	Cluster	1,919
			Total	7,419



PHS
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by OTAK Inc.

On-Site Wetland and Riparian Planting Plan
A+O APARTMENTS - Tigard, Oregon

FIGURE 4

5-19-2014

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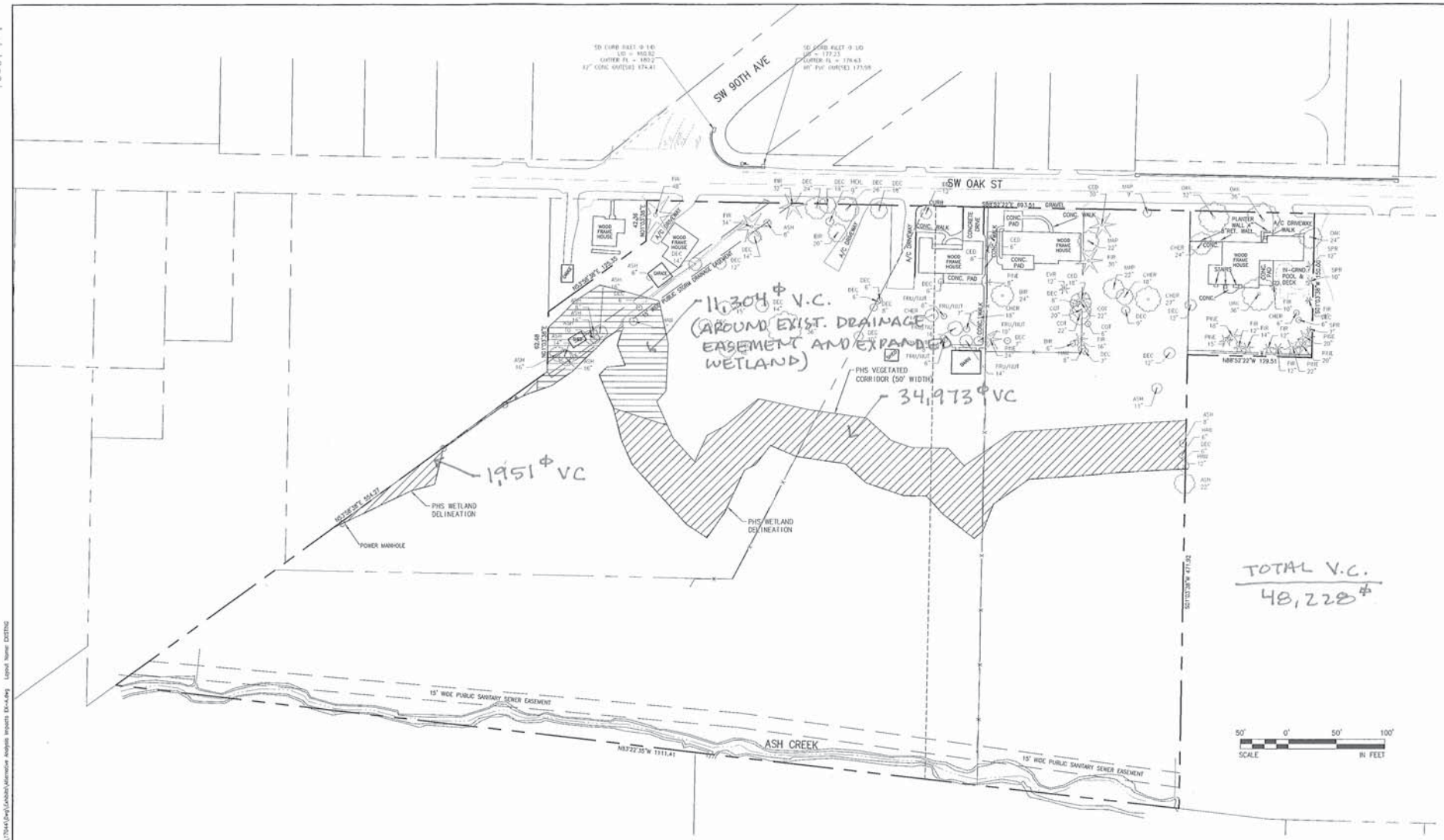
A+O Apartments (Orland Property) - Site Alternatives Analysis
Otak #17044
6/25/14

Alternative	Description Comments	Approx. Net Developable Site Area (ac)	Minimum Density (50 units/acre)	Buildings	Units	Parking Types	Minimum Parking Required	Parking Provided	% below Minimum Parking	Total Vegetated Corridor (sf)	Vegetated Corridor Encroachment (sf) (around existing drainage easement/expanded wetland area)	"Remaining" Vegetated Corridor (sf)	Undisturbed Vegetated Corridor (sf)	Vegetated Corridor Encroachment "Remaining" VC (sf)	Vegetated Corridor Encroachment Total (sf)
Existing		n/a	n/a	n/a	n/a	n/a	n/a	n/a		48,228					
Alternative A	Residential (apartments). Buildings adjacent to Oak Street. 9-story and 4-story buildings over 2-parking levels. Surface and structured parking. Very dense layout. "High-rise" buildings. Not compatible with existing neighboring properties. (assumes 200 unit as reasonable number to meet Wash Square plan goals/objective for housing). Building/structured parking is financially infeasible.	2.8	140	2	200	surface, structured	300	300	0.0%	48,228	-	48,228	48,228	0% of remain VC -	0% of total VC -
Alternative B	Residential (apartments). Building adjacent to Oak Street. 3 story buildings. Surface parking, tuck under parking and tandem parking. Lower unit count does not meet goals of Wash Sq plan, parking well below minimum required. Tandem parking reduces footprint,.but not practical parking for unit mix.	3.1	155	4	170	surface, tuck-under, tandem	299	207	30.8%	48,228	11,304	36,924	31,058	16% of remain VC 5,866	36% of total VC 17,170
Alternative C	Residential (apartments). Building adjacent to Oak Street. Surface parking. 3 and 4 story buildings. Increased studio/one bdrm units to condense building layout. Lower unit count does not meet goals of Wash Sq plan, minimum parking not met but close to 10% veariance threshold.Tandem parking removed since not practical with increased studio/one bedroom units. Plan incorporates surface landscape areas for stormwater treatment (swales, rain gardens)	4.2	212	4	230	surface	324	289	10.8%	48,228	11,304	36,924	4,670	87% of remain VC 32,254	90% of total VC 43,558
Alternative D	Residential (apartments). Buildings adjacent to Oak Street. 4 story buildings. Surface parking and added structured parking. Reduce site/surface area allocated for storm water treatment, go to underground filter vaults.Provides enough area to meet City's active/passive open space requirements. Maximize use of compact spaces to reduce parking limits. Parking under smaller buildings. Minimum parking not met, but within target 10% variance threshold.	3.9	196	4	215	surface, structured under bldg, maximizes compact spaces	306	278	9.2%	48,228	11,304	36,924	3,933	89% of remain VC 32,991	92% of total VC 44,295
Alternative D-1	Same as Alternative D, but reduces VC encroachment at south boundary of parking area, reduces parking count. Not efficient preservation of vegetated cooridor, creates "pockets" of VC at base of wall, requires irregular shaped wall construction. Reduces parking below 10% variance threshold.	3.8	192	4	215	surface, structured under bldg, maximizes compact spaces	306	258	15.7%	48,228	11,304	36,924	7,633	79% of remain VC 29,291	84% of total VC 40,595



EXISTING CONDITIONS

6/25/14

NO.	DATE	BY	REVISION COMMENTS

Design	Drawn	Checked	Date	Issue	Issue Date
MAP	MAP	MAP			

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

A+O APARTMENTS
CITY OF TIGARD, OREGON
ALTERNATIVES ANALYSIS IMPACT AREAS

otak
HanmiGlobal Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
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www.otak.com

17044
Project No. Drawing No.
EX-1
Sheet No.

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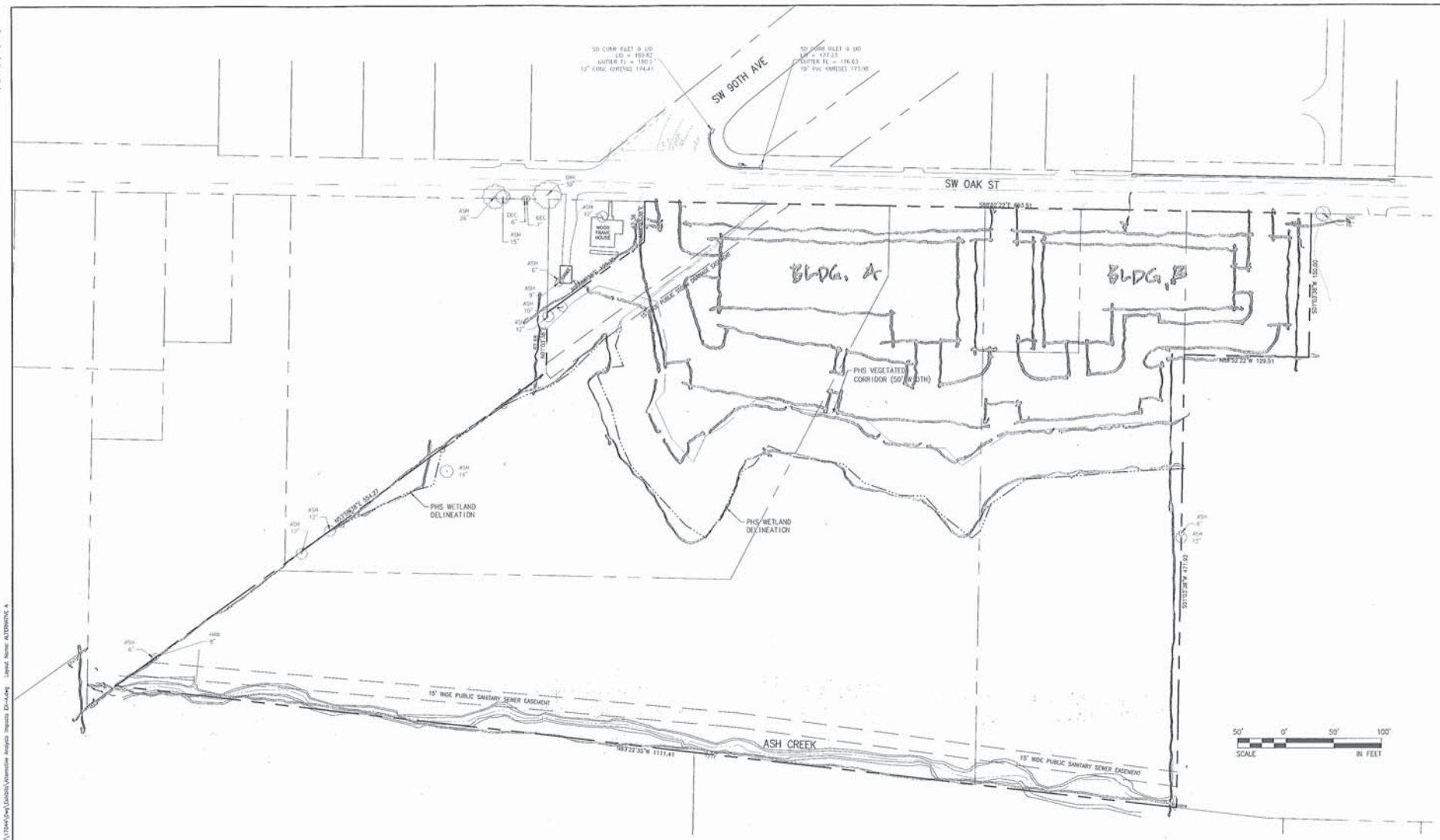

ALTERNATIVE A

6/25/14

NO.	DATE	BY	REVISION COMMENTS

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(503) 244-2554

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otak
HanmiGlobal Partner
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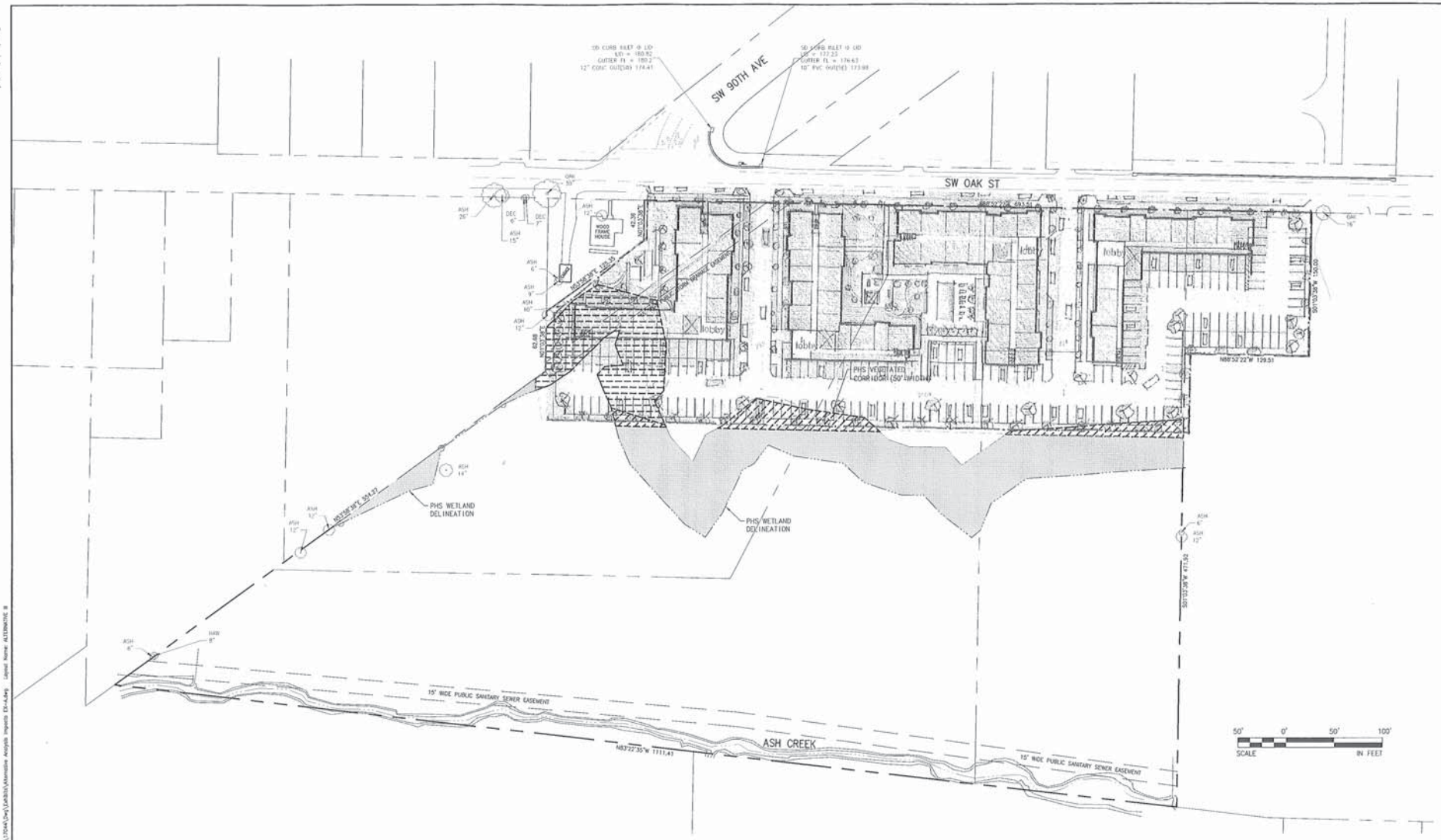

ALTERNATIVE B

6/25/14

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CITY OF TIGARD, OREGON

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otak

Hanmi Global Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
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Fax: (503) 415-2304
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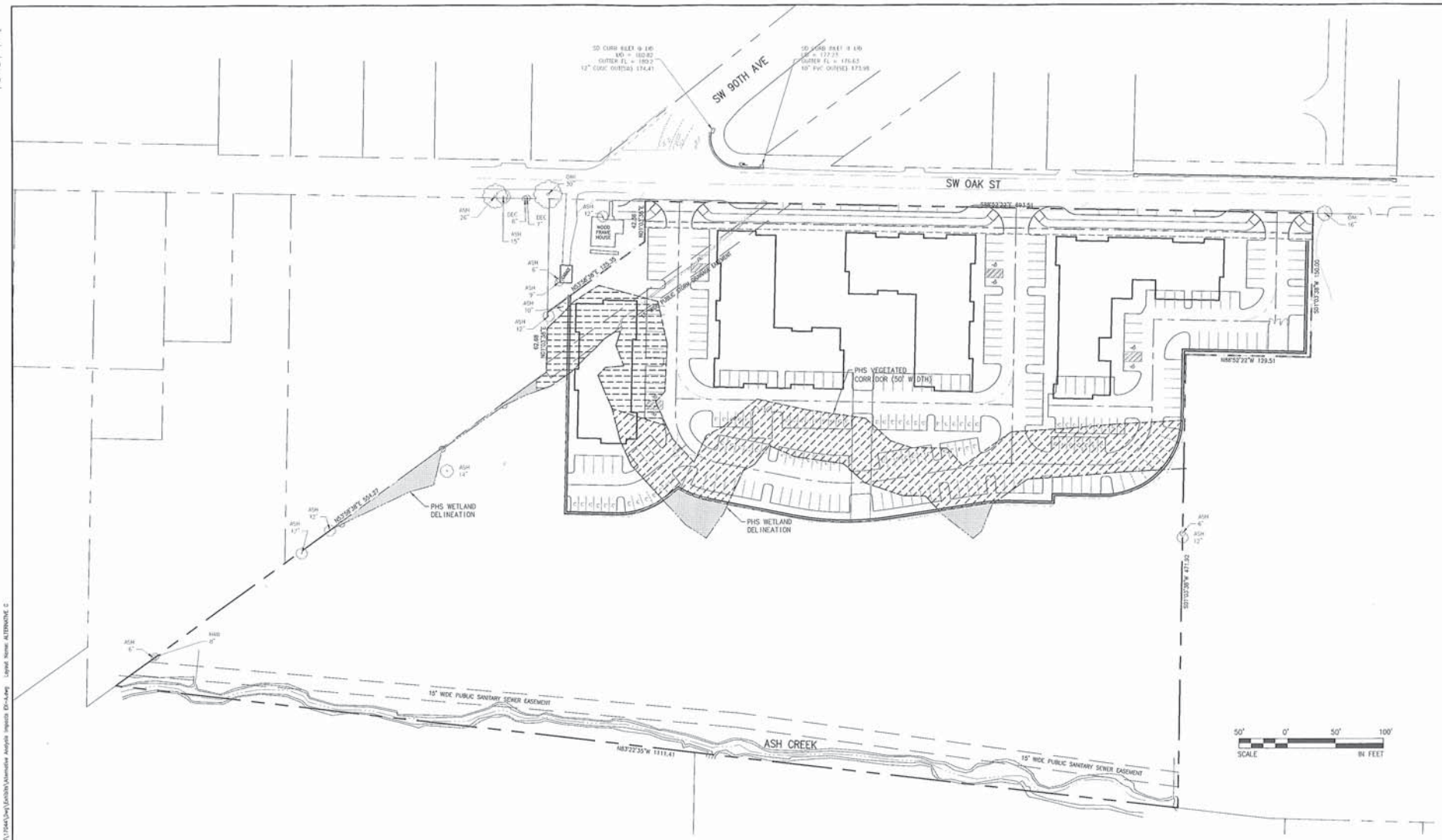

ALTERNATIVE C

6/25/14

NO.	DATE	BY	REVISION COMMENTS

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(503) 244-2554

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CITY OF TIGARD, OREGON
ALTERNATIVES ANALYSIS IMPACT AREAS

otak
HanmiGlobal Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
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www.otak.com

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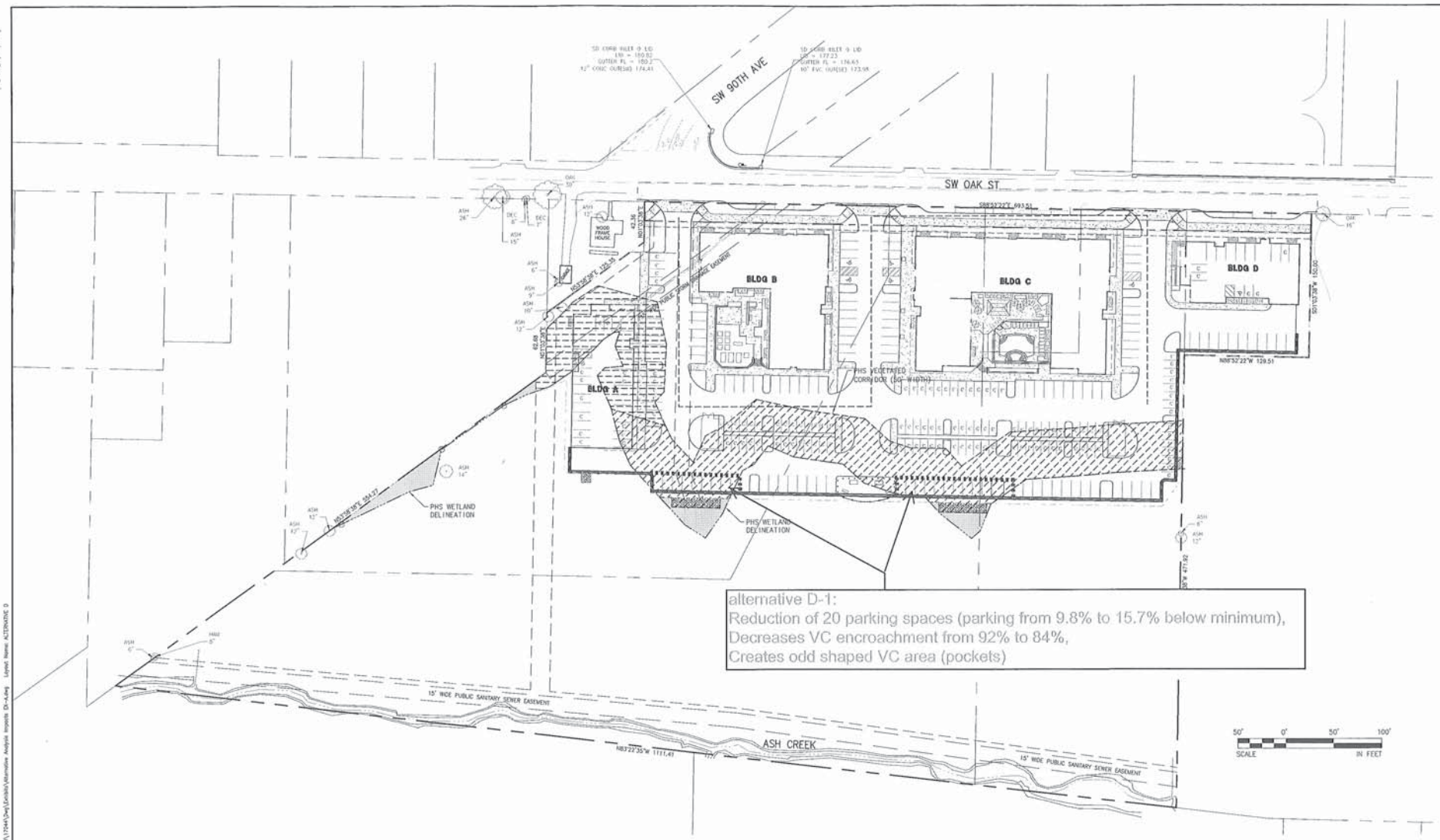

alternative D-1:
Reduction of 20 parking spaces (parking from 9.8% to 15.7% below minimum),
Decreases VC encroachment from 92% to 84%,
Creates odd shaped VC area (pockets)

ALTERNATIVE D (and D-1)

6/25/14

NO.	DATE	BY	REVISION COMMENTS

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CITY OF TIGARD, OREGON
ALTERNATIVES ANALYSIS IMPACT AREAS

otak
Hanmi/Global Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
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EX-1D
Sheet No.

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

A RESOLUTION AND FINAL ORDER APPROVING THE A + O APARTMENTS PLANNED DEVELOPMENT SENSITIVE LANDS REVIEW (SLR) 2014-00002 AND PLANNED DEVELOPMENT REVIEW (PDR) 2014-00003, ADOPTING FINDINGS AND IMPOSING CONDITIONS.

WHEREAS, the proposed construction of a 215 unit planned development south of SW Oak Street will impact the Ash Creek floodplain, drainage ways, and Tigard significant wetlands; and

WHEREAS, the proposed impacts to locally significant wetlands are being separately addressed by Ordinance 15- which may result in changes to the Wetlands and Stream Corridors Comp Plan Map; and

WHEREAS, Section 18.775.070 of the City of Tigard Community Development Code requires sensitive lands permits for development within 100-year floodplain, within drainageways, and within wetlands; and

WHEREAS, Chapter 18.350 of the City of Tigard Community Development Code requires applicable planned development approval criteria to be met; and

WHEREAS, the Tigard City Council has found the following to be the applicable review criteria: Community Development Code Chapters: 18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements. Comprehensive Plan Goals: Goal 5 Natural Resources, Goal 6 Environmental Quality, Goal 7 Hazards, Goal 8 Parks Recreation and Open Space; Statewide Planning Goal 5; applicable Federal (USACE), Oregon Department of State Lands, and Metro (Titles 3 and 13) statues and regulations.

WHEREAS, the Tigard Planning Commission held a public hearing on December 15, 2014 and recommended approval of PDR2014-00003 and SLR2014-00002, by motion with a 4-3 vote in favor.

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

SECTION 1: Applications for Sensitive Lands Review, SLR2014-00002, and Planned Development Review, PDR2014-00003, are hereby approved with conditions as set forth in the December 8, 2014 staff report and as amended by the City Council.

SECTION 2: The attached findings and conclusions **(Exhibit A)** are hereby adopted in explanation of the Council's decision.

SECTION 3: This resolution shall be effective immediately.

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

_____
Carol A. Krager, City Recorder

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

_____
John L. Cook, Mayor

Approved as to form:

_____
City Attorney

_____
Date

Exhibit A

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

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

TIGARD

120 DAYS = 1/28/2015

SECTION I. APPLICATION SUMMARY

FILE NAME: A + O Apartments Planned Development

CASE NOS.:

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

REQUEST:

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

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

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

APPLICANT:

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

OWNER:

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

LOCATION:

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

ZONE/ COMP PLAN DESIGNATION:

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

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

APPLICABLE REVIEW CRITERIA:

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

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

SECTION II. STAFF RECOMMENDATION

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

RECOMMENDED CONDITIONS OF APPROVAL

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

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the Community Development Department Attn: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

1. Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

2. The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

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

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

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

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

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

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

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

9. Prior to any work on site, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for

the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

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

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

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

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

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

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

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

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

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

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

20. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

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

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

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

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

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

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the Community Development Department Attn: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

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

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

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

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

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

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

29. Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

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

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

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

SECTION III. BACKGROUND INFORMATION

Site History and Description

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

Vicinity Information:

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

Proposal Description:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION V. ISSUES SUMMARY

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

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

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

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

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

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

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

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

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

SECTION VI. SUMMARY OF APPLICABLE CRITERIA

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

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

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

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

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

SECTION VII. APPLICABLE REVIEW CRITERIA AND FINDINGS

A. COMP PLAN AMENDMENT REVIEW CRITERIA

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

Applicable Provisions Of The City's Implementing Ordinances:

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

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

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

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

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

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

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

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

This provision is met.

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

within the Tigard Planning Area;

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

This provision is met.

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

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

This provision is met.

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

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

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

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

This provision is met.

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

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

This provision is met.

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

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

This provision can be met.

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

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

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

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

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

B. SENSITIVE LANDS REVIEW CRITERIA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;

A zero rise analysis has been completed and is included in the applicant's submittal as Appendix E in the Preliminary Drainage report. Based on the analysis of potential floodplain impacts associated with the proposed development, there will not result in any increase in flood levels during the base flood discharge. This criterion is met.

3. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 18.120 of the community development code shall be allowed in areas designated residential subject to applicable zoning standards;

The site of the proposed development includes both commercial plan designations and residential plan designations. The proposed development plans show floodplain modifications within portions of the site which have a Comprehensive Plan Map designation of MUE-1. Portions of the site which include the residential MUR-1 Comprehensive Plan Map designation include proposed modifications to wetlands. However, no modifications to the 100-year floodplain are proposed within the MUR-1 area. This criterion is met.

4. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

A zero rise analysis has been completed and a memorandum is included as Appendix E in the Preliminary Drainage Report. Based on the analysis of potential floodplain impacts associated with the proposed development, there will not be an increase in the 100-year water surface elevation. This criterion is met.

5. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the hearings officer as untimely;

The proposed development plans for the A+O Apartments include a public pedestrian easement to the City of Tigard for the future development of the City's planned Washington Square Regional Center Trail. Staff has determined that the Center Loop Trail alignment on SW Oak Street is preferred to the Ash Creek alignment along this reach of Ash Creek. The City Engineer has determined that a 12-foot wide multi-modal path within the Oak Street right of way along the property's frontage will be a required public facility improvement for this project. This criterion is met.

6. Pedestrian/bicycle pathway projects within the floodplain shall include a wildlife habitat assessment that shows the proposed alignment minimizes impacts to significant wildlife habitat while balancing the community's recreation and environmental educational goals;

The proposed development plans for the A+O Apartments propose the dedication of a public pedestrian easement to the City of Tigard for the future development of the City's planned Washington Square Regional Center Trail. A wildlife habitat assessment, further floodplain analysis and other related studies will need to be completed prior to construction of this trail. The actual alignment of the trail will need to be determined by the City in concert with resource permitting agencies prior to the final design and construction of the trail.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained; and

The applicant's submittal includes a CWS SPL (Appendix D) and a U. S. Army Corps of Engineers (COE)/Oregon Department of State Lands (DSL) permit application (Appendix F). This criterion is met.

8. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the city shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

The proposed development plans include a public pedestrian easement to the City of Tigard for the development of the City's planned Washington Square Regional Center Trail. Because the alignment across the property is not yet known, the City will require a blanket ped/bike easement over the entirety of Wetland A. This criterion is met.

FINDINGS: According to the analysis above, the floodplain criteria are met.

18.775.070.D Within drainageways. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:

A storm water ditch, or drainageway, 475 square feet in area (0.01 acre) is located in the northwestern portion of the site that carries stormwater from SW Oak Street and the adjacent condominium complex to the north of Oak Street. The Natural Resource Assessment by PHS characterizes this ditch as non-jurisdictional and therefore without an associated vegetated corridor.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;

According to the applicant's narrative, the proposed development plan for the A+O Apartments minimizes impacts to wetland/floodplain/drainageways by pushing the proposed area of development towards SW Oak Street. This results in impact to an existing ditch in existing public drainage easement on the western portion of the site. It is proposed that the existing ditch/drainageway be relocated into a public storm sewer pipe with an outfall to the wetlands to the south. The proposed alteration of this section of the drainageway on the southern portion of the site is limited to only the area that is necessary to construct the proposed storm sewer to replace the existing open drainage ditch, and therefore will limit drainageway disturbances to only what is necessary for the proposed use. This criterion is met.

3. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

According to the applicant's narrative, the proposed development plan for the A+O Apartments will replace an existing open drainage ditch into a public storm drainage pipe located in a public drainage easement that will extend the existing public storm drainage system and convey existing runoff from the upstream basin. The proposed public

storm drainage pipe will outfall to a rip-rap pad and drain into wetlands and Ash Creek. The plans provide for appropriate erosion control plans designed to City and CWS standards so that the proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property. This criterion is met.

4. The water flow capacity of the drainageway is not decreased;

According to the applicant's narrative, the open drainage ditch to be removed will be replaced with a public storm pipe in a new alignment that will have adequate capacity to convey to the upstream runoff. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, a small portion of the existing drainage ditch at its southern end will not be covered by structures or impervious surfaces. This portion will be replanted with seed mix to prevent erosion. The area to be replaced and put into a storm drainage pipe will be covered by pavement and landscaping associated with the proposed apartments designed consistent with the requirements of Chapter 18.475 and related standards as addressed elsewhere in this report. This criterion is met.

6. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;

According to the applicant's narrative, the existing drainage ditch will be replaced with a public storm sewer pipe in a new alignment (to be covered by a public drainage easement). The proposed storm drainage pipe has been sized to provide adequate capacity to convey the maximum anticipated flow from upstream basin in accordance with the 1981 Master Drainage Plan. The public easement will be located within the drive-aisle/parking area of the proposed multi-family development. The City will have access to public storm manholes for maintenance of the proposed public storm sewer. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the city shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

The proposed development plans propose the dedication of a public pedestrian easement to the City of Tigard for the development of the City's planned Washington Square Regional Center Trail. Because the alignment across the property is not yet known, the City will require a blanket ped/bike easement over the entirety of Wetland A.
This criterion is met.

FINDINGS: According to the analysis above, the drainageways criteria are met.

18.775.070.E Within wetlands. The director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:

Pursuant to TDC 18.775.050, General Provisions for Wetlands, wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map," and to a the 50-foot vegetated corridor for

Wetland A, as shown in Figure 3 of Pacific Habitat Services' Natural Resource Assessment for the subject site. The proposed development would impact .42 acres of significant wetlands and 1.02 acres of vegetated corridor. Therefore, the following wetland regulations apply to a total of 1.44 acres of the site.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the comprehensive plan floodplain and wetland map nor is within the vegetative corridor established per "Table 3.1 Vegetative Corridor Widths" and "Appendix C: Natural Resources Assessments" of the CWS "Design and Construction Standards," for such a wetland;

The applicant has requested wetlands to be removed from the designation of locally significant wetlands on the City of Tigard "Wetlands and Streams Corridors" Map by the Comprehensive Plan Amendment portion of this application. If that request is approved, these wetlands will no longer be designated as significant wetland on the Plan's floodplain and wetland map. As such, a sensitive lands permit can be approved in accordance with this section for both the wetland and its associated vegetative corridor. This criterion is met.

3. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;

According to the applicant's narrative, the proposed filling of 0.42 acres of wetlands is limited to only what is necessary to "square up" the developable portion of the site to accommodate the proposed 215-unit apartment complex and related parking and recreation facilities without creating any more wetland site disturbance than is absolutely necessary. The proposal includes ground level parking under two of the proposed residential buildings, a request for an exception to the minimum required number of on-site parking spaces in order to limit the area of development, and a retaining wall along the full width of the project's southern development boundary to limit impacts to sensitive areas. Given the findings in the applicant's ESEE analysis, this criterion is met.

4. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;

According to the applicant's narrative, the 0.42 acres of proposed encroachment into the wetlands on the site has been designed to be on the edges of or outside of the floodplain on the site. A storm sewer system has been proposed to replace the surface drainage through the wetlands on the western portion of the site. These measures have been designed in order that on-site and off-site drainage will not be adversely affected by the proposed wetlands modifications. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, an erosion control plan addressing the City and Clean Water Services' erosion control requirements will be submitted as part of final grading plans, as well as part of any state or federal permit applications. Disturbed areas will be replanted if not covered by impervious surfaces. This criterion is met.

6. All other sensitive lands requirements of this chapter have been met;

All other applicable sensitive lands approval standards related to the proposed development application are reviewed in findings within this staff report. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. The provisions of Chapter 18.790, Tree Removal, shall be met;

The provisions of Chapter 18.790, Urban Forestry Plan, are addressed further in this staff report, below. This criterion is met.

9. Physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, recreation and open space policies of the comprehensive plan have been satisfied.

The following Comprehensive Plan policies address physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, and recreation and open space. Findings address satisfaction of these policies with regard to the proposed plans for wetland modifications.

Natural Resources

1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:

A. contribute to the City's scenic quality and its unique sense of place;

B. provide educational opportunities, recreational amenities, and buffering between differential land uses;

C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and

D. result in healthy and naturally functioning systems containing a high level of biodiversity.

7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.

8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.

11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.

The City addresses the above policies dealing with wetlands, water resources, riparian areas and wildlife habitat through the development and administration of the sensitive lands permit process. The application of and satisfaction of the standards of that permitting process to the A+O Apartments development plans, including proposed modifications to the wetlands, habitat, and floodplain area on the site, are a demonstration that these plan policies have been satisfied. In addition, application of the planned development parking exemption has been requested to help minimize the development footprint.

Hazards

1. The City shall not allow development in areas having the following development limitations except where the developer demonstrates that generally accepted engineering techniques related to a specific site plan will make the area suitable for the proposed development:

A. areas having a severe soil erosion potential;

B. areas subject to slumping, earth slides, or movement;

C. areas having slopes in excess of 25%; or

D. areas having severe weak foundation soils.

The City of Tigard's development review application process implements this policy through the requirement of a geotechnical report as part of the required impact assessment of a proposed development. The current application includes a site specific geotechnical report prepared by Geotechnical Resources, Inc. that report demonstrates that

the proposed development site will be suitable for development without undue soil erosion and that the site does not contain slopes in excess of 25%; areas subject to slumping, sliding, or earth movement; or weak soils.

7. The City shall comply with the Federal Emergency Management Agency (FEMA) flood regulations, which include standards for base flood levels, flood proofing, and minimum finished floor elevations.

8. The City shall prohibit any land form alterations or developments in the 100- year floodplain which would result in any rise in elevation of the 100-year floodplain.

9. The City shall not allow land form alterations or development within the 100-year floodplain outside the zero-foot rise floodway unless:

A. The streamflow capacity of the zero-foot rise floodway is maintained; and

B. Engineered drawings and/or documentation shows there will be no detrimental upstream or downstream effects in the floodplain area.

10. The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.

11. The City shall comply with Metro Title 3 Functional Plan requirements for balanced fill and removal in the floodplain.

The City has addressed these above policies dealing with floodplain development and landform alterations through the development and administration of the sensitive lands permit process. The application of and satisfaction of the approval standards of the sensitive lands permitting process to the A+O Apartments development plans, including proposed modifications to the floodplain area on the site, are a demonstration that these plan policies have been satisfied.

Parks Recreation and Open Space

8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:

A. developed areas with facilities for active recreation; and

B. undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

22. City-owned property may be used for private wetlands mitigation considered on a case-by-case basis.

This policy allows, but does not require developers to provide local wetlands mitigation. The applicant has proposed off-site mitigation with this project. The City Parks Director has commented that private wetland mitigation on city-owned property has proved difficult administratively in the past and that city property will need to be used in the future for city projects that require mitigation. In this case, city owned property is not available for private wetland mitigation.

Goal 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.

Policy 1. The City shall create and interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban centers and regional recreational opportunities utilizing both public property and easements on private property.

The proposed development plans for the A+O Apartments include the provision of a public pedestrian trail easement within the privately owned wetland area adjacent to Ash Creek. This trail easement segment is provided to serve the Washington Square Regional Center Trail that is called for in the Parks Master Plan and is called for as multi-use path M-9 on maps and tables of the Tigard 2035 Transportation System Plan. The development plans also provide for a public pedestrian path easement for the future development of a connecting trail between SW Oak Street and the future Washington Square Regional Center Trail.

FINDINGS: As shown in the analysis above, the wetlands criteria are met.

CONCLUSION: Staff recommends that the Planning Commission find, and recommend to Council, that the applicable sensitive lands review criteria for floodplain, drainageways, and wetlands are met or can be met as conditioned, subject to a determination that Goal 5 protections can be removed, as requested by the applicant.

C. PLANNED DEVELOPMENT REVIEW CRITERIA

The following criteria apply to the proposed Planned Development Concept and Detailed Plan Reviews (PDR) for the 215 unit planned development.

18.350 PLANNED DEVELOPMENTS

18.350.020 Process

A. <u>Applicable in all zones.</u> The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.

D. <u>Concurrent applications for concept plan and detailed plan.</u> In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the planned development application (i.e., the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.

The applicant has elected to develop this project through the planned development process. In this case, the applicant is also applying for a concurrent review of the planned development concept plan and the detailed development plan. Separate concept plans and detailed plans have been submitted, requiring separate actions by the commission and council.

18.350.050 Concept Plan Approval Criteria

A. The concept plan may be approved by the commission only if all of the following criteria are met:

1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.

The Planned Development Concept Plan, Sheet P2.2, illustrates areas on the site that are intended to be preserved as open space in the form of wetlands and enhanced wetland; active open space and recreation areas near the proposed building locations; and passive landscape areas. The applicant's narrative, along with the applicable supplemental reports in the Appendix, describe how the natural open space, active open space, and passive open space areas are to be used and how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

2. The concept plan identifies areas of trees and other natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.

The planned development concept plan illustrates how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.

The Planned Development Concept Plan, Sheet P2.2, along with the aerial photo of the site and its environs, Sheet P2.1, illustrates how the proposed development will fit into the street and land use pattern of the neighborhood. This criterion is met.

4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

The plans for the project include the provision of an 8-foot wide sidewalk along the site's frontage. The Planned Development Concept Plan, Sheet P2.2, illustrates the general areas on the site where the applicant is offering to provide public pedestrian easements for the future development of a trail along Ash Creek, and a trail to connect between that trail and the sidewalk along SW Oak Street. Primary pedestrian routes through the site are also illustrated. However, given the applicant's request for a parking exemption of 9.1%, staff recommends that the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.

The planned development concept plan illustrates the proposed development pattern for four multi-story multi-family residential buildings on the northern portion of the site, along with associated recreation and parking facilities. The concept plan provides for approximately 4.16 acres of the site to be developed with multi-family dwellings at a net density of between 50 and 60 units per net acre, and for approximately 6.2-acres of the site to be retained as wetlands and floodplain associated with Ash Creek. Limited public access to the wetlands area is provided for through the provision of public pedestrian access easements to be dedicated to the City of Tigard for future trail development. This criterion is met.

6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.

The proposed development plan for the A+O Planned Development provides for the long term preservation of wetlands and floodplain associated with Ash Creek, along with significant enhancements to the wildlife habitat values of the wetlands through the removal of invasive vegetation and the planting of significant number of native trees. This work to restore the wetlands on the site would not occur unless there was a development project occurring primarily on the upland portion of the site, along with a relatively minor amount of wetland filling to create additional developable area. The practicality of intensive development of the upland portion of the site is dependent upon the proposed wetland filling to create a more usable development footprint, and is also dependent upon having flexibility with regard to certain development standards such as by reducing the amount of on-site parking to be provided; by not providing individual decks or porches for all units as would be required through the Site Development Review approval standards; and by accounting for shared open spaces through looking at the larger development plan.

In addition, it is noted that proposed A+O Apartments Planned Development will further the objectives of the Washington Square Regional Center plan by providing desired relatively intense residential development in close proximity to shopping opportunities at Washington Square and other nearby centers; close proximity to employment opportunities at Washington Square, Lincoln Center, and other nearby office and commercial centers; and within close proximity to transit opportunities on SW Greenburg Road, SW Locust Street, and SW Hall Boulevard. While the proposed development will be fairly intensive compared to the existing neighborhoods consisting primarily of detached single-family residences to the south and east of the site, the proposed A+O

Planned Development will provide a step down in intensity from Washington Square and Lincoln Center to those existing neighborhoods. The A+O Planned Development will be developed at a density (52 units/acre) which is low in the range of residential densities allowed by the MUE-1 and MUR-1 zoning districts applied to the site of the proposed development (50 units/acre minimum, no maximum). This criterion is met.

FINDINGS: According to the analysis above, the concept plan approval criteria are substantially met. However, staff recommends that the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014, as conditioned below.

CONCLUSION: Staff recommends the Planning Commission find that the proposed Concept Plan substantially meets the approval criteria and recommend approval of the Concept Plan to the City Council, subject to consideration of an enhanced mobility plan.

18.350.060 Detailed Development Plan Submission Requirements

C. <u>Compliance with specific development standards</u>. The detailed development plan shall show compliance with base zone provisions, with the following modifications:

1. Lot dimensional standards. The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.

There is no applicable minimum lot size in the underlying MUE-1 and MUR-1 districts. The site size will be 10.95 acres after dedication of additional road right-of-way for SW Oak Street. This standard is met.

2. Site coverage. The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks.

The concept plan provides for less than 40% of the gross planned development site area to be developed and over 60% of the site to be retained as natural and enhanced wetlands. Therefore, the proposed concept plan clearly meets this standard. Additionally, 25% percent of the portion of the site which is planned to be developed with the apartments will be landscaped and not covered by buildings or pavement. This standard is met.

3. Building height. In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be set back from the perimeter of the site a distance of at least 1-1/2 times the height of the building.

No increase in building height is request beyond that allowed by the underlying zones. This standard is met.

4. Structure setback provisions:

No exceptions to the applicable base zone setback standards are requested. All buildings within the proposed A+O Apartments Planned Development will be required to meet all applicable setback and building separation standards of the underlying zones and of the Uniform Building Code and Fire Code. No garage entrances will enter onto SW Oak Street. Both parking garages will have entrances internal to the site. This standard is met.

5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.

No exceptions are requested to any other standards of the base MUE-1 and MUR-1 zoning districts. This standard is met.

18.350.070 Detailed Development Plan Approval Criteria

A detailed development plan may be approved only if all the following criteria are met:

A. The detailed plan is generally consistent with the concept plan.

According to the applicant's narrative, the proposed detailed development plan has been designed to be completely consistent with the concept plan, except for providing additional details on how the site is to be developed. No changes to the residential densities, amounts of open space and landscaping, land usage; effects upon environmentally sensitive areas or hazardous areas; or the proposed pattern of development are proposed. This criterion is met.

B. All the provisions of the land division provisions, Chapters 18.420, Partitions, and 18.430, Subdivisions, shall be met if applicable;

No land division is proposed. Therefore, the provisions of Chapters 18.420 and 18.430 are not applicable to the proposed final development plan. This criterion is met.

C. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the commission that promotes the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.

2. Chapter 18.705, Access, Egress and Circulation. The commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).

No exception to the applicable access, egress and circulation standards is requested.

3. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

No density bonus is requested.

4. Chapter 18.745, Landscaping and Screening. The commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.

No exception to the applicable minimum landscaping requirements is requested.

5. Chapter 18.765, Off-Street Parking and Loading Requirements. The commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if:
a. The minimum number of parking spaces is not reduced by more than 10% of the required parking; and

An exception to the minimum required on-site parking space standard is requested to allow the proposed A+O Apartments to be served by 278 on-site parking spaces rather than the 306 on-site spaces which normally would be required for this type and size of development. The requested 28 fewer parking spaces would represent a 9.1 percent reduction from the normally required amount of on-site parking. Criterion (a) is met.

b. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or

The proposed mix of apartment units in the project with a relatively high number of smaller unit types (64 studios and 98 1-bedroom units) and the absence of larger dwelling units should result in fewer residents per dwelling unit than would be typically expected in a suburban multi-family project. Therefore, it is reasonable to anticipate that the lesser number of residents per unit would translate to a lesser demand for on-site parking spaces as compared to a typical suburban multi-family development. The applicant argues that the City of Tigard's minimum parking space standard is oriented more to the demand for parking spaces for a typical multi-family project with larger dwelling units than is currently proposed. Criterion (b) is met.

c. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or

The applicant has not identified any opportunities for shared parking.

d. Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or

According to the applicant's narrative, the site is relatively well served by transit as is reported and detailed in Impact Assessment Report F. A portion of the site is located within one-quarter mile of several transit stops. This is illustrated by the Transit Availability Map in that report which shows one-quarter mile radii from the closest transit stops to the site at: 1) the west side of SW Greenburg Road at the entrance to the Washington Square shopping center; and 2) at the intersection of SW Hall Boulevard and SW Locust Street. The TriMet Trip Planner service provided on TriMet's website says that there currently are three transit stops within one-half mile walking distance of the SW 8900 SW Oak Street within the site for TriMet Bus Route 43 on Hall Boulevard or SW Locust Street. The TriMet Trip Planner indicates that there are three transit stops within six-tenths of a mile walking distance for TriMet Bus Routes 76 and 78 on SW Greenburg Road. Maps of these routes and basic schedules are included in the Impact Assessment report. The proximity of the site to these bus transit stops and the frequency of transit service means that good public transportation service will be available to serve the proposed multi-family development.

However, staff finds that the availability of transit may not be sufficient to ensure its use. In considering the parking exemption and the potential for mitigating the adverse effects on adjoining uses, staff recommends the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

e. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.

The request for the reduction in the number of required parking spaces derives from efforts to minimize the amount of wetland area needed to be filled to provide on-site parking. Multiple attempts were made to lay out the site plan to provide all of the normally required parking on-site without providing on-street parking. All such alternative plans would have required additional wetland filling and/or increased building heights to provide additional parking. Additional wetland filling would not have been in the public's interests in preserving this existing resource area. Criterion (e) is met.

FINDING: The proposed 9.1% (28 spaces) exception to the minimum parking requirement is less than 10% allowed. The proposed mix of studio and one bedroom units and the availability of nearby transit can reasonably be expected to lower the demand for on-site parking. It is in the public interest to preserve wetlands to the south of the development site (Wetland A). Therefore, the commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone. However, staff finds that the availability of transit may not be sufficient to ensure its use and recommends the following condition of approval:

CONDITION: The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site,

including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

6. Chapter 18.780, Signs. The commission may grant an exception to the sign dimensional requirements in the applicable zone.

No exception to the dimensional standards for signs is requested.

7. Chapter 18.795, Visual Clearance Areas. The commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;

No exception to the vision clearance requirements is requested.

8. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks, and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the city engineer to grant an exception. The commission has the authority to reject an exception request. The commission can only grant an exception to street sanctions if it is sanctioned by the city engineer. The city engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

An exception to the public street improvement standards is requested to allow a narrower than the normal WSRC Plan minor collector street.

TDC Section 18.630.100 states the recommended roadway functional classification map and street cross-sections in the Washington Square Regional Center (WSRC) Plan shall govern the improvement and construction of major streets within the WSRC Plan District. The WSRC Plan calls for a minor collector section along SW Oak Street which includes 43.5-feet from centerline right-of way and a 29.5-feet from centerline paved width (5.5-foot half center lane, 11-foot travel lane, 5-foot bike lane, 8-foot parking).

The applicant proposes a modified minor collector section for this street to provide 40-feet from centerline collector street right-of-way, and 26-feet of pavement from centerline to curb (12-foot travel lane, 6-foot bike lane, 8-foot parallel parking). The 3.5-foot reduction in the street width is the result of removing the center lane in the street section (subtract the 5.5-foot half center lane) and widening the travel lane (add 2-feet to travel lane). A supplemental memo to the Transportation Impact Study addressing turn lane warrants is included in report C in the Impact Assessment portion of the applicant's submittal.

The City Engineer agrees with the applicant's assertion that the center turn lane is not warranted but has determined an alternative design will better serve multimodal transportation options: the SW Oak Street half section will 40 feet from center line and include a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

a. Public safety will not be compromised; and

The Washington Square Regional Center (WSRC) description refers specifically to improving accessibility to the Lincoln Center commercial district. Not having a left-turn along the site frontage does not impact the ability to provide multimodal access into the office/commercial uses. The WSRC also highlights improving access to residential areas specifically for pedestrians and cyclists with autos as a secondary consideration ("as well.") and the need for traffic management techniques to protect neighborhood streets. The proposed design helps accomplish these objectives by: 1) Removal of center left-turn lane reduces north-south pedestrian crossing distance/exposure; 2) Narrower cross section reduces potential traffic speeding issues through more compact environment and reduces appearance of a wide street that might otherwise encourage cut-through traffic; and 3) still accommodates on-street parking and sidewalks.

SW Oak Street is currently posted with 25 MPH speed signs. This speed will help keep travel on the street safe with on-street parking. This criterion is met.

b. In the case of public streets, maintenance costs will not be greater than with a conforming design; and

Maintenance costs would not be anticipated to be increased due to the reduced right-of-way and street width that are requested. The reduced 3.5-feet of pavement width would require less street sweeping and pavement overlay/maintenance in the future. This criterion is met.

c. The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

The reduced pavement width will also decrease the impervious surface which will reduce stormwater runoff from Oak Street. The proposed planter strip width will provide area for LIDA-facilities (stormwater planters, swales) that can provide stormwater quality treatment for the impervious area within the public right-of-way. In addition, the narrower right-of-way allows the proposed development to be constructed further north, reducing impacts to wetlands located to the south of the site. This criterion is met.

FINDING: The city engineer has determined that the applicant's proposed exception to the street standards is not permissible. Instead, the City Engineer adopts a revised section for SW Oak Street 40 feet from center line including a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

For those chapters not specifically exempted under the planned development chapter, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested. The following standards apply to the proposed planned development.

18.520 COMMERCIAL ZONING DISTRICTS

B. Use table. A list of permitted, restricted, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

The western portion of the site is zoned MUE-1 and the eastern portion of the site is zoned MUR-1, as illustrated on the Existing Conditions/Site Assessment Plan, Sheet P1.1.

Table 18.520.1 of the Community Development Code lists use types that are permitted, restricted, conditional, and prohibited in the various commercial zoning districts in the City of Tigard. Household living is listed as a permitted use in both the MUE-1 and MUR-1 districts in this table, with a footnote which says that all permitted and conditional uses may be subject to special development standards of Section 18.630. The proposed multi-family residential use is considered a Household Living use type, and thus is permitted in both zoning districts applied to the site.

18.520.040 Development Standards

A. Compliance required. All development must comply with:

1. **All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370;**
2. **All other applicable standards and requirements contained in this title.**

Any development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

MUE-1	Standard	Proposed
Minimum lot size:	None	10.85 acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-feet min. total site width

Minimum/maximum setbacks:		
Minimum front yard:	0	10.5-feet (Buildings B and C)
Maximum front yard setback:	20 feet	10.5-feet (Buildings B and C)
Minimum side yard:	0	28-feet (Building A west side)
Minimum rear yard:	0	over 300-feet to south property line
Minimum building height:	2 stories	4-stories
Maximum building height:	200 feet	53-feet
Maximum site coverage:	85%	75% of total apartment site
Minimum landscape requirement:	15%	25% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./net acre total
Maximum density	None	53.1 d.u. /net acre total

MUR-1

Minimum lot size:	None	10.85-acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-feet min. total site width
Minimum/maximum setbacks:		
Minimum front yard:	0	6.9-feet Building D stair tower)
Maximum front yard setback:	20 feet	11.2-feet (remainder of Building D face)
Minimum side yard:	0	15-feet (Building D east side)
Minimum rear yard:	0	over 300-feet to south
Minimum building height:	2 stories	4 stories
Maximum building height:	75 feet	53-feet
Maximum site coverage:	80%	75% of total apartment site
Minimum landscape requirement*:	15%	20% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./acre total
Maximum density	None	53.1 d.u./acre total

FINDING: Table 18.520.2 above, shows that the proposed development plans are consistent with the applicable development standards in the MUR-1 and MUE-1 zoning districts. The applicant has not applied for any variances or adjustments in accordance with Chapter 18.370. All other applicable standards and requirements contained in this title are addressed further in this staff report. The applicable commercial development standards are met.

18.630 WASHINGTON SQUARE REGIONAL CENTER PLAN DISTRICT

18.630.010 Purpose and Applicability

A. Purpose.

1. This chapter will implement the vision, concepts and principles contained in the Washington Square Regional Center Plan, and the recommendations contained in the Phase II Implementation Plan Summary Report, prepared by a task force appointed by the City of Tigard.

2. Metro's Regional Urban Growth Management Functional Plan target growth capacity for the Washington Square regional center will be met by permitting mixed use development within the regional center at densities appropriate for an urban center.

3. A mixed use regional center will contain a variety of districts that vary in scale, predominant use, and character. Distinct districts, connected to each other and to the rest of the region by a multi-modal transportation system, will provide a range of working, living and shopping opportunities.

4. Improved multi-modal transportation links, higher densities, variety of land uses, and enhanced environmental qualities will all contribute to create a desirable, livable community in the face of dramatic population and employment growth.

5. New mixed-use zoning districts, along with existing residential zoning districts in established areas, are appropriate for the regional center.

B. Design principles. Design standards for public street improvements and for new development and renovation projects have been prepared for the Washington Square Regional Center Plan District. These design standards address several important guiding principles adopted for the Washington Square

Regional Center Plan District, including creating a high-quality mixed use area, providing a convenient pedestrian and bikeway system, and utilizing streetscape to create a high quality image for the area.

C. Development conformance. All new developments, including remodeling and renovation projects resulting in new non-single-family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the development and building codes, developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center.

As reviewed in this staff report, the project meets or has been conditioned to meet the design standards in this Chapter and other development standards required by the development and building codes and would contribute to the character and quality of the area. In addition, developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. The applicant's submittal did not address this provision.

Both public comment and the WSRC plan identify the continuation of SW Lincoln Street through to SW Oak Street as a critical future transportation infrastructure improvement. Public commenters worry that the limited capacity of SW 90th Avenue will not be able to handle increased traffic generated by the development. The Regional Center Plan identifies a collector system at Oak-Lincoln-Locust to distribute east/west traffic between Locust and Oak Streets and improve accessibility to the Lincoln Center commercial district and to improve access to residential areas for bicyclists and pedestrians, as well as autos.

According to the WSRC plan, District C, Lincoln Center-Ash Creek, is an area "slated for high density office and residential development. Adjacent to a residential neighborhood, it will be important for this area to provide easy pedestrian and bicycle access between homes and jobs. A particular goal is to protect the Metzger neighborhood from impacts of increased traffic, while assuring free-flowing vehicular movement throughout the district." In addition, "Metro has established goals for the region to reduce the number of trips by auto relative to those made by transit, pedestrian and bike travel. Pedestrian and bike facilities developed in concert with new housing and offices will be a step toward achieving theses regional goals."

The applicant's traffic analysis concludes that intersections remain functional with the development's added traffic, but does recommend improvements to the SW Oak and 90th Avenue intersection. However, it does not satisfactorily address the additional traffic on SW 90th, a 50-foot local street, as the primary route north to SW Locust for southbound Greenburg/Hwy 217 trips originating from the proposed development.

To meet required participation in funding future transportation and public improvements projects (subject to rough proportionality) the applicant could consider, for example, a range of improvements associated with Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement.

The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality.

18.630.020 Development Standards
A. Compliance required. All development must comply with:
1. All applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370 and subsections C through E of this section;
2. All other applicable standards and requirements contained in this title.

Development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

18.630.040 Street Connectivity

A. Purpose. The standards provide a way for creating continuity and connectivity within the Washington Square regional center (WSRC). They provide incremental street and accessway development that is consistent with WSRC needs and regional and state planning principles for connectivity. The primary objective is to create a balanced, connected transportation system that distributes trips within the WSRC on a variety of streets.

B. Demonstration of standards. All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Section 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

1. Design option.

a. Local street spacing shall provide public street connections at intervals of no more than 530 feet.

b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.

2. Performance option.

a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.

b. The shortest vehicle trip over public streets from a major building entrance to a collector or greater facility is no more than twice the straight-line distance.

c. The shortest pedestrian trip on public right-of-way from a major building entrance to a collector or greater facility is no more than 1-1/2 the straight-line distance.

The site of the proposed development is located on the south side of SW Oak Street. Ash Creek and its associated floodplain and wetlands are located on and to the south of the subject site, with Oregon State Highway 217 – a controlled access highway- located further to the south. These existing conditions make the development of further streets to the south impracticable. Local streets to the north include SW 90th Avenue directly to the north, SW 87th Avenue to the east, and the planned intersection with the SW Lincoln Street to the west. SW Oak Street in front of the subject site is designated a collector street. All of the proposed buildings will have major entrances within 100 feet of SW Oak Street. This standard is met.

18.630.050 Site Design Standards

<u>Compliance.</u> All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan may be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010.C.2, governing criteria for granting a variance, is satisfied.

A. <u>Building placement on major and minor arterials.</u>

1. **Purpose. Architecture helps define the character and quality of a street and can make a strong statement about the overall community and city at large. The placement and design of buildings provides the framework for the streetscape and defines the edges of the public right-of-way. Architecture and ground floor uses can activate the street, either by its design presence or by those who come and go from it. At intersections, investing in building frontages can create gateways and special places that add to the character of the area.**
2. **Standard. Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.**

The site fronts only on SW Oak Street. SW Oak Street is a collector (minor arterial). Buildings B, C, and D occupy approximately 66% of the frontage. This standard is met.

B. <u>Building setback.</u>

1. **Purpose. Buildings and investment in architecture is most conspicuous when it is visible from the street. The presence of buildings closely sited at the edge of the right-of-way creates an envelope for the street and a sense of permanence.**
2. **Standard. The minimum and maximum building setback from public street rights-of-way shall be in accordance with Table 18.520.2.**

As addressed above under the Section 18.520, the front yard setbacks from SW Oak Street are met.

C. <u>Front yard setback design.</u>

1. **Purpose. The front yard is the most conspicuous face of a building and requires special attention. Places for people and pedestrian movement helps create an active and safer street. Higher level of landscape anticipates a more immediate visual result.**
2. **Standard. For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to the applicable standard in subsection E of this section. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.**

The front yard area between the sidewalk along SW Oak Street and the fronts of proposed buildings B, C and D and parking areas to the sides of buildings will be landscaped with a combination of lawn, planter beds, and trees which will enhance the pedestrian environment along SW Oak Street. This standard is met.

D. <u>Walkway connection to building entrances.</u>

1. **Purpose. As density increases and employee and resident populations increase, it is expected that more people will move between businesses within the WSRC. Provisions should be made to encourage people to walk from business to business, and housing to business rather than use automobiles.**
2. **Standard. A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner adjacent to a public street intersection are required. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.**

According to the applicant's narrative and plans, all building entrances will be connected to the public sidewalk along SW Oak Street by a network of internal site sidewalks. All private sidewalks between the building entrances and SW Oak Street sidewalk will be at least six feet wide and constructed of concrete. This standard is met.

E. <u>Parking location and landscape design.</u>

1. **Purpose. The emphasis on pedestrian access and a high quality streetscape experience requires that private parking lots that abut public streets should not be the predominant street feature. Where parking does abut public streets, high quality landscaping should screen parking from adjacent pedestrian areas.**
2. **Standard. Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified by the city where this requirement applies. In general, streets with higher functional classification will be identified as primary streets unless specific design or access factors favor another street. If located on the side, parking is limited to 50% of the primary street frontage. When abutting public streets, parking must be behind a landscaped area constructed to an L-1 parking lot screen standard. The minimum depth of the L-1 landscaped area is eight feet or is equal to the adjacent building setback, whichever is greater. All other site landscaping shall be landscaped to an L-2 general landscaping standard. The L-1 and L-2 standards are more fully described in Section 18.630.090. (Ord. 12-09 § 1)**

According to the applicant's narrative and plan set, all parking areas on the project will be located to the sides or rear of proposed buildings, or within first level parking garages of buildings A and D. Parking areas to the sides of buildings are no further forward than even with the adjacent front building elevation. Parking areas adjacent to buildings along SW Oak Street are will be screened by landscaped areas which include low level screening plant materials consistent with the L-1 parking area screening and planting size standards. All planting areas between parking areas and SW Oak Street are at least 10-feet deep, except where reduced to accommodate required patios

for ground level dwelling units. All other site landscaping will be provided at sizes consistent with the L-2 planting standard.

However, the applicant states that "landscape materials in these areas will need to be kept trimmed to allow for clear vision areas at the intersections of these driveways with SW Oak Street." According to the Preliminary Landscape Plan (Sheet L1.2) Blue Oat Grass and Kinnikinnick are specified. Pursuant to 18.630.090, Landscaping and Screening, within these landscaped areas "L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years." Visual Clearance Areas require 3-8 foot clear and allow trees. This standard is not met.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.630.060 Building Design Standards
All new buildings constructed in the MUC, MUE and MUR zones within the WSRC shall comply with the following design standards. Variance to these standards may be granted if the criteria found in 18.370.010.C.2, criteria for granting a variance, is satisfied.

A. <u>Ground floor windows.</u>

1. **Purpose. Blank walls along the street frontage tend to be neglected, and are not pedestrian friendly. Windows help keep "eyes on the street" which promotes safety and security, and can help create a lively street frontage by displaying activities and products within the building. Lighting at night from ground floor windows also adds to the presence of activity and the sense that someone is home.**
2. **Standard. All street-facing elevations within the building setback (0 to 10 feet) along public streets shall include a minimum of 50% of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50% of the ground floor window requirement may be met on an adjoining elevation as long as the entire requirement is located at a building corner.**

According to the applicant's narrative, only building D will have a portion of its front building face along SW Oak Street located within 10-feet of the street property line – and that is the stair tower which will be set back 6.5 feet. The front building elevations of buildings B, C, and D will all be located between 10 feet and 11.2 feet back of the street property line. Nevertheless, measured between three feet and nine feet above grade, buildings B and C will provide a minimum of 50% of their ground floor wall areas with windows and doorway openings at these distances which are just beyond 10-feet – so technically they are not subject to this standard. Buildings A and D are set back more than 10 feet; therefore, these building are not required to satisfy this standard. This standard is met.

B. <u>Building façades.</u>

1. **Purpose. Straight, continuous, unarticulated walls lack interest, character and personality. The standard provides minimum criteria for creating a diverse and interesting streetscape.**
2. **Standard. Façades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least one foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building's structural system. No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.**

According to the applicant's narrative, all facades that face a public street provide at least one of the variations listed in the standard at intervals of no less than every 50 feet along the facade. None of the proposed buildings will exceed a length of 205 feet; therefore, the pedestrian connection through a building standard is not applicable to any of the proposed buildings. This standard is met.

C. Weather protection.

1. **Purpose. Weather protection is encouraged to create a better year-round pedestrian environment and to provide incentive for people to walk rather than drive.**
2. **Standard. Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.**

Weather protection is provided at all entrances to the buildings through the use of overhangs or canopies as shown on the building elevations plans. This standard is met.

D. Building materials.

1. **Purpose. High quality construction and building materials suggest a level of permanence and stature appropriate to a regional center.**
2. **Standard. Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet.**

The project does not use materials listed above in the standard as prohibited exterior finish materials. Plain concrete is used as a foundation material, but the plain concrete will not be revealed for more than two feet. Proposed building materials will include Hardie board, Hardie panels, and vertical metal panels. Deck and patio railings will be constructed of acrylic or metal, as identified on Sheet A3.10. This standard is met.

E. Roofs and roof lines.

1. **Purpose. Roof line systems that blur the line between the roof and the walls of buildings should be avoided. This standard simply states that roofing materials should be used on the roof and that wall finish materials should be use on building walls. The premise is that future buildings in the WSRC should have a look of permanence and quality.**
2. **Standard. Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.**

The materials of roofs and roof lines are different from the materials used on the building elevations so as to avoid blurring the distinction between the roof and walls as required by the standard. This standard is met.

F. Roof-mounted equipment.

1. **Purpose. Roof top equipment, if not screened properly, can detract from views of adjacent properties. Also roofs and roof mounted equipment can be the predominant view where buildings are down slope from public streets.**
2. **Standard. All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.**

According to the applicant's narrative, all roof-mounted equipment is screened from the view of adjacent public streets. This standard is met.

18.630.070 Signs

A. <u>Sign standards.</u> In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:

1. **Zoning district regulations. Residential only developments within the MUC, MUE and MUR zones shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MUC zone shall meet the sign requirements for the commercial zones, 18.780.130.C; nonresidential development within the MUE zone shall meet the sign requirements of the C-P zone, 18.780.130.D and nonresidential development within the MUR zones shall meet the sign requirements of the C-N zone, 18.780.130.E.**

2. **Sign area limits. The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted.**
3. **Height limits. The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted.**
4. **Sign location. Freestanding signs within the Washington Square regional center shall not be permitted within required L-1 landscape areas.**

According to the applicant's narrative, an integral wall sign is provided on the west elevation of building C at the building's corner near SW Oak Street. The area of the western building face is 2,388 square foot. The area of the proposed sign is 143 square feet, or less than 6 percent of the total wall face. The sign area does not exceed 15% of the area of the building face on which it is mounted and will not extend above the building's roofline. To verify these specifications meet the applicable sign standards a sign application will be required prior to installation of any signage. This standard is met.

18.630.090 Landscaping and Screening

Applicable levels. Two levels of landscaping and screening standards are applicable. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other subsections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

A. L-1 parking lot screen. The L-1 standard applies to setbacks on public streets. The L-1 standard is in addition to other standards in other chapters of this title. The setback shall be a minimum of eight feet between the parking lot and a public street. L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.

B. L-2 general landscaping. The L-2 standard applies to all other trees and shrubs required by this chapter and Chapter 18.745 (except those required for the L-1 parking lot screen). For trees and shrubs required by Chapter 18.745, the L-2 standard is an additional standard. All L-2 trees shall be 2½-inch caliper at the time of planting. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

These landscape standards apply to the areas adjacent to SW Oak Street between Buildings B and C, and between C and D. As reviewed above, the applicant has not met the standard for L-1 and has been conditioned to meet it.

FINDING: The Washington Square Regional Center Plan District standards are not all met but can be met with the following conditions of approval.

CONDITIONS: The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, a recommendation by the Planning Commission and approval by the City Council.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.705 ACCESS, EGRESS, AND CIRCULATION

18.705.020 Applicability of Provisions

A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.

The proposal is for 215 multi-family units and associated access and parking, which is considered development;

therefore these standards apply.

18.705.030 General Provisions

D. <u>Public street access.</u> All vehicular access and egress as required in 18.705.030.H and I shall connect directly with a public or private street approved by the city for public use and shall be maintained at the required standards on a continuous basis.

As shown in the applicant's site plan, the three proposed driveways are directly connected to SW Oak St. This standard is met.

F. <u>Required walkway location.</u> On-site pedestrian walkways shall comply with the following standards:

1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments.

2. Within all attached housing (except two-family dwellings) and multifamily developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.

3. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.

4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, other pervious paving surfaces, etc. Any pervious paving surface must be designed and maintained to remain well-drained. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

As shown in the Preliminary Site Plan (Sheet P2.0) walkways will connect from all primary (and secondary) multi-family building entrances to the parking areas and common open spaces and facilities planned to serve the project. Primary crossings of driveway aisles will be marked by paint or contrasting pavement. These standards are met.

H. <u>Access management.</u>

1. An access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the city and AASHTO (depending on jurisdiction of facility).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting

adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

2. Driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from city engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. This standard is met.

3. The minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet.
4. The minimum spacing of local streets along a local street shall be 125 feet.

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

I. <u>Minimum access requirements for residential use.</u>
1. Vehicular access and egress for single-family, duplex or attached single-family dwelling units on individual lots and multifamily residential uses shall not be less than as provided in Tables 18.705.1 and 18.705.2.

TABLE 18.705.2
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
MULTIFAMILY RESIDENTIAL USE

Dwelling Units	Min. Number of Driveways Required	Min. Access Width	Min. Pavement Width
1-2	1	15'	10'
3-19	1	30'	24' if two-way, 15' if one-way: curbs and 5' walkway required
20-49	1 or 2	30' 30'	24' if two-way 15' if one-way: curbs and 5' walkway required
50-100	2	30'	24' curbs and 5' walkway required

Standards for parking greater than 100 cars is not specified in Table 18.705.2. The proposed three accesses with a 24-foot paved width would provide a level of access similar to that required for the largest development size listed. The standard is met.

FINDING: Based on the analysis above, the Access, Egress and Circulation standards are not all met but can be met through the following conditions of approval:

CONDITIONS: Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

18.715 DENSITY COMPUTATIONS

18.715.010 Purpose

The purpose of this chapter is to implement the comprehensive plan by establishing the criteria for determining the number of dwelling units permitted.

18.715.020 Density Calculation

A. Definition of net development area. Net development area, in acres, shall be determined by subtracting the following land area(s) from the total site acres:

1. All sensitive land areas:

a. Land within the 100-year floodplain,

b. Land or slopes exceeding 25%,

c. Drainage ways, and

d. Wetlands,

e. Optional: Significant tree groves or habitat areas, as designated on the City of Tigard "Significant Tree Grove Map" or "Significant Habitat Areas Map";

2. All land dedicated to the public for park purposes;

3. All land dedicated for public rights-of-way. When actual information is not available, the following formulas may be used:

a. Single-family development: allocate 20% of gross acreage,

b. Multifamily development: allocate 15% of gross acreage or deduct the actual private drive area;

4. All land proposed for private streets; and

5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.

B. Calculating maximum number of residential units. To calculate the maximum number of residential units per net acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot in the applicable zoning district.

C. Calculating minimum number of residential units. As required by Section 18.510.040, the minimum number of residential units per net acre shall be calculated by multiplying the maximum number of units determined in subsection B of this section by 80% (0.8).

The project site is zoned with a combination of the MUE-1 (7.88-acres) and MUR-1 (3.4 acres) zoning districts. Pursuant to Table 18.502.2, the minimum density for both zones is 50 units per net site acre, and no maximum. Based on the following density calculation, a minimum of 205 units are required.

Gross site area	11.17 acres
-Public right-of-way dedication	0.32 acres
Net site area	10.85 acres
Initial net site area	10.85 acres
-Remaining jurisdictional wetlands/floodplain	6.20 acres
-Private drive area (drive aisles required for fire access only)	0.60 acres
Net/Net site area	4.05 acres
Minimum units required	50 units/acre x 4.05 acres =205 units
proposed density	215 units/4.05 acres = 53.1 units/acre

FINDING: The proposal is for 215 units, or 53.1 dwelling units per net acre. This exceeds the minimum density required. This standard is met.

18.725 ENVIRONMENTAL PERFORMACE STANDARDS

These standards require that federal and state environmental laws, rules and regulations be applied to development within the City of Tigard. Section 18.725.030 (Performance Standards) regulates: Noise, visible emissions, vibration and odors.

Noise. For the purposes of noise regulation, the provisions of Sections 7.41.130 through 7.40.210 of the Tigard Municipal Code shall apply.

Visible Emissions. Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

Vibration. No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

Odors. The emissions of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

Glare and heat. No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and; 1) there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and 2) these regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

Insects and rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

FINDING: The proposal is for multi-family development, which is permitted within the MUR-1 and MUE-1 zones. These Environmental Performance standards will apply to the apartments after construction and be subject to compliance with the applicable code enforcement provisions.

18.745 LANDSCAPING AND SCREENING

18.745.030 General Provisions

A. **Maintenance responsibility. Unless otherwise provided by the lease agreement, the owner, tenant and his or her agent, if any, shall be jointly and severally responsible for the ongoing maintenance of all landscaping and screening used to meet the requirements of this chapter according to applicable industry standards.**
B. **Installation requirements. The installation of all landscaping and screening required by this chapter shall be as follows:**
   1. **All landscaping and screening shall be installed according to applicable industry standards;**
   2. **All plants shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-2004, and any future revisions); and**
   3. **All landscaping and screening shall be installed in accordance with the provisions of this title.**
C. **Certificate of occupancy. Certificates of occupancy shall not be issued unless the requirements of this chapter have been met or other arrangements have been made and approved by the city such as the posting of a bond.**

18.745.040 Street Trees

A. Street trees shall be required as part of the approval process for Conditional Use (Type III), Downtown Design Review (Type II and III), Minor Land Partition (Type II), Planned Development (Type III), Site Development Review (Type II) and Subdivision (Type II and III) permits.

B. The minimum number of required street trees shall be determined by dividing the linear amount of street frontage within or adjacent to the site (in feet) by 40 feet. When the result is a fraction, the minimum number of required street trees shall be determined by rounding to the nearest whole number.

C. Street trees required by this section shall be planted according to the Street Tree Planting Standards in the Urban Forestry Manual.

D. Street trees required by this section shall be provided adequate soil volumes according to the Street Tree Soil Volume Standards in the Urban Forestry Manual.

E. Street trees required by this section shall be planted within the right of way whenever practicable according to the Street Tree Planting Standards in the Urban Forestry Manual. Street trees may be planted no more than 6 feet from the right of way according to the Street Tree Planting Standards in the Urban Forestry Manual when planting within the right of way is not practicable.

F. An existing tree may be used to meet the street tree standards provided that:

1. The largest percentage of the tree trunk immediately above the trunk flare or root buttresses is either within the subject site or within the right of way immediately adjacent to the subject site;

2. The tree would be permitted as a street tree according to the Street Tree Planting and Soil Volume Standards in the Urban Forestry Manual if it were newly planted; and

3. The tree is shown as preserved in the Tree Preservation and Removal site plan (per 18.790.030.A.2), Tree Canopy Cover site plan (per 18.790.030.A.3) and Supplemental Report (per 18.790.030.A.4) of a concurrent urban forestry plan and is eligible for credit towards the effective tree canopy cover of the site.

G. In cases where it is not practicable to provide the minimum number of required street trees, the Director may allow the applicant to remit payment into the Urban Forestry Fund for tree planting and early establishment in an amount equivalent to the City's cost to plant and maintain a street tree for three (3) years (per the Street Tree Planting Standards in the Urban Forestry Manual) for each tree below the minimum required.

As shown in the Landscape Plan (Sheets L1.1/2) the applicant proposes planting of fifteen katsura trees along the site's SW Oak Street frontage within planter strips between the curb and sidewalk is in order to provide the required number of street trees and planting locations consistent with Section 18.745.040. This standard is met.

18.745.050 Buffering and Screening

A. General provisions.

1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix.

3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.

E. <u>Screening: special provisions.</u>

1. Screening and landscaping of parking and loading areas:

a. Screening of parking and loading areas is required. In no cases shall nonconforming screening of parking and loading areas (i.e., nonconforming situation) be permitted to become any less

conforming. Nonconforming screening of parking and loading areas shall be brought into conformance with the provisions of this chapter as part of the approval process for conditional use (Type III), downtown design review (Type II and III), planned development (Type III), and site development review (Type II) permits only. The specifications for this screening are as follows:

i. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;

ii. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;

iii. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;

iv. All parking areas, including parking spaces and aisles, shall be required to achieve at least 30% tree canopy cover at maturity directly above the parking area in accordance with the parking lot tree canopy standards in the Urban Forestry Manual.

As indicated in Table 18.745.1, a Type D buffer is required for parking lots with 50+ spaces along the south perimeter of the property. According to Table 18.745.2, a 10-20 foot buffer with a 6 foot hedge, fence, or wall with trees and shrubs for screening is required. As shown on the Landscape Plan (Sheets L1.1/2), the applicant proposes an alternative to the buffer and screening standards to account for the retaining wall and limited space afforded the project's proximity to wetlands to the south. The applicant proposes that slats will be added to the proposed 42 inch high chain link fence atop the retaining wall after a pathway is placed through the wetland (unlikely to occur in the near future) and before proposed screening trees planted at the base of the retaining wall become an effective screen on their own. Given the information provided, it is unclear whether the proposed alternative screening plan would sufficiently reduce or eliminate the adverse impacts of visual pollution created by the elevated parking lot as seen from the south from other vantage points besides the potential trail. To ensure the alternative screening plan is sufficient, the applicant shall provide a site line analysis that demonstrates they will be effectively screened from view.

2. Screening of service facilities. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area.

4. Screening of refuse containers. Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

The applicant states that the refuse containers within the project will be screened from views by 6-foot tall CMU block enclosures. This standard is met.

FINDING: Based on the analysis above, the Landscaping and Screening standards have not been fully met but can be met through the following condition of approval.

CONDITION: The applicant shall provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south.

18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE

18.755.010 Purpose and Applicability

B. Applicability. The mixed solid waste and source separated recyclable storage standards shall apply to new multi-unit residential buildings containing five or more units and nonresidential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

The applicant proposes using the "franchised hauler review method" method provided for by Code Section 18.755.040.F. The 215-unit multi-family project will be served by two roughly 200 square foot trash and recycling enclosures conveniently located for use by all residents. The outdoor trash enclosures will be constructed of split-faced CMU block, with wood and metal accents. The apartment management company will contract for twice a week trash and recycling pick-up by Pride Disposal – the franchised hauler serving the area of the site. This method and frequency of pickup was suggested by representatives of Pride Disposal because of the site constraints posed by the site's slope making the location of additional collection facilities impractical and difficult to access by Pride Disposal's collection vehicles. A comment letter from Pride Disposal regarding the plans for solid waste collection and recycling facilities is enclosed as Impact Assessment Report D.

FINDING: As shown in the analysis above, the proposed mixed solid waste and recycling plan meets the standard.

18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.765.030 General Provisions

E. Visitor parking in multifamily residential developments. Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

The applicant has requested parking space exemption of 9.1% (28 spaces) as allowed under the Planned Development chapter. Provided the exemption is granted, the proposed development will meet the minimum parking standard, including the visitor parking requirement of 40 spaces (.15 x 266 minimum required spaces).

G. Disabled-accessible parking. All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the state building code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.

Disabled parking space are provided consistent with the state requirements. This standard is met.

18.765.040 General Design Standards

B. Access drives. With regard to access to public streets from off-street parking:

As shown in the Preliminary Site Plan (Sheet P2.0), proposed parking areas are designed consistent with the applicable dimensional and design requirements of Figure 18.765.1 including parking space sizes and drive aisle widths for parking space orientation of 90 degrees. As permitted by that figure's allowance of up to 50% compact spaces, the proposed development plan provides for 115 of the total 278 on-site parking spaces to be compact spaces, or 48 percent of the spaces proposed. The general design standards are met.

18.765.050 Bicycle Parking Design Standards

A. Location and access. With regard to the location and access to bicycle parking:
1. Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures;
2. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways;
3. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate the parking area;
4. Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.
B. Covered parking spaces.
1. When possible, bicycle parking facilities should be provided under cover.

2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.
C. Design requirements. The following design requirements apply to the installation of bicycle racks:
1. The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required;
2. Bicycle racks must be securely anchored to the ground, wall or other structure;
3. Bicycle parking spaces shall be at least two and one-half feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;
4. Each required bicycle parking space must be accessible without moving another bicycle;
5. Required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement;
6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.
D. Paving. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete, other pervious paving surfaces, or similar material. This surface must be designed and maintained to remain well-drained.
E. Minimum bicycle parking requirements. The total number of required bicycle parking spaces for each use is specified in Table 18.768.2 in 18.765.070.H. In no case shall there be less than two bicycle parking spaces. Single-family residences and duplexes are excluded from the bicycle parking requirements. The director may reduce the number of required bicycle parking spaces by means of an adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in 18.370.020.C.5.e.

Pursuant to Table 18.765.2, one bicycle parking space is required for every two multi-family dwelling units, or a minimum of 108 bicycle parking spaces are required. As shown in the Preliminary Site Plan (Sheet P2.0), 108 covered bike parking spaces are provided. This standard is met.

18.765.070 Minimum and Maximum Off-Street Parking Requirements
H. Specific requirements. See Table 18.765.2.

Table 18.765.2 requires a minimum of 1 parking space for each studio unit below 500 sq. ft. in size; 1.25 parking space for each 1-bedroom unit; 1.5 parking spaces for each 2-bedroom unit; and 1.75 parking spaces for each 3-bedroom unit for multi-family development projects. The proposed multi-family project will include 64 studios; 98 1-bedorrm units; and 53 2-bedroom units. There will be no 3-bedroom units. Therefore, a minimum of 266 parking spaces are required based solely upon the unit types and counts. In addition, an additional 15% on top of the required parking spaces based on unit sizes and numbers is required as visitor parking facilities. Therefore, a grand total of 306 parking spaces are required. The proposed development plan provides for a total of 278 on-site parking spaces to be provided including: a) 37 garage parking spaces and b)241 surface parking spaces. The proposed plan therefore will provide 28 fewer on-site parking spaces than would typically be required for the size and make-up of the proposed multi-family residential development. The applicant has requested an exception to the required number of on-site parking spaces as allowed under Code Section 18.350.070.C.5 for Planned Developments, above. Provided the exception is granted, the proposed development can meet the standard.

D. Exclusions to minimum vehicle parking requirements. The following shall not be counted towards the computation of the minimum parking spaces as required in subsection H of this section:
1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except; religious institutions may count on-street parking around the perimeter of the use.

The applicant acknowledges that the on-street parking provided by the SW Oak Street improvement may not count toward the required minimum parking spaces.

FINDING: As shown in the analysis above, the Off-Street Parking and Loading Requirements can be met.

18.790 URBAN FORESTRY PLAN

18.790.030 Urban Forestry Plan Requirements

A. Urban forestry plan requirements. An urban forestry plan shall:

1. Be coordinated and approved by a landscape architect (the project landscape architect) or a person that is both a certified arborist and tree risk assessor (the project arborist), except for minor land partitions that can demonstrate compliance with effective tree canopy cover and soil volume requirements by planting street trees in open soil volumes only;

The urban forestry plan for the A+O Apartments has been prepared by David Haynes, RLA – a registered landscape architect in the State of Oregon. Appendix E of the applicant's submittal includes an Urban Forestry Plan Supplemental Report. Sheets TC.1through TC.3 of the application plan set provide the required tree canopy plan and calculations. Soil volume specifications for trees to be planted are included on Sheet TC.3. This standard is met.

2. Meet the tree preservation and removal site plan standards in the Urban Forestry Manual (UFM);

The Urban Forestry Plan Supplemental Report of Appendix E of the applicant's submittal includes the results of an on-site assessment of the sizes, condition ratings, and preservation ratings for all of the existing trees on and immediately adjacent to the proposed development site portion of the subject property. An assessment of existing trees located within the area to be preserved as wetlands was not conducted. Sheet TC.1 is a Tree Preservation and Removal Site Plan. Protective measures for trees to be retained are included on this plan. The required right-of-way/street improvements for SW Oak Street, as well as the applicant requested additional road width for on-street parking, will necessitate the removal of several existing mature trees. This standard is met.

3. Meet the tree canopy site plan standards in the Urban Forestry Manual; and

The proposed landscaping plan provides for anticipated tree canopy coverage of the parking area to cover 57,282 square feet of the 98.317 square foot total parking lot area, or 58 percent of the parking lot. The minimum parking lot tree canopy cover area required is 33 percent in both the MUE-1 and MUR-1 zoning districts applied to the site. In addition the proposed landscaping plan provides for total anticipated tree canopy coverage of 78,785 square feet of the total 180,774 square feet of development area, or 44% of the development area. Finally, the minimum 1,000 cubic feet of soil per tree standard for the Tree Canopy Site Plan has also been met. Therefore, the proposed Tree Canopy Plan satisfies the standards of Section 18.790.030.A.3. This standard is met.

4. Meet the supplemental report standards in the Urban Forestry Manual.

Appendix E of the applicant's submittal includes an Urban Forestry Plan Supplemental Report prepared by David Haynes, RLA, which includes the required information and analysis required for such a report. This standard is met.

FINDING: Based on the analysis above, the urban forestry plan requirements are met.

18.790.060 Urban Forestry Plan Implementation

B. Tree Establishment. The establishment of all trees shown to be planted in the tree canopy site plan (per 18.790.030 A.3) and supplemental report (per 18.790.030.A.4) of the previously approved urban forestry plan shall be guaranteed and required according to the tree establishment requirements in Section 11, part 2 of the Urban Forestry Manual.

FINDING: The applicant's proposal does not address tree establishment. Therefore, a condition of approval is added for the applicant to provide a tree establishment bond that meets the requirements of the Urban Forestry Manual Section 11, Part 2.

D. <u>Urban forest inventory.</u> Spatial and species specific data shall be collected according to the urban forestry inventory requirements in the Urban Forestry Manual for each open grown tree and area of stand grown trees in the tree canopy site plan (per Section 18.790.030.A.3) and supplemental report (per Section 18.790.030.A.4) of a previously approved urban forestry plan.

Section 11, Part 3 of the Urban Forestry Manual states that prior to any ground disturbance work, the applicant shall provide a fee to cover the city's cost of collecting and processing the inventory data for the entire urban forestry plan. This can be met through a condition of approval.

FINDING: Based on the analysis above, the applicable urban forestry tree inventory and establishment standards have been met. To ensure compliance, the following conditions are applied:

CONDITIONS: Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.

Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.

18.795 VISUAL CLEARANCE

18.795.030 Visual Clearance Requirements

A. At corners. Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

B. Obstructions prohibited. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

FINDING: The Preliminary Landscaping Plan, Sheets L1.1 and L2.2, illustrates the applicable required clear vision triangles at these intersections. This standard is met.

D. In addition, the following criteria shall be met:

1. Relationship to the natural and physical environment:

a. The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;

According to the applicant's narrative, the proposed development has been designed to preserve as much of the existing wetlands and habitat area on the site as practical, while still providing with an intensive residential development as envisioned with the intensive standards and density allowances of the Washington Square Regional Center Plan and the underlying MUE-1 and MUR-1 zoning districts. Residential development area has been limited to the northern portion of the site near SW Oak Street to minimize impacts on the wetlands and to reduce the area that needs to be committed to automobile circulation. The site slopes downward away from SW Oak Street, thereby necessitating filling the site in order to provide building and site access per ADA requirements and to provide cover/depth for the stormwater management system (water quality and detention) prior to outfall to the south into the wetland area, and to provide relatively level areas for the buildings to be located. This filling of the northern portion of the site along with the relatively dense development pattern necessitated removal of all of the existing

trees. This criterion is met.

b. Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation; and

According to the applicant's narrative, all of the proposed structures will be located on structural fill designed to accommodate the load of the buildings. The underlying ground is stable and not severely sloped. A geotechnical study has been prepared for the proposed development by Geotechnical Resources, Inc. That study is included as report C in the Impact Assessment portion of this report. The recommendations of the study will be utilized in developing the final grading plan for the project. The geotechnical report offers the following conclusion:
"The site is mantled by 1.5 to 23.5 ft of silt, which is underlain by basalt which has decomposed to the consistency of sand. Beneath the decomposed basalt, the site is underlain by predominantly decomposed, extremely soft basalt to the maximum depth explored (26.5 ft). In our opinion, the structural loads of the proposed buildings can be supported by conventional spread footings established in structural fill or in the medium stiff silt or dense to very dense sand that mantles the site. The following sections of this report provide our conclusions and recommendations concerning site preparation and earthwork, foundation support, lateral earth pressures, subdrainage and floor support, pavement design, and seismic design considerations. [Geotechnical Investigation Report by Geotechnical Resources, Inc., page 3]." This criterion is met.

c. Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible.

The four multi-family residential buildings have been situated to maximize sunlight and air into as many dwelling units as practical. This criterion is met.

2. Buffering, screening and compatibility between adjoining uses:

a. Buffering shall be provided between different types of land uses; e.g., between single-family and multifamily residential, and residential and commercial uses;

The preserved open space area on the southern portion of the site will separate the proposed multi-family development project from detached single-family development to the south by over 400-feet. Trees to be planted to the south of and near the base of the retaining wall will help screen the proposed development from views from the south, as will screening materials at the top of the wall and parking area trees. Although the areas immediately to the west of the site are currently developed with detached single-family residences, that area is zoned MUE-1 and is anticipated to be redeveloped with intensive residential, institutional, and/or office development which should be similar in intensity as the proposed A+O Apartments. Nevertheless, landscaping is proposed to be provided on the western portion of the subject site to help provide a buffer between these neighboring uses. This criterion is met.

b. In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered landscape architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745:

i. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
ii. The size of the buffer needs in terms of width and height to achieve the purpose;
iii. The direction(s) from which buffering is needed;
iv. The required density of the buffering; and
v. Whether the viewer is stationary or mobile.

Section 18.745.050.E.1 typically requires the screening of parking lots and loading areas from views from adjacent areas. Table 18.745.1 specifies that a Type D buffer of at least 10- feet to 20-feet of width and differing levels of plant materials and fences/walls or hedges between parking lots and areas of single-family development. These buffer standards would therefore apply along the southern and eastern edges of the proposed parking lot because the parking area might be visible from existing single-family development to the southeast and east, and Hwy 217 if not adequately buffered and screened.

The applicant requests an exception to the parking area buffer and screening standards, as provided. The proposed landscape plans were prepared by David Haynes, PLA, a registered landscape architect. The plans propose that an alternative buffer be allowed to the standards of Section 18.745.050.E.1 to screen the parking lots. The parking area will be well separated from the existing neighboring single-family uses to the south and southeast for which buffering and screening is required. The neighboring single-family uses will be located over 400 feet away from the proposed parking area. As such, views of the parking area would be distant and there would be little, if any, discernible noise or odor effects from use of the parking area upon those neighboring properties. In addition, the proposed wetland area plantings of ash trees and the proposed dense planting of western red cedar trees at the base of the proposed retaining wall will provide much more screening of views of the parking area than would a buffer on the actual edge of the parking lot, with such a buffer designed to the relatively narrow width and plant density standards of Table 18.745.1. The western red cedar trees especially will provide adequate evergreen screening of views of the parking area.

In addition, to address concerns on the screening from the future pedestrian path near Ash Creek, it is proposed that fence fillers (slats, fabric, etc.) be provided along the southern edge of the proposed parking lot if the trail is constructed prior to tree growth providing the required landscape buffer/screening to the parking area from the trail. Fence fillers will be added to the chain-link fence on top of the retaining wall and adjacent to the southern edges of the parking area in order to supplement the screening provided by the cedar trees for up to five years, in order for tree growth to provide adequate screening.

FINDING: The applicant submitted an alternative landscape plan to the required parking lot screening, prepared by a registered landscape architect, that arguably attains the same level of buffering and screening or better with alternate materials and methods. Staff finds that the applicant has not considered views from Hwy 217 or the effects of headlight at night and therefore recommends the applicant provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south, as conditioned above.

c. On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:

i. What needs to be screened;
ii. The direction from which it is needed; and
iii. Whether the screening needs to be year-round.

The proposed apartments will include two trash and recycling enclosures within the project's parking area. These enclosures will be constructed of CMU walls with steel gates. Landscaping will be provided adjacent to these trash enclosures to provide near-view screening. Their locations relatively deep into the parking area and site will provide them with adequate screening from adjoining properties, as will the intervening landscaping outside of the parking area.
Mechanical equipment on the rooftops of the buildings will be screened from views from neighboring properties by parapets included on the buildings. This criterion is met.

3. Privacy and noise. Nonresidential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;

This is a residential development; therefore, this criterion does not apply.

4. Exterior elevations—Single-family attached and multiple-family structures. Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

a. Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
b. Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
c. Offsets or breaks in roof elevations of three or more feet in height.

The exterior elevation articulation standards of this section are superseded by Section 18.630.060.B. The standards of that section are addressed below.

5. Private outdoor area—Residential use:

a. Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;

b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and

c. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

As illustrated on the floor plans, Sheets A2.10 through A2.40, all ground level dwelling units will be provided with patios or decks. Minimum sizes of these decks or patios will be 48 square feet. Minimum dimensions of any of the decks or patios will be 6 feet of depth. As practical, decks are oriented to maximize solar exposure, but are designed to provide a reasonable degree of privacy. This criterion is met.

6. Shared outdoor recreation and open space facility areas—Residential use:

a. Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

i. Studio units up to and including two bedroom units, 200 square feet per unit;

ii. Three or more bedroom units, 300 square feet per unit.

b. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;

c. The required recreation space may be provided as follows:

i. Additional outdoor passive use open space facilities;

ii. Additional outdoor active use open space facilities;

iii. Indoor recreation center; or

iv. A combination of the above.

The proposed 215 residential units will all be studios, 1-bedroom, or 2-bedroom units. Therefore, the proposed development would be required to provide 43,000 square feet of shared usable outdoor recreation areas to satisfy subsection (a) of this standard. The proposed development plans provide for the following areas to be provided as shared usable outdoor recreation areas:

Open area north and west of Building A:	4,247 sq. ft.
Community gardens, plaza, and other areas south of Building B:	4,307 sq. ft.
Pool, pool deck, plaza, and barbecue pavilion south of Building C:	6,769 sq. ft.
Wetlands overlook plaza south of parking area:	1,478 sq. ft.
Other usable open space and plaza area:	2,478 sq. ft.
Total Usable Active Open Space provided	**19,280 sq. ft.**

In addition, 2,196 square feet of indoor recreation space is provided within Building C, including the following: an activity/media room (492 square feet); and exercise room (487 square feet); an activity/media room and kitchen (548 square feet); and a rooftop patio (669 square feet).

Total Indoor Recreation Space	**2,196 sq. ft.**

Passive recreation areas are provided including the upland areas adjacent to the wetlands and landscape beds throughout the site.

Total outdoor passive recreation space	**24,103 sq. ft.**
Total required recreation space	**45,579 sq. ft.**

As allowed by subsection 6.c.iv. above, the combined shared usable outdoor recreation areas, additional indoor recreation area, and passive use open space facilities totals 45,579 square feet of combined area, or 212 square feet per each dwelling unit. This exceeds the minimum standard of 200 square feet of shared outdoor recreation and open space facility per unit. This criterion is met.

All of the proposed usable outdoor recreation areas will be located in fairly open areas and should be readily observable from a number of dwelling units, the parking area, and the sidewalks and drive aisles within the development site. This criterion is met.

7. Access and circulation:

a. The number of required access points for a development shall be provided in Chapter 18.705;

b. All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and

c. Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

The proposed development is consistent with the minimum number of access points required by Chapter 18.705 (minimum of two access points required; three access points provided). The site plan has been designed to provide adequate access for emergency and service vehicles. The project development team met with a representative of the Tualatin Valley Fire and Rescue District during the development of the site plans. Modifications to the plans were made to accommodate the Fire District's concerns. The plans have also been provided to Pride Disposal, the trash and recycling service provider for the site area.

The plans provide for the dedication of a 20-foot wide public pedestrian easement along Ash Creek for future development of a pathway or boardwalk, as called for by the City of Tigard Parks System Master Plan which discusses a Washington Square Regional Center Trail looping around Washington Square, and following Ash Creek as its primary route. An easement for a connecting trail to SW Oak Street is also proposed to be provided. This criterion is met.

8. Landscaping and open space—Residential development. In addition to the buffering and screening requirements of paragraph 2 of this subsection D, and any minimal use open space facilities, a minimum of 20% of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation.

The proposed development plans (Sheet P2.4, Overall Open Space Analysis Plan) call for 48,367 square feet of landscaped area on the site, or 25 percent of the 193,406 square foot development site area. This total landscaped area does not include the minimal use areas below the proposed retaining wall, which also includes the trees and shrubs which have been proposed to provide the required screening and buffering for the parking area. The landscape plan was prepared by and under the direction of David Haynes, PLA, a registered landscape architect in the State of Oregon. This criterion is met.

9. Public transit:

a. Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:

i. The location of other transit facilities in the area; and

ii. The size and type of the proposed development.

b. The required facilities may include but are not necessarily limited to such facilities as:

i. A waiting shelter;

ii. A turn-out area for loading and unloading; and

iii. Hard surface paths connecting the development to the waiting area.

c. If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

The northeastern portion of the site is located within one-quarter mile of TriMet transit service bus stops at the intersection of SW Hall Boulevard and SW Locust Street, and portions of the northwestern portion of the proposed development site are slightly more than one quarter mile of TriMet transit stops on NW Greenburg Road. There currently is no transit service on SW Oak Street adjacent to the project site. Tri-Met provided a letter dated

December 4, 2014 at the City's request which outlines measures to improve access to transit from the subject site including improved sidewalk connectivity and lighting and obtaining an easement for placement of a transit shelter. The city shared TriMet's comments with the applicant who was amenable to considering the suggested improvements.

As conditioned above, the applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014. Therefore, this criterion is met.

10. **Parking:**
    a. All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;
    b. Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

The proposed parking areas within the multi-family development project have been designed consistent with the applicable design standards of Chapter 18.765, as reviewed in the findings to that chapter, below. This criterion is met.

11. **Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.**

The proposed storm drainage system within the apartment project has been designed consistent with the applicable standards of Chapter 18.810, as reviewed in the findings to that chapter, below. This criterion is met.

12. **Floodplain dedication. Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the city shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.**

The project site includes a substantial area which is within the 100-year floodplain of Ash Creek. The applicant is proposing to preserve the floodplain area on the site within a private open space area for long-term preservation. The plans note that the applicant is willing to provide a public pedestrian easement to the City of Tigard for the future development of a pedestrian path near Ash Creek, plus an easement for a pedestrian connection between that path and SW Oak Street. This criterion is met.

13. **Shared open space facilities. These requirements are applicable to residential planned developments only. The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:**
    a. Minimal use facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100-year floodplain).
    b. Passive use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
    c. Active use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
    d. The open space area shall be shown on the final plan and recorded on the final plat or covenants.

The Detailed Planned Development Plan for the A+O Apartments planned development provides 318,849 square feet of the total site area, over 67 percent of the 472,688 square foot site area (after deduction of additional SW Oak Street right-of-way only) as shared open space areas, whereas a minimum of 20 percent of the site or only 94,538 square feet would be the minimum shared open space required to be provided for this size planned development site. See Sheet P2.4, Overall Open Space Analysis Plan. The total open space areas to be provided will consist of the following:

- 273,270 square feet as minimal use facilities or 289 percent of the minimum required area as shared open space use facilities
- 24,103 square feet of passive use facilities or 25 percent of the minimum required open space area;
- 21,476 square feet of active use facilities or 22.3 percent of the minimum required open space area.

This criterion is met.

14. **Open space conveyance: Where a proposed park, playground or other public use shown in a plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.**
    Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:
    a. Public ownership. Open space proposed for dedication to the city must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of city acceptance shall be made in writing by the parks & facilities division manager prior to final approval. Dedications of open space may be eligible for systems development charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below.
    b. Private ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the city in a form acceptable by the city. The terms of the conservation easement must include provisions for the following:
    i. The continued use of such land for the intended purposes;
    ii. Continuity of property maintenance;
    iii. When appropriate, the availability of funds required for such maintenance;
    iv. Adequate insurance protection; and
    v. Recovery for loss sustained by casualty and condemnation or otherwise.

FINDING: The Washington Square Regional Center Implementation Plan (2001) includes the Greenbelt, Parks and Open Space System Concept Plan (Figure 7) which shows greenbelt co-terminus with the wetlands on the subject site. The Tigard Park System Master Plan (2009) Map 3: Park Concept Map shows the Washington Square Regional Trail in a general alignment across the subject property. The Tigard Greenways Trail System Master Plan shows two alternate routes across the subject property, through wetlands (2A) and along SW Oak Street (2B), which is shown as a low priority on the Prioritized Project List, Table 13.

The applicant does not propose open space conveyance, but a ped/bike easement instead. The City Parks Director has determined that a dedication will not be acceptable and that a blanket pedestrian/bike easement over the entirety of Wetland A will be an acceptable reservation. As conditioned, this standard is met.

CONCLUSION: Based on the analysis above, the Detailed Development Plan Approval Criteria are met or can be met, as conditioned.

18.810 STREET AND UTILITY IMPROVEMENTS STANDARDS:

18.810.030 Streets

A. Improvements.

1. **No development shall occur unless the development has frontage or approved access to a public street**
2. **No development shall occur unless streets within the development meet the standards of this chapter**
3. **No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.**

E. Minimum Rights-of-Way and Street Widths: Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Downtown District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1

The development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street include a 20-foot paved width, planter and a 12-foot wide separated bike path. No streets within the development are proposed. This standard is expected to be met.

Street Alignment and Connections:
Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

N. Grades and curves.

1. **Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet); and**
2. **Centerline radii of curves shall be as determined by the city engineer.**

The existing grades along the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

18.810.050 Easements

A. Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse.

B. Utility easements. A property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

18.810.070 Sidewalks

A. Sidewalks. All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.

B. Requirement of developers.

2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).

The Development Review engineer has determined there are no existing sidewalks on the same side of the street as the development within 300 feet of a development site in either direction. This standard is met.

18.810.090 Sanitary Sewers

A. Sewers required. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in *Design and Construction Standards for Sanitary and Surface Water Management* (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

B. Sewer plan approval. The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

C. Over-sizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

18.810.100 Storm Drainage

A. General provisions. The director and city engineer shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and

3. Surface water drainage patterns shall be shown on every development proposal plan.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

C. Accommodation of upstream drainage. A culvert or other drainage facility shall be large enough to

accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and the city engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

D. Effect on downstream drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the director and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

Site runoff will be directed to Ash Creek. This standard may be met by condition.

Bike lanes: Subsection 18.810.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

18.810.120 Utilities

A. Underground utilities. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
2. The city reserves the right to approve location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to undergrounding requirement.

1. The developer shall pay a fee in-lieu of undergrounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the

only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.

2. **An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay the fee in-lieu of undergrounding.**

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of $35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:

Fire and Life Safety:
The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:
Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

Grading and Erosion Control:
CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:
The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:
The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of $50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

SECTION VIII. IMPACT STUDY

SECTION 18.390.040.B.e requires that the applicant include an impact study. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication of real property interest, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

Section VI of the applicant's submittal includes Impact Assessment Reports on transportation, wetlands, geotechnical, waste and recycling, and storm drainage. Item F. Impact Assessment Report by Otak, Inc. summarizes the effect of the proposed development on general compatibility, noise, odors, lighting, signage, transit availability, transportation, and utilities.

The applicant has specifically concurred with and has proposed dedication of right-of-way and to make half-street improvements along SW Oak Street.

ROUGH PROPORTIONALITY ANALYSIS

The Transportation Development Tax (TDT) is a mitigation measure required for new development and will be paid at the time of building permits. Based on Washington County implementation figures for 2014/2015, TDTs are expected to recapture approximately 32 percent of the traffic impact of new development on the Collector and Arterial Street system. Based on the use and the size of the use proposed and upon completion of this development, the future builders of the residences will be required to pay TDTs of approximately $1,098,111 ($5,257 x 215 = $1,130,255 new apartment units - $32,144 for four existing single family dwellings).

Based on the estimate that total TDT fees cover 32 percent of the impact on major street improvements citywide, a fee that would cover 100 percent of this project's traffic impact is $3,431,596 ($1,098,111 ÷ 0.32). The difference between the TDT paid and the full impact, is considered as unmitigated impact.

Estimated Mitigation Value Assessment:		
Full Impact	($1,098,111 ÷ 0.32)	$3,431,596
Less TDT Assessment		- 1,098,111
Less mitigated values for off-site improvements (Lincoln Street row + full improvements)		-757,000
Estimate of unmitigated impacts		$1,576,485

FINDING: The applicant concurs with the dedication of right-of-way and improvement of SW Oak Street, a collector street, as shown in the Preliminary Site Plan (Sheet P2.0) and stated in the narrative. Any improvement to SW Lincoln Street, a collector may be TDT is creditable. Based on the analysis above, the net value of these dedications, assessments, and improvements is roughly proportional to the value of the full impact.

SECTION IX. OTHER STAFF COMMENTS

The City Police Department was notified and did not comment on the project.

The City Public Works Department was notified and commented that the wetland portion of the subject property should have a blanket public pedestrian/bike access easement for implementation of the Washington Square Loop Trail at some point in the future.

The City Development Review Engineer (Contact Greg Berry, 503-718-2468) has reviewed the proposal and provided comment in a Memorandum dated November 26, 2014, which can be found in the land use file and as an

attachment to this decision. The findings and conclusions in the Memorandum have been incorporated into this land use decision.

SECTION X. AGENCY COMMENTS

TriMet reviewed the proposal and provided a comment letter dated December4, 2014, including recommendations for sidewalk connectivity, lighting and transit station improvements on SW Greenburg.

Metro Planner Gerry Uba reviewed the proposal and commented that "Metro is confident that Clean Water Services will assist the City to implement the amendments appropriately."

Clean Water Services Jackie Sue Humphreys (503-681-3600) has reviewed this proposal and issued a letter dated November 18, 2014 stating conditions to be met in association with stormwater connection permit authorization, including compliance with the Service Provider Letter dated August 7, 2014 (File No. 14-001441).

Tualatin Valley Fire and Rescue John Wolff (503-259-1504) has reviewed the proposal and offered comments in a letter dated December 3, 2014, that endorses the proposal subject to TVF & R access hydrant location requirements.

Oregon Parks and Recreation Department, State Historic Preservation Office commented in a letter dated November 18, 2014 that in the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. A condition of approval will require notification procedures if cultural objects and/or human remains are found during site grading.

Oregon Division of State Lands provided a letter to the applicant dated June 13, 2014 concurring with the Pacific Habitat Services wetland and waterway boundaries for the subject site.

Frontier John Cousineau (503-643-0371) commented that the project site is within the CenturyLink territory.

Oregon Department of Land Conservation and Development (DLCD), ODOT (Region 1), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality, and the U.S. Army Corps of Engineers were mailed a copy of the proposal but provided no comment.

SECTION XI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

Limiting conflicting uses in Goal 5 protected wetlands (CPA)

The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center Plan District. Staff recommends limiting conflicting uses.

Planned Development (PDR)

Parking Exemption

The applicant's request for a parking exemption of 9.1% may adversely affect on-street parking in the neighborhood. Staff recommends the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership.

Funding future transportation

Developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. Staff recommends the applicant consider a range of improvements associated with SW Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement, and to construct improvements, subject to rough proportionality.

CONCLUSION

Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan, Sensitive Lands Reviews, and Planned Development are consistent or are conditioned to be consistent with applicable provisions of the Tigard Development Code Chapters:18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to City Council approval of the proposed comprehensive plan amendment, sensitive lands reviews, and planned development to City Council subject to the recommended conditions of approval and the result of any deliberations by the Planning Commission.

Exhibits:

Exhibit A	The City of Tigard Development Review Engineer Memo dated December 4, 2014
Exhibit B	TVF&R Letter dated December 3, 2014
Exhibit C	TriMet letter dated December 4, 2014
Exhibit D	Planned Development Concept Plan (Sheet P2.2)
Exhibit E	General Detailed Planned Development Plan (Sheet P2.3)

PREPARED BY: Gary Pagenstecher
Associate Planner

12-8-14
DATE

APPROVED BY: Tom McGuire
Assistant Community Development Director

12/8/14
DATE

EXHIBIT A

City of Tigard Memorandum

To: Gary Pagenstecher, Associate Planner

From: Greg Berry, Project Engineer

Re: SDR 2014-04; A+O Apartments

Date: November 26, 2014

Access Management (Section 18.705)

Section 18.705.030.B requires site plans be presented for approval showing how access requirements are to be fulfilled in accordance with this chapter.

The application includes a site and utility plan for a proposed 215 unit apartment complex.

Section 18.705.030.D states that all vehicular access and egress … shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.

A driveway directly connected to SW Oak St. will provide access to the site. This standard is met.

Section 18.705.F Required walkways

PLANNING

Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and/or AASHTO (depending on jurisdiction of facility).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. This standard is met.

Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

Section 18.705.030.I includes minimum access requirements for residential use. For multifamily use developments with 50 to 100 units, two accesses are required with a minimum paved width of 24 feet with curbs and a 5-foot sidewalk within a 30-foot width.

Standards for the proposed 215 units are not provided. The proposed three accesses with a 24-foot paved width and would provide a level of access similar to that required for the development sizes listed.. The standard is met.

Street And Utility Improvements Standards (Section 18.810):
Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

Streets:

Improvements:
Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.

Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.

Minimum Rights-of-Way and Street Widths: Section 18.810.030E requires minimum rights-of-way and street widths for streets adjacent to or within a development.

The development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street includes a 20-foot paved width, planter and a 12-foot wide separated bike path

No streets within the development are proposed.

This standard is expected to be met.

Street Alignment and Connections:
Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.

The existing grades along the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the right-of-way line except:

- **Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;**
- **For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.**
- **For non-residential blocks in which internal public circulation provides equivalent access.**

Additional connections in this area are precluded by surrounding wetlands and existing development.

Easements:
Section 18.810.050 states that easements for sewers, drainage, water mains, electric lines, or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a

stormwater easement or drainage right-of-way conforming substantially to the lines of the watercourse.

Section 18.810.050.B states that a property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for mainline easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

Sidewalks: Section 18.810.070.A requires that sidewalks be constructed to meet City design standards along at least one side of private and industrial streets.

No streets are proposed. This standard is met.

Section 18.810.070.B states that if there is an existing sidewalk on the same side of the street as the development within 300 feet in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality.

No additional sidewalks are required.

Bike lanes: Subsection 18.819.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

Sanitary Sewers:

Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

Sewer Plan approval: Section 18.810.090.B requires that the applicant obtain City Engineer approval of all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

Over-sizing: Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

Storm Drainage:

General Provisions: Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

Accommodation of Upstream Drainage: Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

Effect on Downstream Drainage: Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2007 and including any future revisions or amendments).

Site runoff will be directed to Ash Creek. This standard may be met by condition.

<u>Storm Water Quality:</u>
The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 07-20) which require the construction of on-site water quality facilities. The facilities shall be designed in accordance with the CWS Design and Construction Standards for Sanitary Sewer and Surface Water Management and shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces of more than 1,000 square feet provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention, but a fee-in-lieu would be required.

The applicant's engineer has submitted preliminary detention calculations for an underground system. This standard may be met by condition.

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- **The developer shall make all necessary arrangements with the serving utility to provide the underground services;**
- **The City reserves the right to approve location of all surface mounted facilities;**
- **All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and**
- **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of $35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

Fire and Life Safety:
The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:
Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

Grading and Erosion Control:
CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:
The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:
The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of $50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

Sensitive Lands (Section 18.775.070)

Section 18.775.070.B.2 requires that land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge.

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.3 requires that land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map.

Proposed land form alterations are confined to portions of the site designated as MUE-1.

Section 18.775.070.B.4 requires that where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.5 requires that land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan.

Dedication of a public pedestrian easement is proposed. Since there are no current plans for a pathway, an easement will be required over the entirety of the floodplain. An approved easement agreement is required before beginning work and must be recorded before final inspection.

Section 18.775.070.B.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained;

The applicant has submitted applications for these permits. Approved permits will be required before beginning any work

Section 18.775.070.B.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed.

Section 18.775.070.D.2 requires that the extent and nature of the proposed land form alteration or development in a drainageway will not create site disturbances to the extent greater than that required for the use.

The disturbance will be limited to that required to replace the portion of the drainageway along the western side of the site with a public with a public storm drain. This requirement is expected to be met.

Section 18.775.070.D.3 requires that he proposed land form alteration or development within the drainageway will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property.

Relocating the drainageway to a storm drain and providing an adequate outfall is expected to prevent these adverse effects.

Section 18.775.070.D.4 requires that the water flow capacity of the drainageway is not decreased.

The storm drain receiving the flow from the drainageway will have adequate capacity. This requirement will be met.

Section 18.775.070.D.5 where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.

Restoration will be required at the southern end of the drainageway. This work is expected to be required by the permits of other agencies.

Section 18.775.070.D.6 requires that the drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan.

The public storm drain replacing the drainageway will be sized to have the required capacity.

Section 18.775.070.D.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands and CWS approvals shall be obtained for work within a drainageway.

U.S Army Corps of Engineers, Division of State Lands and CWS permit applications have been submitted. Approved permits will be required before any work begins.

Section 18.775.070.D.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed. .

Recommendations:

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ANY WORK ON SITE:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to any work on site, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

Prior to any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.

Prior to any work on site, the applicant shall obtain approval from the City Engineer for the street design which is anticipated to include a 20-foot paved half width plus an 8-foot planter and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to any work on site, the applicant shall obtain approval from the City Engineer of an design access report.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.

Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.

Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.

Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.

Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

Prior to any work on site, the applicant shall provide an approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.

Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.

Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance.

Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include a 20-foot paved half width plus an 8-foot planter with trees, lights, underground utilities and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.

Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.

Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.

Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

EXHIBIT B

Tualatin Valley Fire & Rescue

www.tvfr.com

December 3, 2014

City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

Re: A + O Apartments Planned Development

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

1) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

2) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)

3) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)

4) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) ***Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as your water purveyor. Fire flow calculation worksheets as well as instructions are available on our web site at www.tvfr.com.***

5) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. ***Determine number of hydrants required from fire flow calculations and distribute to meet minimum distance and spacing requirements. An additional hydrant may need to be installed on SW 95th to meet this requirement.***

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.

6) **PRIVATE FIRE HYDRANTS:** To distinguish private fire hydrants from public fire hydrants, private fire hydrants shall be painted red. (OFC 507.2.1, NFPA 24 & 291)

7) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)

8) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)

9) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

10) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)

11) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)

12) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)

13) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

ADDITIONAL COMMENTS: The above listed criteria are preliminary potential applicable conditions that MAY apply to this project.

If you have questions or need further clarification, please feel free to contact me at 503-259-1504.

Sincerely,

John Wolff

John Wolff
Deputy Fire Marshal

Copy: TVF&R FIle

EXHIBIT C

December 4, 2014

Gary Pagenstecher
Associate Planner
13125 SW Hall Blvd.
Tigard, OR 97223

RE: Case File Number, CPA 2014-2

Thank you for the opportunity to comment on the proposed development on SW Oak St. TriMet Bus Lines 76 & 78 serve the area with a bus stops located on SW Greenburg Rd at Washington Square Rd. These stops see an average of 80 people boarding and alighting on weekdays. In addition 4 lifts of riders in mobility devices occur on an average month at this location. Activity may increase with development.

TriMet is interested in maintaining this stop and hopes to safely encourage ridership through supportive development. The purpose of our recommendations is to minimize traffic impacts of new development and maximize ridership by encouraging patterns that are transit, bicycle, and pedestrian supportive.

TRIMET STAFF RECOMMENDATIONS

Ensure sidewalk connectivity: Presently the south side of Oak Street has gaps in the sidewalk infrastructure. Developer should ensure that there is a safe and comfortable pathway to walk to Greenburg Rd from the new development.

Consider sidewalk lighting: The nature of the streetscape is conducive to shadows. Proper lighting will ensure new residents feel comfortable walking to and from the bus.

Consider negotiating an easement with the owner of the property at 10250 SW Greenburg Rd for the purpose of a shelter: Shelter from the elements can make taking transit much more palatable. There is not sufficient public right-of-way for a shelter. This is the property adjacent to the bus stop where residents of this development would most likely board. If an easement were to be obtained and a 5' deep by 20' wide concrete pad were placed behind the right-of-way, TriMet could place and maintain a shelter for residents wishing to take the bus.

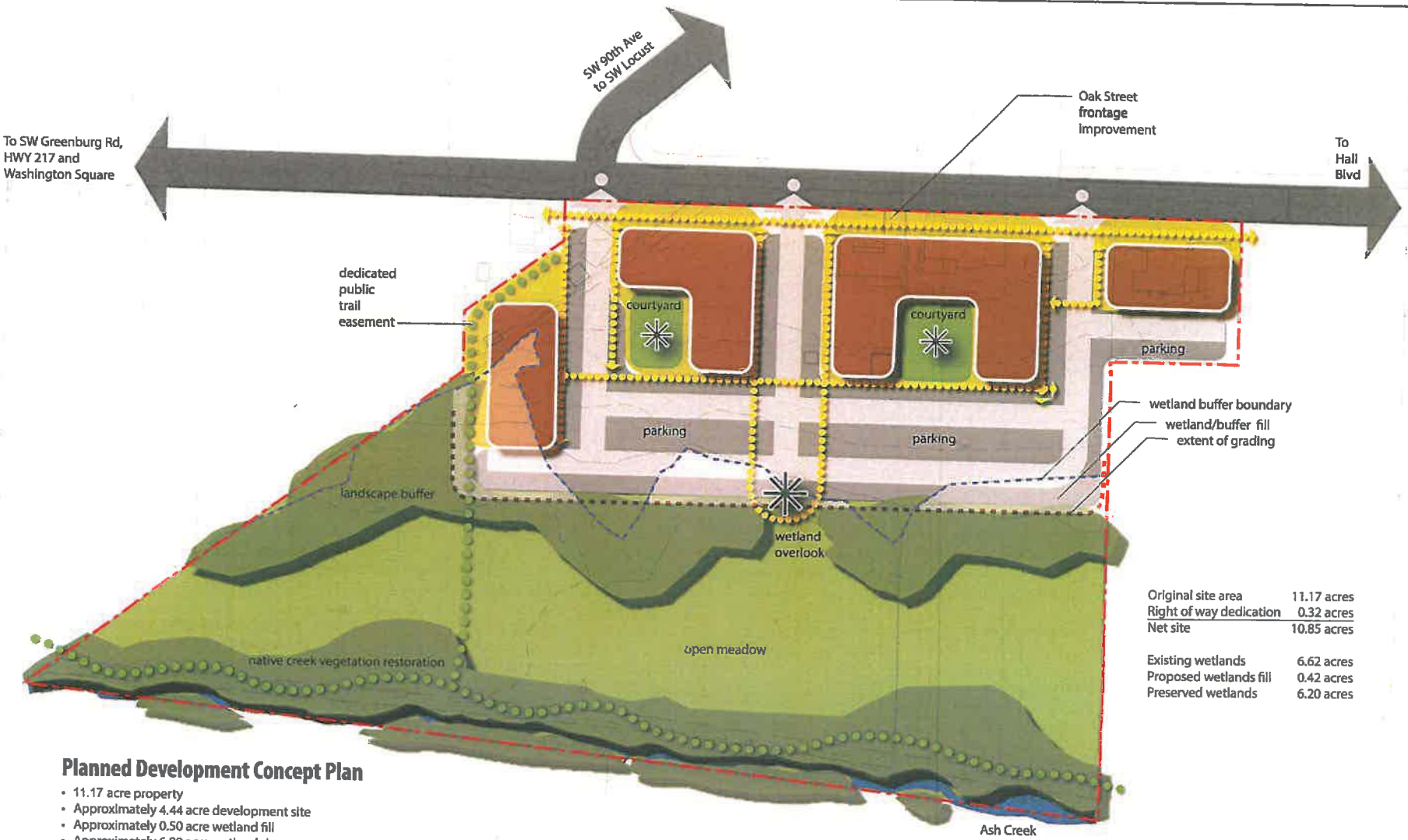
Again, thank you for your time and consideration. If you have any questions, please contact me at 503-962-6478.

Sincerely,

Grant O'Connell

Grant O'Connell, Planner II
Transit Development
Capital Projects

Exhibit D



Original site area	11.17 acres
Right of way dedication	0.32 acres
Net site	10.85 acres
Existing wetlands	6.62 acres
Proposed wetlands fill	0.42 acres
Preserved wetlands	6.20 acres

Planned Development Concept Plan

- 11.17 acre property
- Approximately 4.44 acre development site
- Approximately 0.50 acre wetland fill
- Approximately 6.80 acre wetlands/open space
- Multi-family buildings, 4 story
- 210-225 dwelling units total
- Density target 50-55 dwelling units/acre
- Pool and other recreation opportunities
- Enhanced wetland meadow
- Future trail easement to Ash Creek trail or boardwalk
- Oak Street frontage improvement

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

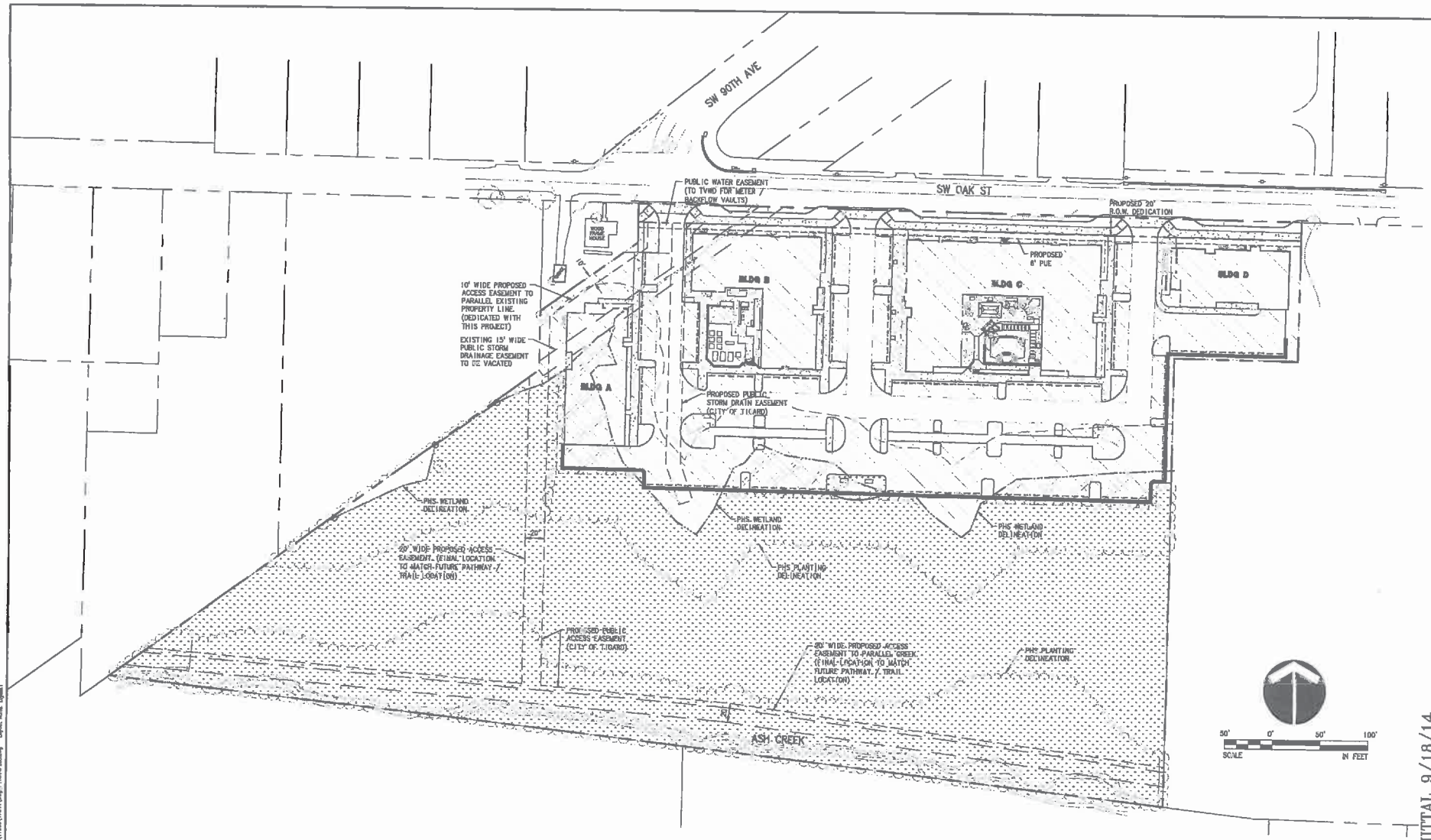
PLANNED DEVELOPMENT CONCEPT PLAN

DBG OAK STREET, LLC
2164 SW PARK PLACE
PORTLAND, OR 97204
(503) 244-2554

Project No. 17044 Drawing No. P17044P202
Sheet No. P2.2

Exhibit E

"REP" LIST
Listed: 50
Received:
P17044X230
P17044X001
P17044X190



DEVELOPMENT AREA:

ACTUAL DEVELOPMENT SITE: 4.44 AC

SOUTH OF RETAINING WALL: 6.41 AC

NET DEVELOPMENT SITE
(FOR DENSITY CALCULATION PURPOSES)

TOTAL SITE AREA: 11.17 AC
ROW DEDICATION: 0.32 AC
REMAINING WETLAND : 6.20 AC
PRIVATE STREETS (MAIN DRIVE AISLES): 0.60 AC

NET DEVELOPMENT AREA = 4.05 AC

SITE INFORMATION

TOTAL SITE AREA: 11.17 AC

EXISTING WETLANDS: 6.62 AC

PROPOSED WETLAND IMPACT AREA: 0.42 AC

REMAINING WETLAND AREA: 6.20 AC

NO.	DATE	BY	REVISION COMMENTS

Design: Drawn: Checked: Date: Revised Issue Date:

DBG OAK STREET, LLC
2164 SW PARK PLACE
PORTLAND, OR 97204
(503) 244-2554

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

OVERALL DETAILED PLANNED DEVELOPMENT PLAN

otak
Member/Global Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
Fax: (503) 415-2304
www.otak.com

17044 P17044P.203
Project No. Drawing No.
P2.3
Sheet No.

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Plotted: Sep 18, 2014 - 1:11pm eric\ce L:\Projects\17000\17044\Dwg\17044P203.dwg Layout: Alma Layout1

Council Questions Excerpted From Tigard City Council Minutes of January 13, 2015

Agenda Item No. 6 - Quasi-Judicial Public Hearing – Consideration of A + O Apartments Comprehensive Plan Amendment (CPA2014-00002), Planned Development Review (PDR2014-00003), Site Development Review (SDR2014-00004), and Sensitive Lands Review (SLR2014-00002)

Staff Response To Council Questions
With References to Applicant's Response (January 22, 2015 Memo to Council)

1. **Woodard: Need more information on how building this development affects National Flood Insurance. Is the city responsible and liable in the case of a 100-year flood?**

   City Attorney response: The City is not responsible for property damage to private properties caused by large scale flooding. For owners who choose to obtain insurance, protection is offered through the National Flood Insurance Program of the federal government.

   For a community to qualify for the program the local government must have in place a flood plain protection ordinance, as the City of Tigard does. Approving a project which conforms to the ordinance does not place the availability of flood insurance in jeopardy. A community which engaged in a regular pattern of ignoring its ordinance would put the availability of the program at risk, but that is not the case in Tigard and that allegation has not been made in this case.

2. **Is there a way to do a downstream modification of the water holding area to help with the bottleneck where water flows down Hall and Oak Streets near the bridge structure?**

   See Applicant Memo dated January 22, 2015, #1

3. **Snider: Wants to understand from staff why their recommendation on wetlands modification is acceptable. Why not require taller buildings?**

   Staff's recommendation is based on the applicant nominally addressing the five approval criteria within their ESEE analysis and the applicant's argument to marginally impact the resource to create a coherent building site. However, it is incumbent on the Council in criterion #2 to make the balancing decision: *that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource.* As a comprehensive plan amendment, the task is to balance two goods, the aggregate economic gains to the community of the proposed development with the natural resource functions and values of the impacted wetlands.

   Background on the reason that a Comprehensive Plan Amendment is necessary in order to impact Significant Wetlands in Tigard. When cities in Oregon conduct an Inventory of Significant Wetlands under State Planning Goal 5, there is a very specific set of administrative rules and procedures that must be followed. The state provides only two options for protecting significant wetlands. One, the jurisdiction may choose the states' "safe harbor" option that fully protects all of the significant wetlands and essentially acts as a "least effort" option for the jurisdiction. The state also provides a model implementing ordinance that a local jurisdiction can adopt.

   The second option requires the jurisdiction to conduct an ESEE analysis on all of the significant wetlands. This can be a very expensive and time consuming effort for local jurisdictions to take on. The ESEE is used to inform decisions by the local jurisdiction on how to treat each individual significant wetland. In other words, the local jurisdiction has to determine what level of protection to apply to each wetland and then create regulations to implement that level of regulation. Cities that use this option can create development code that allows for an environmental review of any development proposal that impacts wetlands. These types of regulations commonly include allowances for mitigation of wetland impacts. These reviews are done at the staff level.

When the City of Tigard adopted the Significant Wetlands Inventory they chose the "safe harbor" option to protect significant wetlands. This option requires that all significant wetlands be fully protected. Once adopted through "safe harbor", the wetland protection can't be changed and so must be removed through a Comprehensive Plan Review. Because Tigard chose not to conduct a citywide ESEE they could not develop wetland regulations that allowed for individual wetland review and consideration of mitigation options through a staff level review.

Also, see Applicant Memo dated January 22, 2015, #2

4. **Snider: Question for City Attorney – Is council obligated to make these comprehensive plan amendments? Have standards been met that compel the city council to make such a decision?**

   No. Council is not obligated to approve the proposed comprehensive plan amendment. The 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.

   In addition, as a type IV procedure amending the comprehensive plan, the Council has broad discretion based on consideration of the following factors:
   1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;
   2. Any federal or state statutes or regulations found applicable;
   3. Any applicable METRO regulations;
   4. Any applicable comprehensive plan policies; and
   5. Any applicable provisions of the city's implementing ordinances.

5. **Henderson: When was the Washington Square Regional Center Plan adopted? Is it the only applicable plan? Does it go through periodic review?**

   The WSRCP was adopted by Council on July 25, 2001. The plan is a district plan that is not subject to periodic review. In addition, the City's Park System and Trail System Master Plans apply to the proposal.

6. **Goodhouse: Where did the parking numbers come from?**

   See Applicant Memo dated January 22, 2015, #3

7. **Cook: Is concerned that every other apartment complex he sees, whether it is on Hall Blvd. or on North Dakota, has lots of cars parked on the street because there isn't enough at the complex. Clarify what is meant by development onsite planning for parking and enforcement. He needs to see a paved sidewalk or walking trail for transit access for him to allow the downward parking requirement.**

   The applicant has withdrawn the parking exception request and has addressed paved public access to the west, to the Greenburg transit site. However, the applicant has not addressed paved access to the east to Hall Blvd or the Hall and Locust transit site.

   See Applicant Memo dated January 22, 2015, #4

8. **Woodard: There would be an impact on 90th and development needs to pay for that. There is no certainty about Lincoln going through. How would this traffic impact the school area?**

   See Applicant Memo dated January 22, 2015, #5

9. **Snider: I've heard many numbers tonight regarding parking. The math doesn't work out and we need to understand what exception is really being made. Shared similar concerns about right of way for bus shelters and walking.**

   See Applicant Memo dated January 22, 2015, #3 regarding parking. The applicant proposes using existing right of way to fill paved walkway gaps to the west on the north side of SW Oak Street. The applicant has coordinated with the property owner to obtain right of way for the transit shelter, and awaits a response from corporate headquarters.

10. **Henderson: Did we review siting of the large apartment building already across the street to guide us with this development?**

    Staff was aware of the Ashbrook Condominiums on SW 90th and the Touchstone Townhomes on SW Oak, but did not review the decisions.

    See Applicant Memo dated January 22, 2015, #6

11. **Goodhouse: Did you talk with TVF&R about No Parking signs?**

    See answer to Question #26, below.

12. **Cook: The environmental mitigation would occur in Hillsboro. Why can't we find a local mitigation area? Could Tualatin Riverkeepers help us find a Tigard area needing mitigation, along the Tualatin in Cook Park, for example?**

    City policy allows, but does not require developers to provide local wetlands mitigation. The applicant has proposed off-site mitigation with this project as well as on-site wetland enhancement. The on-site enhancement is fairly substantial and will result in significant improvement in the quality of the wetland.

    The City Parks Director has commented that private wetland mitigation on city-owned property has proved difficult administratively in the past and that city property will need to be used in the future for city projects that require mitigation. In this case, city owned property has not been made available for private wetland mitigation.

    See Applicant Memo dated January 22, 2015, #7

13. **Cook: Has seen flooding in that area over the years. How did you arrive at a zero-rise analysis if the area already floods now? It has to rise somewhere.**

    See Applicant Memo dated January 22, 2015, #8

14. **Woodard: Concerned about what is being developed upstream and downstream from this project. Requests assistance with understanding the 1989 DLCD letter about floodplain management. Is DLCD still connected with FEMA for flood management aspects?**

    See Applicant Memo dated January 22, 2015, #9

15. **Woodard: How will you prevent car lights exiting the development from shining directly into the living rooms of the homes across the street?**

    See Applicant Memo dated January 22, 2015, #10

16. **Snider: Statements were made during testimony that the city would not be able to purchase flood insurance if this is built. Does the city even buy flood insurance? Is there such an implication for the city or its residents?**

    See answer for Question #1 above.

17. **Snider: Every model has to have some level of certainty. How certain are we that this flood model is right? What is the level of precision - 95 percent? 90 percent? And if the model is wrong, what will happen?**

    See Applicant Memo dated January 22, 2015, #11

18. **Henderson: Can the creek drainage retention be part of the floodplain?**

    See Applicant Memo dated January 22, 2015, #12

19. **Woodard: Walkability is a huge deal. Need at least one natural area to walk and a continuous path without gaps. Is there a Dolan analysis required for the impact area if the street is extended?**

    The applicant proposed easements across the property to accommodate a future improvement of the Washington Square Loop trail along Ash Creek. The applicant has been conditioned to improve the Oak Street frontage to include a 12-foot wide multi modal path, which is the alternate location for the Loop Trail (Tigard Greenways Trail System Master Plan, page 44). Extension of SW Lincoln Street, an off-site transportation improvement, would be subject to rough proportionality (Dolan).

    Also, see Applicant Memo dated January 22, 2015, #13

20. **Snider: Relating to the alternative site analysis, what is the requirement and do the areas have to be within a certain distance from a proposed development? Was such an analysis done in a thorough and reasonable manner?**

    See Applicant Memo dated January 22, 2015, #14

21. **Should Lincoln Street right of way dedication be a condition of approval?**

    Staff has not required dedication of SW Lincoln Street right of way because the traffic impact study undertaken by the applicant and concurred on by city staff does not indicate the street improvement is warranted.

22. **Henderson: Are there water quality problems (sewage) in this high water area? Is storm water from hard surfaces being treated?**

    See Applicant Memo dated January 22, 2015, #15

23. **Woodard: What does the MUE designation mean? The public needs a clear understanding of how a residential development fits in this zoning.**

    The MUE-1 zone, or high density mixed use employment district, permits residential uses which are compatible with the employment character of the area. A project that is wholly residential is allowed outright in the zone. The Tigard development code does not stipulate how the mixing of uses must occur, whether vertically or horizontally. Lincoln Center is an example of a commercial office area

designated MUE-1. In the case of the proposed apartments, there are no other uses included in the proposed development. So, the district retains a mixed-use character because it is horizontally mixed with Lincoln Center commercial uses to the north and residential toward Ash Creek.

24. **Snider: Are we obligated to accept this from a zoning perspective? Given community concerns have we imposed enough conditions of approval on the developer in the interests of the public.**

    The Council is not obligated to accept the proposed development where it does not meet the standards or where there is discretion the Council can exercise.

25. **Henderson: Are we still waiting for a report to come from TriMet or others?**

    TriMet's comment letter is all we would expect from them for the purposes of these land use decisions. No other reports are expected.

26. **Woodard: Ms. Cofield comments in a January 12, 2015 letter that the applicant is proposing a 26-foot width street yet TVF&R requires roads under a certain width to have No Parking signs posted on both sides of the fire lane. She says the applicant's proposed exception to the street standard is not permissible. Needs help understanding what is going on with this.**

    Staff consulted with TVF&R about the proposed plan. "No parking" signs on SW Oak Street were not an issue because the WSRCP cross section for SW Oak specifically includes parking on both sides of the street. Staff believes Ms. Colfield may have misinterpreted the reference to the half-street improvement (26 feet) for the whole street width. The Engineering Division agrees with the applicant's assertion that the center turn lane is not warranted but has determined an alternative design that will better serve multimodal transportation options: the SW Oak Street half section will be 40 feet from center line and include a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

    In addition, staff asserts that when standards conflict, as in this case where the Oak Street Collector standard did not anticipate a multi-modal path but a subsequent plan shows a multi-modal path along Oak Street, staff may modify the street design to reconcile the conflict.

    Also, see Applicant Memo dated January 22, 2015, #16

27. **Snider: An attorney testified and questioned our legal ability to do some things with the zoning. This is concerning. Could city attorney and staff address this?**

    Staff addressed the mixed use question in #23 above.

Memorandum

otak
HanmiGlobal Partner
808 SW 3rd Avenue
Suite 300
Portland, OR 97204
Phone (503) 287-6825
Fax (503) 415-2304

To: Mayor John Cook and Tigard City Councilors

From: Jerry Offer, Otak Senior Planner

Copies: Skip Grodahl (DBG Oak Street, LLC – applicant), Nawzad Othman (representing Orland Ltd. – owner); Gary Pagenstecher, Tigard Planning Dept.

Date: January 22, 2015

Subject: A+O Apartments – Responses to Issues Raised at January 13th City Council Hearing

Project No.: 17044

At the January 13, 2015 City Council hearing on the A+O Apartments applications, several issues/questions were raised which we would like to respond to. The issues/questions are listed on the following pages, along with responses by the applicant's project team.

However, we would first like to address three primary issues that were discussed at the initial City Council hearing. First, we heard that the City Council and neighbors were concerned whether the proposed development was providing sufficient on-site parking to meet its needs. In response, the project team has been working on revised building and site plans which would provide a parking level underneath proposed building C and to eliminate the parking level under proposed building D. The net result would be that the proposed development will be able to fully satisfy the City's minimum required parking standard on site. **The request for an exception to the minimum parking standard is therefore withdrawn.**

Second, substantial discussion occurred regarding the Comprehensive Plan Amendment and Sensitive Lands Review requests related to the proposed wetlands filling and floodplain modifications. While those requests still need to be reviewed and approved by the City Council with respect to the City's approval standards, **the applicant has received a wetlands fill approval permit for the proposed wetlands filling from the US Army Corps of Engineers.** A copy of the permit letter from the US Army Corps of Engineers is attached.

Third, substantial discussion also occurred regarding the possible need for pedestrian path or sidewalk connections between the proposed development site and nearby transit stops. **The applicant hereby commits to provide a paved pathway connection between the project site and the sidewalk adjacent to Lincoln Center on the north side of SW Oak Street.** The provision of this pathway will provide a continuous paved pedestrian connection between the proposed development site and the transit stops on either side of SW Greenburg Road. In addition, the applicant has previously committed to provide a paved pathway within an easement between the pathway/sidewalk on SW Oak Street and the current southern termini of the public sidewalks along SW Lincoln Street in front of Metzger Elementary School.

Finally, our responses to the particular issues put forward at the prior hearing follow below:

1. *Is there a way to do a downstream modification of the water holding area to help with the bottleneck where water flows down Hall and Oak Streets near the bridge structure?*

   Response: The proposed stormwater management plan for the A+O Apartments provides storm drainage detention for the development to limit runoff to existing pre-developed conditions. A zero-rise flood analysis has been completed which concluded that no impacts to the base flood level would be anticipated from the proposed minor encroachment into the floodplain. Modifications to the downstream system may have unintended consequences on downstream properties and are not required to mitigate impacts from this development.

2. *Councilor Snider asked why the applicant chose not to develop taller buildings rather than modify the wetlands to accommodate the proposed 4-story buildings.*

   Response: While the two zoning districts on the site would allow significantly taller buildings than are currently proposed (maximum proposed building height is 53-feet), the development team felt that it was important for the project (as the first significant residential project in the area since the adoption of the Washington Square Regional Center Plan) to use moderate height 4-story buildings. This respects the scale of the existing 1-, 2- and 3- story residential developments to the south, east, and north of the proposed development site. Taller buildings with additional levels of parking could have reduced some of the need for modifying the wetlands, but it likely would have required significantly taller buildings due to the limited north-south depth of the upland portion of the site. Eliminating wetland filling to the south of the upland would result in a fairly inefficient site to work with such that two rows of parking would likely need to be eliminated and this parking would need to be replaced within buildings. In addition, it is pointed out that the wetlands to be filled in the western portion of the site are wetlands which have formed fairly recently (since 1996) apparently due to a blocked storm drainage pipe causing surface ponding in this area. Fixing the drainage pipe would likely have ultimately caused this area of wetlands to disappear on its own without the recent ponding.

3. *Councilor Goodhouse requested that the parking numbers related to the proposed development be explained.*

   Response: The required parking is explained on the plan set and in the application narrative per the following table:

On-Site Parking Spaces Required by Code Section 18.765.070.H, Table 18.765.2

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Subtotal	215	266
15 percent additional onsite parking required for visitors	-	40
Total MFR Units/ Parking Spaces Required	**215 units**	**306 spaces**

Following is a preliminary take of how the project will satisfy the City's standards for minimum required parking with the plan to add a parking level underneath building C in order to provide additional on-site parking and to eliminate the need for an exception to the minimum parking standard. We are also contemplating removing the proposed parking under building D in order to shift the cost of providing the parking in a structure from building D to building C. At this time, the building plans and site plan are being revised to more clearly develop this plan to supplement and reconfigure the on-site parking. We anticipate having the revised plans and a further revised parking table in advance of the City Council meeting.

On-Site Parking Spaces to be Provided with Proposed Revisions

Type of Parking Space	Onsite Parking Spaces Provided
Surface parking – standard-sized	116
Surface parking – compact	111
ADA surface parking	5
Parking garage – standard-sized	58
Parking garage – compact	13
Parking garage – ADA space	3
Total On-site Parking Spaces Provided	**306 On-site Parking Spaces**
Total compact spaces	**124 spaces, 41% of total**

4. *Mayor Cook noted that he is concerned that every other apartment complex he sees - whether it is on SW Hall Boulevard or on SW North Dakota Street, has lots of cars parked on the street because there isn't enough onsite parking at the complex.*

   Mayor Cook said that he would need to see a continuous sidewalk or walking trail between the site and transit stops in order for him to approve the exception to the minimum parking standards.

   Response: See the response to issue #3 above with regard to the provision of on-site parking.

   The applicant and prospective developer for the A+O Apartments, DBG Oak Street, LLC, hereby agrees to provide asphalt paved pathways within existing public rights-of-way to fill gaps in the existing public sidewalk system in order to provide paved pedestrian connections between the proposed development site and the closest TriMet transit stops on SW Greenburg Road in front of the Lincoln Center. It is requested that the City Council direct the City's Engineering Department to contact the affected adjacent property owners with regard to the planned improvements within the adjacent public rights-of-way and the potential impacts upon landscaping, driveways, mailboxes, and other private improvements within the rights-of-way.

5. *Councilor Woodard raised questions about the traffic impacts upon SW 90th Avenue and elsewhere around the Metzger Elementary School. He stated that he believes that development needs to pay for those impacts.*

   Response: The traffic impact study included as part of the application package concluded that SW 90th Avenue's intersections with SW Oak Street and SW Locust Street will both continue to operate at acceptable "B" levels of service with the anticipated added traffic from the proposed development, and that no additional improvements to those intersections are warranted other than restriping and re-signing

to reconfigure the SW 90th/SW Oak Street intersection. It is pointed out that the proposed development project will pay over $1,100,000 in traffic systems development charges to the City. The City of Tigard may use the transportation systems development fees to fund other road improvement in the area which the City feels would improve the safety and functioning of the road system in the area of the proposed development.

6. *Councilor Henderson asked whether the development team reviewed the siting and height of the large townhome building across SW Oak Street from the site to guide the plans for the proposed development.*

   Response: The project development team visited the site and neighborhood numerous times in the development of the project plans. As described above, the project development team used the height of existing residential buildings in the area of the site, along with the massing and scale of the building across SW Oak Street, to determine an appropriate scale for development on the subject site.

7. *Mayor Cook questioned why the wetland mitigation would occur near Hillsboro rather than near the location of the proposed wetland filling. Why can't the mitigation be done in a more local mitigation area?*

   Response: The wetland mitigation plan complies with the Federal Clean Water Act and the US Army Corps of Engineers' April 10, 2008 Final Compensatory Mitigation Rule, which states their preference for mitigating wetland impacts is to purchase credits at a wetland mitigation bank.

   Please see the attached permit from the US Army Corps of Engineers approving the plans for filling 0.42 acres of wetlands and floodplain for the A+O Apartments project. The permit was issued on January 16, 2015. Condition of approval b. of the permit requires the applicant to purchase 0.42 credits of the Tualatin Valley Environmental Bank – the established wetland mitigation bank for this area.

   To ensure we also had a thorough understanding of local wetland mitigation options, the project team also contacted and researched City-owned properties (including Cook Park), THPRD, privately-owned properties, and the Tualatin River Keepers, and found that no local wetland mitigation options are available. As such, this is why the project will enhance the remaining 94% of the wetland with over 16,000 native trees, shrubs and emergent wetland plants.

8. *Mayor Cook noted that he has seen flooding in the Ash Creek area near the site over the years. How did the project team arrive at a zero-rise analysis if this area already floods now? It has to rise somewhere.*

   Response: The zero-rise analysis was completed in accordance with standard engineering practice and utilized the CWS HEC-RAS model. The zero-rise analysis is for the base flood elevation during base flood conditions (water is moving, not a static "bathtub" model). The proposed encroachment is on the fringe of the floodplain where flow velocity is low and minor obstruction (retaining wall) does not significantly impact the water surface elevation across the floodplain cross section (0.00 rise)

9. *Councilor Woodard noted concerns with what is being developed upstream and downstream from this project. Requests assistance with understanding the 1989 DLCD letter about floodplain management. Is DLCD still connected with FEMA for flood management aspects?*

   Response: The proposed project is meeting Section 18.775.040 and 18.775.070 requirements. The project does not have any encroachments into the floodway, and the minor encroachment into the 100-year floodplain does not increase the water surface elevation of the 100-year flood in accordance with the zero-rise analysis submitted with the land use application.

10. *Councilor Woodard: How will you prevent headlights from cars exiting the development from shining directly into the living rooms of the homes across the street?*

Response: The applicant has looked at the properties across the street from the two eastern-most proposed driveways from the A+O Apartments. Headlights from cars exiting the site would shine on the existing townhomes across SW Oak Street if no additional landscaping is planted on the affected properties, with the eastern-most driveway having the more significant impacts (see the attached aerial photo/plan and the photo of the townhomes directly across from the eastern-most driveway). The project developer is willing to work with the owners of the affected properties to develop landscaping plans for those properties to shield the ground level front windows of those homes from headlight impacts.

11. *Councilor Snider: Every model has to have some level of certainty. How certain are we that this flood model is right? What is the level of precision - 95 percent? 90 percent? And if the model is wrong, what will happen?*

    Response: The zero-rise analysis was completed in accordance with standard engineering practice and utilized the CWS HEC-RAS model. The zero-rise analysis was completed by Gary Wolff with Otak's Water Resources department. Mr. Wolff is a registered Oregon professional civil engineer; has a Masters Degree in Civil Engineering - Water Resources; has a Diplomat, Water Resources Engineer (D.WRE) credential from the American Academy of Water Resources Engineers (AAWRE); and is a Certified Floodplain Manager (CFM).

    The existing HEC-2 model developed by Clean Water Services (circa 2000) applied to the proposed development plan shows a 10-year flow rate of 617 cfs (cubic feet per second) and a 100-year flow rate of 850 cfs. The proposed developed conditions peak flow from the site (after detention) is approximately 1 cfs for the 10-year storm and 2 cfs for the 100-year storm. This contributing flow rate would constitute less than 1 percent of the total flow.

12. *Councilor Henderson asked whether the storm water retention for the project will be located within the floodplain?*

    Response: The proposed stormwater management plan provides detention for the development to limit runoff to pre-developed (existing) conditions. Detention is being provided in an underground storage tank system within the parking lot area. Detention facilities are not allowed in the wetland/floodplain area per Clean Water Services standards.

13. *Councilor Woodard: Walkability is a huge deal. Need at least one natural area to walk and a continuous path without gaps.*

    Response: The proposed development application proposes the dedication of pedestrian easements east-to-west through the floodplain area of the site for the City to develop a portion of the planned Washington Square Regional Center trail, along with an easement for a connecting trail to SW Oak Street. In addition, the site plan provides for an on-site sidewalk and an overlook area looking out on the natural area on the southern portion of the site.

    See the response to issue #4 above with regard to the provision of off-site pathways to fill gaps in the public sidewalk system between the site and the nearby transit stops on SW Greenburg Road.

14. *Councilor Snider: Relating to the alternative site analysis, what is the requirement and do the areas have to be within a certain distance from a proposed development? Was such an analysis done in a thorough and reasonable manner?*

    Response: Councilor Snider is referring to the alternative site analysis required by the ESEE analysis requirements of Code Section 18.775.A.3 which requires the following:

> "In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use;"

This Code Section is not clear with regard to how close alternative sites must be to the subject site; how similar they must be in site characteristics; whether they need to currently be available for development; etc. Therefore, the project team developed alternative site criteria which we felt were representative of the primary objective of the prospective developer of this project – provide for a relatively large residential development within close proximity to the Washington Square Regional Center area. Our criteria attempted to consider sites that are within approximately two miles of Washington Square and Lincoln Center; are located within Tigard or unincorporated Metzger; will provide an opportunity for development of at least 100 residential dwelling units; sites have zoning which allows for multi-family development or may have reasonable potential to be rezoned; and the sites must either currently be available for development or have been made available for development in the recent past.

I described the criteria to Mike Tharp, a commercial real estate broker with Norris, Beggs and Simpson. Mike Tharp has over 35 years of real estate experience in the Portland metropolitan area. I have over 30 years of experience as a planner in the Portland area – including six years for the City of Tigard Planning Department. Mike Tharp and I know the area and its real estate opportunities very well. Mike Tharp had Norris, Beggs, and Simpson's GIS analysts prepare an initial map search for potential sites. Their search found several smaller properties within the selected geographic area which met some of the criteria, but these properties were rejected for further analysis due to being too small to accommodate a development of over 100 residential units – primarily for having significant development constraints. We came up with two sites which we found generally met all of our criteria – the Davis property adjacent to the subject site, and the Hunziker Road site. We turned this information over to wetland scientist John van Staveren who prepared the alternative site analysis contained in the application's ESEE analysis report. That report found that both of the alternative development sites have their own significant wetland constraints which would include significant permitting issues of their own. The Davis property is currently under consideration for development by other developers and thus was not considered to be currently available for the current applicant. The Hunziker Road site is distant from the Washington Square/Lincoln Center site; would need to be rezoned to a residential or mixed use designation; and has more significant neighborhood compatibility issues than does the subject site. For these reasons, the ESEE analysis report concluded that the subject site was more viable for development than the alternative sites if the requested modifications to the wetlands on the site could be accomplished.

15. *Councilor Henderson: Are there water quality problems with sanitary sewage in this high water area? Is storm water from hard surfaces being treated?*

    Response: The project will connect to an existing public sanitary sewer line in SW Oak Street. There will not be a sanitary sewer connection across the wetlands to the existing CWS sanitary trunk main adjacent to Ash Creek.

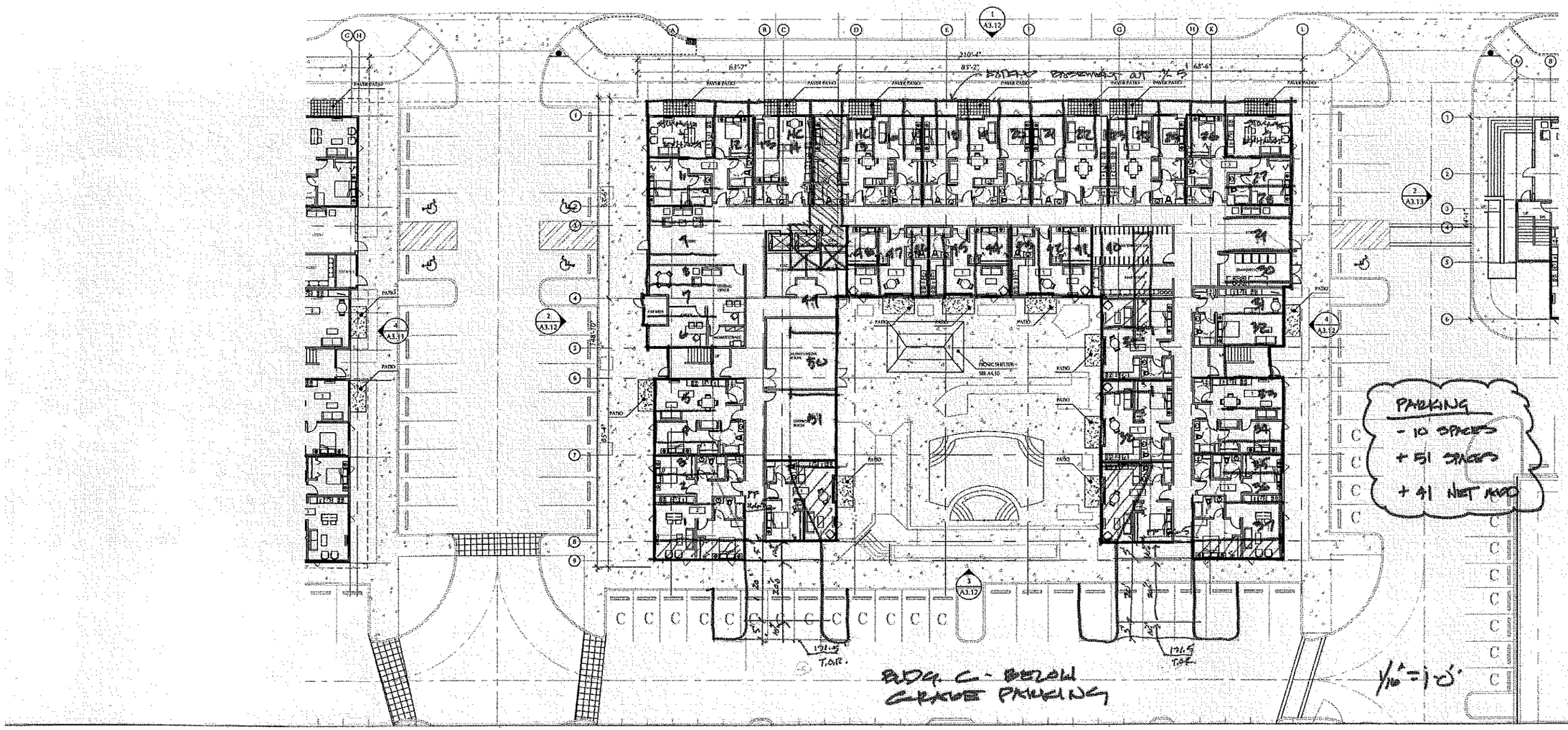
    The A+O Apartments project site will be served by both public and private stormwater management systems. Private on-site runoff will be collected and conveyed to a proprietary water quality treatment filter facility. The new impervious area within the SW Oak Street public right-of way frontage will be treated by LIDA (low impact development) stormwater treatment facilities (infiltration planters and/or swales). All on-site stormwater treatment facilities will be designed to treat the required water quality design storm event (50% of the 2-year, 24-hour storm event).

16. *Councilor Woodard noted that Dorothy Cofield commented in a January 12, 2015 letter to the Council that the applicant is proposing a 26-foot width street, yet TVF&R requires roads under a certain width to have No Parking signs posted on*

both sides of the fire lane. Ms. Cofield asserts that the applicant's proposed exception to the street standard is not permissible.

Response: Figures 18.810.1 through 18.810.6 of the Community Development Code illustrate numerous street cross sections which allow combined travel lane widths of less than the Fire Distrist's request that road or driveway widths of less than 26-feet be posted as "no parking." This is an old issue throughout the Fire District's service area that the District requests a wider driving surface than any of the jurisdictions require. The proposed SW Oak Street roadway section has been designed in accordance with City of Tigard standards. The proposed pavement width accounts for on-street parking on the south side of the street and meets the requirements of the City of Tigard, even if it does not meet the desires for greater roadway widths of TVF&R.

Plan Sheet P2.1 (attached) illustrates both the required fire engine access route and the required fire engine aerial apparatus route standards through the development site. The private on-site parking lot/circulation plan satisfies the requirements of TVF&R, the City of Tigard's Development Code, and the Uniform Fire Code.



Ankrom Moisan

6720 SW MACADAM AVENUE, SUITE 100
PORTLAND, OR 97219
T 503-245-7100

117 SOUTH MAIN STREET, SUITE 400
SEATTLE, WA 98104
T 206-576-1600

© ANKROM MOISAN ARCHITECTS, INC.

DBG

CLIENT
2164 SW PARK PL
PORTLAND, OR 97205
T 503-944-6515

OTAK

CIVIL ENGINEER & LANDSCAPE DESIGN
808 SW 3RD AVENUE, #300
PORTLAND, OR 97204
T 503-287-6825

PACIFIC HABITAT SERVICES, INC.

ENVIRONMENTAL CONSULTANT
9450 SW COMMERCE CIRCLE, SUITE 180
WILSONVILLE, OR 97070
T 503-570-0800

A+O APARTMENTS
8900-9000 SW OAK STREET
TIGARD, OR

PRELIMINARY
1/21/15

Parking Analysis

1/22/2015

Minimum required parking:

Building unit mix	Bldg A	Bldg B	Bldg C	Bldg D	Total Units	Req'd Parking/DU:	Min. Parking Spaces Req'd
Studios (<500 sf)	12	19	17	16	64	*1.00*	64
Studios (>500 sf)	0	0	0	0	0	*1.25*	0
1 Bedroom	20	28	46	4	98	*1.25*	123
2 Bedroom	7	12	23	11	53	*1.50*	80
					215		266
Visitor Parking						15%	40
Total Minimum Parking Spaces Required:							**306**

Parking Provided:

Standard surface	116
Compact surface	111
Standard Accessible surface	5
Standard covered (under bldg)	58
Compact covered (under bldg)	13
Standard Accessible covered (under bldg)	3
On-site Parking Provided	**306**
	0.0% below minimum

Compact Spaces: 124

City allows up to 50% of parking to be compact spaces: okay 41%

Additional Parking available for project: (City does not count these spaces towards minimum)

Parallel On-Street (Oak St) 16

Total Parking: **322**

215 units 1.50 spaces/DU

PRELIMINARY

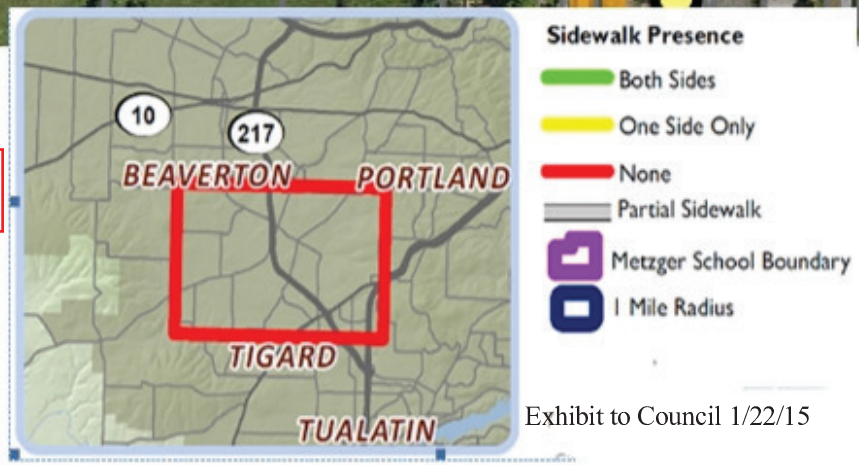
1/22/15

A+O APARTMENTS - PROPOSED PEDESTRIAN CONNECTION IMPROVEMENTS

Provide pedestrian pathway from SW Oak Street to Lincoln Street terminus (in future Lincoln Street ROW)

Provide improved pedestrian connection in existing ROW from SW 90th to proposed Lincoln Street pedestrian path

Add sidewalk: SW Oak project frontage



source: Metzger Elementary Safe Routes to School - Walk and Bike Audit map dated 11/13/2014

Exhibit to Council 1/22/15

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

January 16, 2014

Operations Division
Regulatory Branch
Corps No.: NWP-2014-216

Mr. Walter Grodahl
DBG Oak Street, LLC
2164 SW Park Place
Portland, OR 97204

Dear Mr. Grodahl:

The U.S. Army Corps of Engineers (Corps) has received DBG Oak Street, LLC permit application requesting Department of the Army authorization to construct a residential development. The project is located in Tigard, Washington County, Oregon. The site is in Sections 35AC and 35AD, Township 1 South, Range 1 West.

Permittee proposes to construct a multi-family housing development, associated parking spaces, and stormwater treatment facilities on 11.17 acres in Tigard. Impacts include the placement of approximately 3,423 cubic yards (cy) of soil, crushed rock and concrete within 0.42 acre of wetland and the removal of approximately 424 cy of sand, rock, and gravel within 0.42 acre of wetland. The project will construct 215 multi-family residential units with four, 4-story buildings while preserving 6.2 acres of remaining wetland. Of the 6.2 acres, 3.2 acres will be enhanced with native tree and shrubs plantings to create habitat diversity within the floodplain of Ash Creek. The project is shown on the enclosed drawings (Enclosure 1).

This letter verifies that your project is authorized under the terms and limitations of Nationwide Permit (NWP) No. 29 (Residential Developments). Your activities must be conducted in accordance with the conditions found in NWP Regional Conditions, Portland District (Enclosure 2), NWP General Conditions (Enclosure 3), Oregon Department of Environmental Quality (DEQ) 401 Water Quality Compliance Conditions (Enclosure 4), and the project specific conditions lettered (a) through (f) below. **Failure to comply with any of the listed conditions could result in the Corps initiating an enforcement action.**

a. Permittee shall notify the Regulatory Branch with the date activities in waters of the United States are scheduled to begin. Notification shall be sent by e-mail to cenwp.notify@usace.army.mil or mailed to the following address:

U.S. Army Corps of Engineers
CENWP-OD-GC
Permit Compliance, Washington County
P. O. Box 2946
Portland, Oregon 97208-2946

The subject line of the message shall contain the name of the county in which the project is located followed by the Corps of Engineers permit number.

b. Prior to the first discharge of dredged or fill material into a jurisdictional water of the United States, permittee shall purchase 0.42 credits from the Tualatin Valley Environmental Bank. The permittee shall submit proof of this transaction to the U.S. Army Corps of Engineers prior to any discharge of dredged or fill material into a jurisdictional water of the United States.

c. Permittee shall immediately notify the Corps at the letterhead address if at any time during the authorized work, human remains and/or cultural resources are discovered within the permit area. We also draw your attention to Regional Condition 2.

d. Permittee shall perform all in-water work, including temporary fills or structures, during the in-water work window of June 1 to September 30 to minimize impacts to aquatic species unless coordinated with and subsequently approved by the Corps. We also draw your attention to Regional Condition 3.

The Corps has determined the proposed project may affect Upper Willamette River steelhead (*Oncorhynchus mykiss*) and Lower Columbia River coho (*Oncorhynchus kisutch*), species protected by the Endangered Species Act, and Essential Fish Habitat for salmon species as designated under the Magnuson-Stevens Fishery Conservation and Management Act. The Corps utilized a programmatic biological opinion to assess compliance with these laws and provide coverage for incidental take. The biological opinion is titled *Revisions to the Standard Local Operating Procedures for Endangered Species to Administer Maintenance or Improvement of Stormwater, Transportation or Utilities Authorized or Carried Out by the U.S. Army Corps of Engineers in Oregon (SLOPES V Stormwater, Transportation, Utilities)*, dated March 14, 2014. The Corps recommends that you review the SLOPES opinion in its entirety. Please contact us for a copy of the SLOPES opinion.

The programmatic consultation also requires that we provide you with the following notice:

> If a sick, injured or dead specimen of a threatened or endangered species is found, the finder must notify NMFS' Office of Law Enforcement at 503-231-6240 or 206-526-6133. The finder must take care in handling of sick or injured specimens to ensure effective treatment, and in handling dead specimens to preserve biological material in the best possible condition for later analysis of cause of death. The finder also has the responsibility to carry out instructions provided by the Office of Law Enforcement to ensure that evidence intrinsic to the specimen is not disturbed unnecessarily.

e. Permittee shall fully implement all applicable nondiscretionary Terms and Conditions of the Reasonable and Prudent Measures of the SLOPES V Stormwater, Transportation and Utilities programmatic opinion. General Construction conditions applicable to the permitted activity are numbered 14, 25, 27, and 37 (Enclosure 5).

f. Permittee shall notify the Corps if the project changes in scope or is otherwise modified. The Corps is required to reinitiate consultation on this action where discretionary Federal involvement or control over the action has been retained or is authorized by law and (a) the amount or extent of taking specified in the Incidental Take Statement is exceeded, (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (c) the identified action is subsequently modified in a manner that has an effect to the listed species or critical habitat that was not considered in the biological opinion; or (d) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

We direct your attention to NWP Regional Condition 16 (Enclosure 2) and General Condition 29 (Enclosure 3) that requires the transfer of this permit if the property is sold, and NWP General Condition 30 that requires you to submit a signed certificate when the work is completed. A "Compliance Certification" is provided (Enclosure 5).

We have prepared a Preliminary Jurisdictional Determination (JD), which is a written indication that wetlands and waterways within your project area may be waters of the United States (Enclosure 6). Such waters have been treated as jurisdictional waters of the United States for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the findings of the Preliminary JD, please sign it and return it to the letterhead address within two weeks. If you believe the Preliminary JD is inaccurate, an Approved JD may be requested, which is an official determination

regarding the presence or absence of waters of the United States. If you would like an Approved JD, one must be requested prior to starting work within waters of the United States. Once work within waters of the United States has been started, the opportunity to request an Approved JD will no longer be available.

This authorization does not obviate the need to obtain other permits where required. Permits, such as those required from the Oregon Department of State Lands (ODSL) under Oregon's Removal /Fill Law, must also be obtained before work begins. The DEQ water quality certification conditions (Enclosure 7) require you to obtain DEQ approval of your stormwater management plan prior to initiating construction. Please contact the 401 Water Quality Certification Coordinator, Oregon Department of Environmental Quality, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201-4987, by telephone at (503) 229-6030, or visit http://www.deq.state.or.us/wq/sec401cert/removalfill.htm.

The nationwide permits expire on March 18, 2017. This verification is valid until March 18, 2017 unless the NWP is modified or revoked prior to that date. If you commence or are under contract to commence this activity before the date the NWP expires, is modified, or revoked, you will have 12 months from the date of the expiration, modification, or revocation to complete the activity under the present terms and conditions of the current NWP.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

If you have any questions regarding this NWP verification, please contact Ms. Danielle Erb at the letterhead address, by telephone at (503) 808-4368, or via e-mail at Danielle.H.Erb@usace.army.mil.

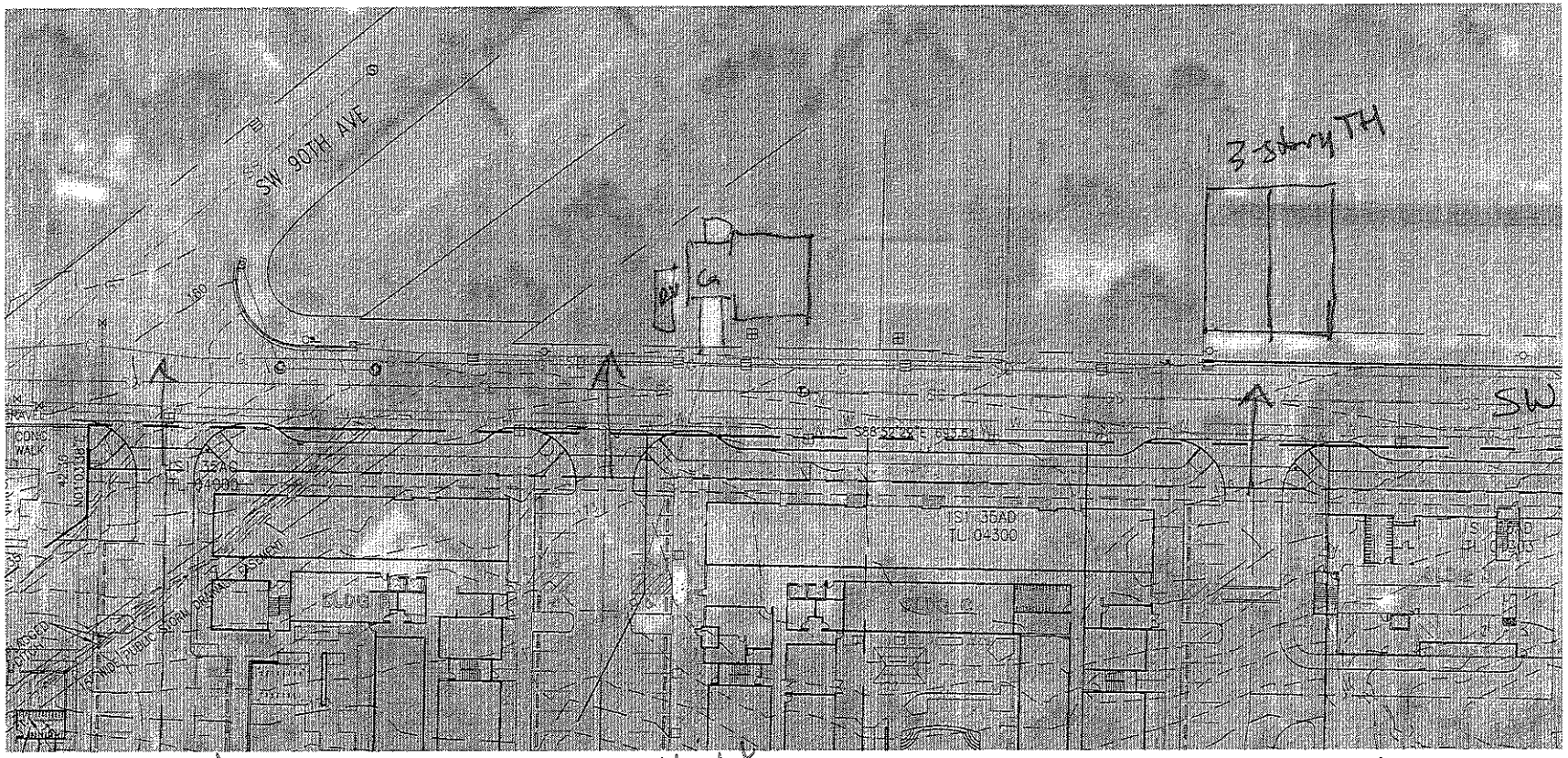
FOR THE COMMANDER, JOSE L. AGUILAR, COLONEL, CORPS OF ENGINEERS, DISTRICT COMMANDER:

for Jaimee Davis
Team Leader, Regulatory Branch

Enclosures

Copy Furnished:
Oregon Department of State Lands (Redon 56389-RF)
Oregon Department of Environmental Quality (Christensen)
Pacific Habitat Services (van Staveren)

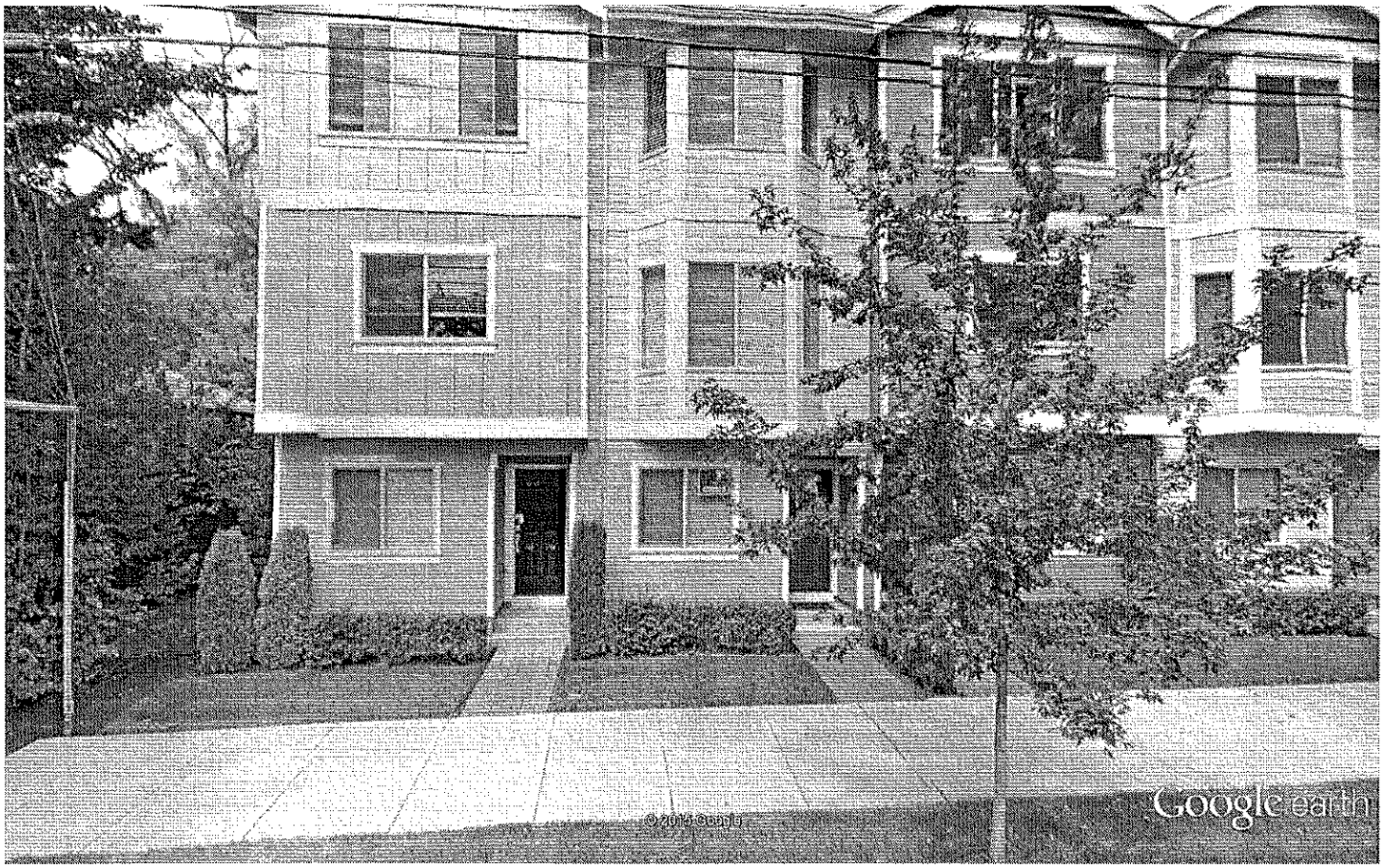
N



No headlight conflicts

No headlight conflicts

headlights into two ground floor units front door, one window

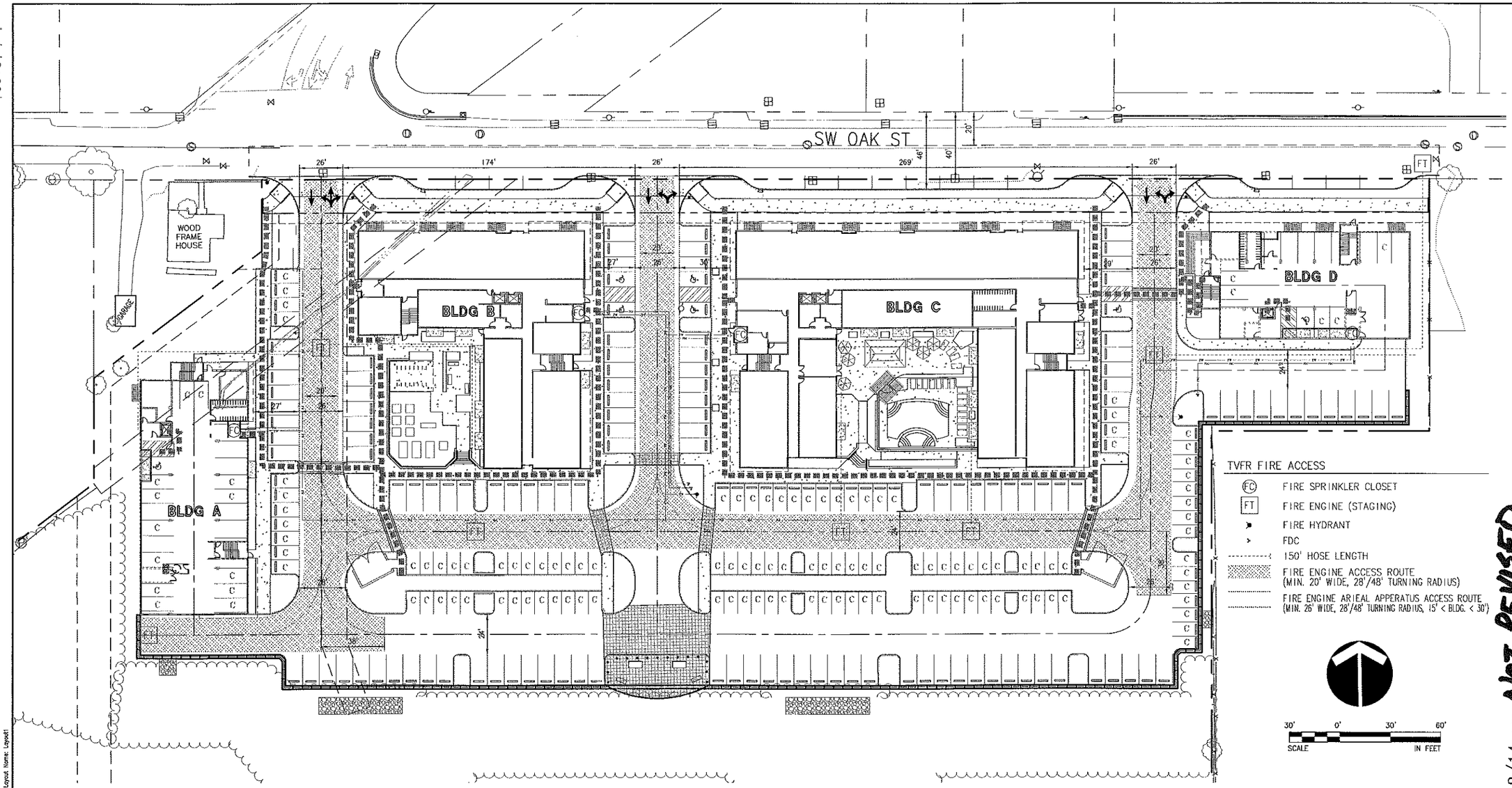


Google earth

feet 10
meters 4

East driveway

XREF LIST
Ltscale: 30
Resolved
P17044X230
P17044X001
S17044X190
P17044X600



TVFR FIRE ACCESS

- FC — FIRE SPRINKLER CLOSET
- FT — FIRE ENGINE (STAGING)
- FIRE HYDRANT
- FDC
- 150' HOSE LENGTH
- FIRE ENGINE ACCESS ROUTE (MIN. 20' WIDE, 28'/48' TURNING RADIUS)
- FIRE ENGINE ARIEAL APPERATUS ACCESS ROUTE (MIN. 26' WIDE, 28'/48' TURNING RADIUS, 15' < BLDG. < 30')

30' 0' 30' 60'
SCALE IN FEET

LEGEND

SITE	EXISTING	PROPOSED
RIGHT OF WAY		
CENTER LINE		
EASEMENT LINE		
CURB		
MONOLITHIC CURB AND SIDEWALK		
RETAINING WALLS		
SIDEWALK		
ACCESSIBILITY ROUTE		

NO.	DATE	BY	REVISION COMMENTS

Design	Drawn	Checked	Date	Initial Issue Date:
KJB	SDS	MAP		

DBG OAK STREET, LLC
2164 SW PARK PLACE
PORTLAND, OR 97204
(503) 244-2554

PLANNING SUBMITTAL 9/18/14 — NOT REVISED

A+O APARTMENTS
CITY OF TIGARD, OREGON

PRELIMINARY ACCESS PLAN

otak
HanmiGlobal Partner
699 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 297-6925
Fax: (503) 415-2304
www.otak.com

17044 P17044P201
Project No. Drawing No.

P2.1
Sheet No.

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Plotted: Sep 18, 2014 - 1:09pm scottsa L:\Project\17000\17044\Dwg\P17044P201.dwg Layout Name: Layout1

FIRE DEPT ACCESS PLAN

Carol Krager

From: Councilmail Councilmail
Sent: Tuesday, January 13, 2015 2:08 PM
To: John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump
Subject: FW: Remarks, for the record/tonight

From: Marty Wine
Sent: Tuesday, January 13, 2015 2:08:24 PM (UTC-08:00) Pacific Time (US & Canada)
To: Karen Crichton
Cc: Councilmail Councilmail
Subject: FW: Remarks, for the record/tonight

Dear Ms. Crichton,

At Mayor Cook's request I am sending you information to respond to your email to the Tigard City Council on Saturday and again today about the meeting notice and materials.

The City has met the notice requirements to inform the public of the place, time and agenda of the meeting 10 days in advance of the meeting. As such, a request for the Planning Commission to revisit the decision is not indicated.

Below are the Tigard development code requirements for Type IV hearings; the dates that the notices were mailed and published are noted in red below.

18.390.060 Type IV Procedure

D. Notice of hearing.

1. Required hearings. Two hearings, one before the commission and one before the council, are required for all Type IV actions, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of the public hearings for the request shall be given by the director in the following manner:
   a. **At least 10 days prior to the scheduled hearing date, notice shall be sent** to: (mailed 11-3-2014)
      i. The applicant;
      ii. Any affected governmental agency;
      iii. Any city-recognized neighborhood group whose boundaries include the site; and
      iv. Any person who requests notice in writing and pays a fee established by Council resolution.
   b. **At least 10 business days prior to the scheduled public hearing date, notice shall be given in a newspaper of general circulation in the city.**(Pub 11-20-2014)
   c. The director shall:
      i. For each mailing of notice, cause an affidavit of mailing to be filed and made a part of the record as provided by subparagraph 2.a of this subsection D; and
      ii. For each published notice, cause an affidavit of publication to be filed and made part of the record as provided by subparagraph 2.b of this subsection D.

As to getting access to the record, the record can be accessed via web links to the documents posted on the websites of the City Council or Planning Commission agenda, and also the City Recorder's web page links. We did experience periodic trouble with the links the project files on the City Recorder site, but those were checked and fixed within hours of knowing that they were not working. What is placed on our website is in addition to other ways to get to the record – people can also come in to view or get copies of the record on request, or have them

sent electronically for a small cost, and the Council packet materials are available to be viewed for free in the Tigard Public Library.

In addition to accessing the records online, the required notice states, in part:
"Public Information Requests: A copy of the application, documents and evidence considered will be contained in the public record and available for public review. If you would like to review this material at no cost, please schedule an appointment with Lora Garland, Records Management Specialist, 503-718-2483. If you wish to receive copies of the materials, city records will prepare them for you at a reasonable cost."

To the best of my knowledge, if you believe a violation of public meetings law occurred, remedy is sought by filing the complaint in circuit court. I do not believe that the Ethics Commission is involved in such allegations.

I invite any further questions or concerns you have. I can understand your frustration in the moment you could not get to the documents online, and I recommend that if that occurs and you can reach out to our staff to let us know accessing the documents is a problem, we can and will work to be sure they are available through all the means explained above. The city agree that the intent of the public meetings law and notice requirements is transparency, and city did nothing to interfere with that in intent or practice.

Thanks, and regards,

Marty Wine

Marty Wine
City Manager
DIRECT 503-718-2486
CELL 206-419-8081
EMAIL marty@tigard-or.gov
WEB www.tigard-or.gov

City of Tigard | CITY MANAGEMENT
13125 SW Hall Boulevard, Tigard, OR 97223

From: Councilmail Councilmail
Sent: Tuesday, January 13, 2015 1:24 PM
To: John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump; Marty Wine
Subject: FW: Remarks, for the record/tonight

From: Karen C
Sent: Tuesday, January 13, 2015 1:24:17 PM (UTC-08:00) Pacific Time (US & Canada)
To: Councilmail Councilmail
Cc: Carol Krager
Subject: Remarks, for the record/tonight

Regarding the A + O apartments proposal - PA) 2014-00002
(PDR)2014-00003 / (SDR)2014-0000 / (SLR)2014-000

Carol Krager

From:	Councilmail Councilmail
Sent:	Tuesday, January 13, 2015 1:24 PM
To:	John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump; Marty Wine
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To: Councilmail Councilmail
Cc: Carol Krager
Subject: Remarks, for the record/tonight

Regarding the A + O apartments proposal - PA) 2014-00002
(PDR)2014-00003 / (SDR)2014-0000 / (SLR)2014-000

To refresh your memory - I had contacted you after the Dec. 15th Tigard Planning Commission meeting regarding this development, because I was unable to open & view all the relevant files on your website, before that meeting.
Again, these are files you are *required* to provide to the public in a transparent, timely manner.
I have checked for the doc(s) regularly ever since - and have been unable to open the "public comments" doc until JUST NOW.
This makes it clear it was a tech problem at your-end, and you chose not to correct it in time for me/anyone to view all the relevant docs before tonight's meeting.

When the public is only able to view a document a few hours before a decision is made, it violates public disclosure requirements.
Therefore, now that all the docs are *finally* accessible, and I find there was relevant information contained there, I call for you to postpone tonight's Council meeting & vote, and hold a new Planning Commission meeting & vote on this development.

This is from the same ORS section that I'd quoted when I filed a Federal discrimination against the City of Tigard, FYI;

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

As for the proposed-development itself -
I always find it informative to review others' comments, when I am involved in a local issue. Now that I can view them - I find that this time is no exception. There are long-

time Tigard residents who provided well-informed opposition to the development, there. So, for the record - I agree with the points laid-out by those who have written in-opposition (no one wrote in-favor, by the way).

Sincerely,

Karen Crichton

DISCLAIMER: E-mails sent or received by City of Tigard employees are subject to public record laws. If requested, e-mail may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law. E-mails are retained by the City of Tigard in compliance with the Oregon Administrative Rules "City General Records Retention Schedule."

Carol Krager

From: Councilmail Councilmail
Sent: Saturday, January 10, 2015 6:30 AM
To: John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump; Marty Wine
Subject: FW: Good morning

From: Karen C
Sent: Saturday, January 10, 2015 6:30:04 AM (UTC-08:00) Pacific Time (US & Canada)
To: Councilmail Councilmail
Cc: ogec.mail@oregon.gov
Subject: Good morning

Leading up to Friday-before the December 15th Planning Commission meeting (A + O Apt. proposal on the agenda), I was able to view all the documents in the files attached to your "public notice" post on the City website.
But on the Friday before the meeting, I was unable to open the "public comments" link on this post. I easily opened other documents there.

I had intended to use some of the information contained in those wise & well-researched public-comments to do further research, ahead of the PC meeting.

I found this broken-link to violate the legally-required transparency at the heart of the public-posting requirement for publicly-owned documents.

I was able to view this doc since then, so I was confident I would be able to utilize it this weekend.
And now - here we are again, it's the weekend before the next meeting on this matter, and I cannot open this particular document - again.

So, I am now calling for a new Planning Commission hearing & vote, before this matter can be considered by the Council.

This email has been copied-to the Oregon Ethics Commission, I will discuss the issue further with them directly, next week.

Sincerely,

Karen Crichton

DISCLAIMER: E-mails sent or received by City of Tigard employees are subject to public record laws. If requested, e-mail may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law. E-mails are retained by the City of Tigard in compliance with the Oregon Administrative Rules "City General Records Retention Schedule."

THE OTHMAN GROUP
PORTLAND / ERBIL / ABU DHABI

January 6, 2015

Mayor John Cook and City Council
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97224

RE: Multi-use path connecting between SW Lincoln Street and SW Oak Street

Dear Mayor Cook and City Councilors,

I represent Orland, Ltd., the owners of tax lots 3300 and 3302 of WCTM 1S1 35AB located on the north side of SW Oak Street, just east of Lincoln Center. These parcels lie south of the current southern end of SW Lincoln Street. Orland, Ltd., has agreed to provide a 12-foot wide pathway easement and any necessary construction easement over these parcels to DBG, LLC, with the intention that DBG, LLC will construct a 10-foot wide asphalt multi-use path between SW Lincoln Street and SW Oak Street and then convert the easement to a public pedestrian easement. Please be aware that we plan on the pedestrian easement to be located such that this area will later be incorporated into the right-of-way for SW Lincoln Street when that street is extended to connect with SW Oak Street. The multi-use path would then be replaced by the improved street and sidewalk.

Sincerely,

Nawzad Othman
The Othman Group
On behalf of Orland, Ltd.

215 SW WASHINGTON STREET SUITE 202 PORTLAND, OREGON 97204 P +1 971 302 6983 F +1 971 544 7698

THE OTHMAN GROUP
PORTLAND / ERBIL / ABU DHABI

January 6, 2015

Mayor John Cook and City Council
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97224

RE: SW Lincoln Street north of SW Oak Street

Dear Mayor Cook and City Councilors,

I represent Orland, Ltd., the owners of tax lots 3300 and 3302 of WCTM 1S1 35AB. These parcels are located on the north side of SW Oak Street, just east of Lincoln Center. These parcels lie south of the current southern end of SW Lincoln Street. It is understood that the City of Tigard will at some time want SW Lincoln Street to be extended to connect with SW Oak Street, thereby requiring that right-of-way be acquired from these two parcels. On behalf of Orland, Ltd., I would like to say that we understand the City's desire to extend SW Lincoln Street through these parcels. Orland, Ltd., is willing to cooperate with the needed right-of-way acquisition for this section of SW Lincoln Street at a fair market value for the affected property. However, please note that extending the full 62-foot right-of-way width of SW Lincoln Street from the north across Orland Ltd's properties would greatly reduce their development potential so we would hope that we can agree with the City on the right-of-way width tapering from 62-feet at the north side of tax lot 3300 to approximately 50-feet in width where it intersects with SW Oak Street. It should be understood that Orland, Ltd's agreement to cooperate in providing the necessary right-of-way for extension of SW Lincoln Street should in no way prohibit the owner from developing the affected properties consistent with the exiting zoning.

Improvement of this section of SW Lincoln Street should be the responsibility of the developer(s) whose development project(s) triggers the need for the street improvements based upon the City's review of their development applications. Orland, Ltd., is willing to commit that Orland, Ltd., or the developer of Orland's property will pay their proportionate share of the needed street improvements at the time of improvement of the street.

Sincerely,

Nawzad Othman
The Othman Group
On behalf of Orland, Ltd.

215 SW WASHINGTON STREET SUITE 202 PORTLAND, OREGON 97204 P +1 971 302 6983 F +1 971 544 7698

Transmittal

Emerio Design
8285 SW Nimbus Ave, Suite 180
Beaverton, Oregon 97008

Cell: 503-780-4061
Email: ryano@emeriodesign.com

TO: Gary Pagenstecher, City of Tigard Associate Planner

FROM: Ryan O'Brien, Planning Consultant

DATE: 1-5-15

SUBJECT: A + O Apartments

I represent Gene Davis, the owner of property on the north and south side of Oak Street adjacent to the proposed A+O Apartments. We request changes to the following approved Planning Commission Condition of Approval No. 8 to require public right-of-way dedication for the extension of Lincoln Street to Oak Street over Tax Lots 3300 and 3802, Map 1S1-35AB when determined to be necessary by the City of Tigard.

City of Tigard Proposed Conditions 7 and 8

7. *The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identifies in TriMet's comment letter dated December 4, 2014.*

8. *The applicant shall submit a revised development plans to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, as recommended by the Planning Commission and approved by the City Council.*

Orland LTD owns these tax lots and also owns the property where the A+O Apartment will be developed (See attached Tax Map). We assume Tax lot 3300 and 3802 were purchased so Orland LTD could extend Lincoln Street in the event it was required for the A+O Apartments. An agreement recorded as a deed restriction on Tax Lots 3300 and 3802 should be required to assure the right-of-way dedication will occur. Otherwise, the Tax Lots 3300 and 3802 could be sold and the new property owners may not agree with the right-of-way dedication. This agreement needs to be recorded prior to issuance of development permits for the

A+O Apartments. This condition of approval modification will provide the proportionality as identified in following **Section 18.810.020.A** of the Tigard Development Code.

18.810.020 General Provisions

A. *When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.*

If this right-of-way dedication Condition of Approval is not specific, too much discretion and confusion will result from the city, property owner and applicant attempting to determine how to comply with Condition of Approval No. 8. This street dedication is also necessary to comply with Condition of Approval No. 7 for pedestrian access. Clearly this right-of-way is needed for access to the Lincoln Center. Future development of Lincoln Street will help relieve AM peak hour left turning movements from 90th Avenue to Locust Street. With this option, the property owner will have a clear understanding about the proportionality requirement. We are not asking the applicants or the property owner to develop Lincoln Street. We are only requesting street dedication. If this street dedication is not required with the approval of this application, we have no option except to request city condemnation of the right-of-way so additional development applications can be submitted to the city. This process will be very expensive and time consuming. Orland LTD should dedicate the Lincoln Street right-of-way just to be good neighbors and to benefit all property in the Lincoln Center area including the future residents of the A+O Apartments.

The next development along Oak Street will probably push the capacity of surrounding streets to an unacceptable level of service which will require construction of the Lincoln Street extension. Possibly 600 more apartments can be developed in the area in addition to hotels and other commercial buildings. It is important for the city to be able to properly plan for future development of the Lincoln Center area. The benefit of the Lincoln Street dedication is the opportunity for future developers in the area to build this Lincoln Street so the owners of Tax Lots 3300 and 3802 will have a fully developed street on their property. If the owners of Tax Lots 3300 and 3802 submit a development application for these tax lots, then they would be required to build the Lincoln Street extension. This street dedication appears to be a great benefit for future development of Tax Lots 3300 and 3802.

We have discussed this with Nawzad Othman who represents Orland LTD. Nawzad said he would discuss this with the property owner. He agreed the City of Tigard should be the decision maker about when the right-of-way should be dedicated rather than having and agreement with Gene Davis or other developers in the area. We agree with this option. However, he needs approval from Orland LTD.

LOCUST STREET (CR 753)
LINCOLN STREET (CR 1698)
MAPLE LEAF
METZGER ELEMENTARY SCHOOL
VACATED R&O 78-232
VACATED 2003-114480
VACATED 463/359
VACATED 326/356
VACATED 278/629
VACATED R&O 81-73
VACATED 311/535
23-81
900 1.67 AC
700 1.90 AC
1002 1.77 AC
1004 3.21 AC
100 7.33 AC
202 .22 AC
203 .24 AC
3300 .91 AC
3400 3.21 AC
3401 .38 AC
3200 .66 AC
3201 .18 AC
3205 .16 AC
3202 .36 AC
3302 .22 AC
3303 .22 AC
3304 .22 AC
3403 .29 AC
90TH SW
OAK (CR 823) STREET
RAILROAD
A+O APARTMENTS

Cofield
LAW OFFICE

Dorothy S. Cofield,
Attorney at Law

VIA ELECTRONIC MAIL

January 5, 2015

Mayor John Cook and Tigard City Council
c/o Gary Pagenstecher – garyp@tigard-or.gov
Tigard Civic Center – Town Hall
13125 SW Hall Blvd
Tigard, Oregon

Re: Quasi Judicial Public Hearing A + O Apartments (CPA 2014-00002; PDR 2014-00003; SDR 2014-00004; SLR 2014-00002)

Dear Mayor Cook and Members of the City Council,

I represent Jill Warren and Trudy Knowles. Ms. Warren and Ms. Knowles testified to the planning commission on the above referenced applications. After the planning commission adopted staff's recommendation to approve the subject application, they retained my legal services.

My preliminary review of the Public Meeting Materials that are posted on line reveal that the city council should not approve the A & O Apartments for a number of reasons. I also ask that you continue the public hearing so that my law firm will have the necessary time to review this matter. The planning commission hearing was held on December 15, 2014 and with the intervening holidays and new council members, it is in everyone's best interest to continue the hearing to February. These four complicated development applications (including a comprehensive plan amendment to remove a Goal 5 Sensitive Wetlands Designation from the subject property) should not be summarily approved.

OBJECTIONS TO THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL

Commercial Zoning Districts: The property is zoned Mixed Use Employment 1 (MUE-1) and Mixed Use Residential (MUR). Yet, the project is comprised of 215 apartment units. Tigard Development Code (TDC) §18.020(G) describes the MUE-1 as "designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited and residential uses are permitted which are compatible with the employment character of the area." The MUR zone "is designed to apply to predominantly residential areas, where mixed-uses are permitted when compatible with the residential use. " Both of these zones are MIXED use, not solely residential as the A & O apartments are planned.

Creekside 5, Suite 380 | 8705 SW Nimbus Avenue | Beaverton, Oregon 97008
503.675.4320 OFFICE | 503.228.5950 FAX | cofield@hevanet.com

There is no purpose in designating a mixed use zone if the entire development is not a mix of employment and residential. The Washington Square Regional Plan was adopted to provide new mixed-use zoning districts along with existing residential zoning districts. TDC §18.630(A)(5). The plan is being gutted by allowing this developer to build a residential apartment building with no mixed uses because it is more profitable. The city council must deny the planned development concept plan on this factor alone.

Comprehensive Plan Amendment: The applicant seeks to remove nearly a half-acre of significant Goal 5 wetlands from the property. The applicant does not begin to meet the applicable criteria at TDC §18.775.130. The applicant states there are no other sites in the Tigard Planning Area (TPA) that would allow the use without the comprehensive plan amendment. It appears that the applicant only looked at vacant land in the Washington Square Regional Center (WSRC). It is hard to believe there is no other vacant land in the TPA that does not need to use a significant Goal 5 wetland to build these apartments. Even if the Council finds the WSRC only needs to be studied, the applicant's "survey" is far from substantial evidence and is not in the form of an accurate inventory of available, vacant land. For this reason alone, the Council must deny the CPA.

The Applicant's ESEE Analysis Is Not Supported by Substantial Evidence: The applicant states that it is not economical to build the project without filling the Significant Wetland. The applicant alternatively states that the applicant would realize "far less economic benefit" from remodeling or replacing the four existing houses." Alternatively, the applicant states that without removing the Goal 5 Significant Wetland, the applicant would need to build a six to eight story building and it would cost too much. Staff Report, p. 10. The applicant has no evidence on why it cannot build a six to eight story building to protect the Significant Wetland and the standard is not met. The ESEE is a balancing test and is not overly weighted on the economic factor.

When the city adopted its Goal 5 wetland inventory, it found that this wetland was significant. A Goal 5 rating of significance is much different that the State's wetland program, which allows wetlands to be filled if there is corresponding mitigation. This wetland, as the applicant's own consultant determined, is significant. The applicant's consultant determined that Wetland A (which the applicant seeks to partially remove from the City's Goal 5 Inventory) provides rearing and migration habitat because of its connection to Ash Creek. Appendix E, p. 4. The applicant's consultant further determined that "even though the quality [sic] of the wetland, its connection to Ash Creek still ensures it would be regarded as significant." The applicant's consultant also found that Ash Creek provides rearing and migration habitat for steelhead trout which is listed as Threatened under the Federal Endangered Species Act (ESA). Appendix E, p. 1, p. 7. Thus the applicant chose to do an ESEE type of comprehensive plan amendment (which arguably allows the applicant to make the economics of filling the wetland more important than protecting the wetland.)

The applicant's ESEE also states that the applicant cannot avoid removing the wetland from the City's inventory because the alternative would not meet the City of Tigard's requirements for density and parking. Id. This may be true for residential use, but not for mixed use which does not require 60 units per acre. There are no density requirements for the commercial development standards in Table 18.620(2).

The real reason the applicant seeks the comprehensive plan amendment to fill the Significant Goal 5 resource is to make more money for the project.

The Applicant Has Not Mitigated for Its Traffic Impacts: My clients are presently having a traffic engineer review the applicant's traffic study and may provide a separate letter on this issue. As a preliminary comment, the applicant is relying on transit to mitigate the impacts of 1,430 new car trips a day. Appendix A, p. 14. The applicant has also said future occupants will be able to work at the Washington Square Mall which is close by. The applicant has said the apartment rents will be in the range of $900.00 to $2000.00 a month. The developer testified that an income of $3000 a month is needed to support rent of $900.00 a month. The attached Occupational Employment Statistics from the U.S. Bureau of Labor Studies finds that the average Oregon retail worker makes a yearly salary of $26,360, which is not enough to pay for the cheapest studio apartment the development has projected. Retail workers will not be able to afford the A & O Apartments to live and work near the Washington Square Mall and thus these apartments are not achieving the purpose of the WSRP idea to create a mixed use development, nor will the traffic from the 215 apartments (1430 trips a day) be mitigated by walking to work.

The Exception to the Parking Standard is Not Met: TDC §18.765(b) states an exception may be granted when a use has a "low demand for off street parking." The applicant states that A & O Apartments are low demand because they are 64 studios and 98 1-bedroom apartments. The code speaks to a low demand use such as a nursing home, in which most of the residents don't drive at all. The applicant's traffic study determined that the apartments will generate 1430 daily new trips. Appendix A, p. 14. That is not a low demand use by anyone's definition. When combined with the lack of affordability of the apartments to nearby employment and the need for all the required parking, the exception to the parking standard should not be granted.

The Applicant Must Pay Its Share For Funding Future Transportation: Staff has prepared a rough proportionality study that shows the monetary impact the A & O Apartments will have on public infrastructure. Staff Report, p. 54. The full impact is $3,431,596. Less the Transportation Development Tax (TDT) and the ½ street improvement to Oak St., the applicant is being asked to mitigate less than half of its impact, leaving the public to pay the rest. This is not proportional.

The rough proportionality test requires a "nexus" to any required dedications or improvements and the amount of improvements must be "proportional." Staff has concluded that the applicant's traffic analysis does not satisfactorily address the additional traffic on SW 90th, a 50-foot local street, as the primary route north to SW Locust for southbound Greenburg/Hwy 217 trips. Staff Report, p. 28. The WSRC plan anticipates that Lincoln Street will be extended to mitigate some on the Oak St. trips. The applicant is substantially impacting SW Oak Street with over 1,430 new car trips a day. The applicant must provide a Dolan analysis that describes the impact area; the applicant's impact in a ratio to the impact area and then the City Council can determine if funding the future improvements to Lincoln are warranted. At a minimum, the applicant must mitigate the full 1.8 million dollars of impact it is creating.

Floodplain Alternation Is Not Allowed: The applicant is seeking to alter the 100-year floodplain by filling .35 acres of it and building a portion of Building A on the fill in the floodplain. Under TDC §18.775.070(B)(2), floodplain alterations are allowed only on land designated as commercial or industrial on the comprehensive plan. Staff Report, p. 14. The applicant's property is designed MUE and MUR (both commercial zones) but the property is being developed as completely residential. While it is not clear why the code prohibits filling residentially zoned land in a floodplain, it may have something to do with Federal Flood Insurance requirements. The city council should look further at the code requirements in filling the floodplain with residential apartments and the city's liability if there is flooding. My client, Jill Warren, will be submitting a separate letter on floodplain requirements.

Conclusion: The applicant has the burden of proof to demonstrate all the approval criterial for the four requested applications have been met. As shown in the above comments, the applicant has not met its burden and the applications must be denied.

I will be at the public hearing on January 13, 2015 to further testify on the A & O Apartment applications and to answer any questions the Council may have.

Very truly yours,

COFIELD LAW OFFICE

Dorothy S. Cofield

Dorothy S. Cofield
Of Attorneys for Jill Warren and Trudy Knowles

DSC:dsc
Attachments: As Stated

Jill Warren
9280 SW 80th Ave.
Portland, OR 97223
January 13, 2015

Tigard City Council
13125 SW Hall Blvd.
Tigard, OR 97223

Dear Council Members,

re: 215-unit apartment complex on Oak St.
CPO 2014-00002, PDR2014-00003,
SDR2014-00004, SLR2014-00002

The Washington Square Regional Center plan was conceived 15 years ago yet was never built. There were unanswered questions about infrastructure costs, impacts of development in a sensitive lands area, property damage from flooding and questionable market success.

Removing Wetlands/Taxpayer Liability

The proposal includes removing 0.42 acres of delineated wetlands on the site from the Comprehensive Plan's Wetlands and Stream Corridor map's Goal 5 Safe Harbor/Significant Wetlands designation along with removal of the same area from the Significant Habitat areas map. It includes reshaping the ground surface to accommodate flooding. According to FEMA map #4102760509C, floodway areas in zone AE "must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights". The residents upstream will have more water impact during an event than if the buildings weren't there. It is not buildable land. Evidence of a changing climate with higher highs and lower lows, in precipitation and temperature, require us to be more thoughtful on how we protect what floodplains and wetlands still remain. It is impossible to justify that mitigation will solve the water problem, there will be extensive property damage and taxpayers will pick up the tab for damage and liability.

Parking Exemption

To satisfy the parking exemption of 9.1% the applicant shall provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site. The nearest bus stop is more than a quarter mile away so the criteria does not justify the parking exemption.

Public Investment

The regional center plan includes a public/private partnership for funding, yet the plan does not fit the zoning criteria for the regional center, rendering it illegitimate. The zones got changed in 1999 from residential 4.5 units per acre to 50+ units per acre mixed use. The project is 100% residential. Why should taxpayers invest in a for-profit investment if there's no civic value? On page 54 of 56 of the staff report the estimate of unmitigated impacts is $1,576,485.00. Where is that money going to come from?

Insurance

According to the state floodplain manager if City of Tigard approves this project the city could no longer qualify to be in the national flood insurance program.

Please do not approve the proposed application.

Respectfully submitted,

Jill Warren

From: "Jere W. Retzer" <jere@teleport.com>
To: jandjay@ix12.ix.netcom.com
Date: Thu, 3 Jun 1999 20:31:48 -0700
MIME-Version: 1.0
Subject: Re: Followup on Ash Creek Article
Priority: normal
X-MIME-Autoconverted: from Quoted-printable to 8bit by ixmail5.ix.netcom.com id UAA29887

Here is the attachment pasted as good old text (looks like a great letter):

DRAFT

June 1, 1999

Ms. Elaine Cogan
Cogan, Owens, Cogan
8313 SW Alder Street
Portland, Oregon 97302
Lloyd Lindley and Lloyd Lindley - promoting development
Dear Ms. Cogan:

The Department of Land Conservation and Development (DLCD) serves as the state,s floodplain management agency under an agreement with the Federal Emergency Management Agency. The department supports the need for Regional and Town Centers such as the proposed Washington Square Regional Center. However, we are concerned about the particulars of this proposed development which would impact lands in the Ash Creek watershed protected by other statewide planning goals (Goal 5 - riparian areas and Goal 7 - floodplains and other natural hazards). As the State,s floodplain manager, I am most concerned about the impacts of this development on the Ash Creek floodplain.

Under federal floodplain management regulations (44 CFR section 60.20) communities that participate in the National Flood Insurance Program, including the City of Tigard, shall evaluate a number of standards in considering proposals for floodplain development. One standard is that the community shall consider the adverse effects of floodplain development on existing development (44 CFR 60.22(c)(4)). In addition, the community shall also consider diverting development to areas safe from flooding in light of the need to reduce flood damages and in light of the need to prevent environmentally incompatible flood plain use (44 CFR section 60.22(c)(2)). Therefore, the City of Tigard must thoroughly evaluate the consequences of developing Ash Creek,s floodplain before issuing a permit. Also, it appears in this situation that there is acreage in the proposed development where higher density development could be diverted to protect the floodplain and wetlands area. The City of Tigard, as a requirement of participating in the national flood insurance program, needs to fully evaluate the consequences of this development.

If you have any questions, please contact me at 503-373-0050 (ext. 255).

Sincerely,

Ann Beier
State Floodplain Program Manager

cc: Mark Eberlein, Federal Emergency Management Agency
Meg Fernekees, Oregon Department of Land Conservation & Development
~~Jim Nicoli~~
Laurie Nicholson taskforce title
*Ward Rader copy to us
*Lloyd
John Spenser filter

Sq. Reg. Center need copy of final letter

Oct. 5, 2005

The Ash Creek Wetland/Floodplain has been up-zoned to 50+ units per acre (up from 4.5 upa).

This floodplain/wetland is an important feature in the Metzger/ Tigard area and is part of the Fanno Creek Watershed.

CPO 4-M opposed up-zoning this important natural resource and the testimony submitted by Jill Tellez in 2000 sites Oregon Land Use Planning excerpts and portions of the WSRC plan contents that do not reflect impact reports, compromises sensitive lands area violating Statewide Goal 9.

The WSRC up-zones neighborhoods and open-space lands. Yet the 1997 Urban Growth Report Update by Metro, Sept.1999, states:

> "There is now no new up zone applied toneighborhoods and parks and open space lands."

Pat Whiting

Attached: J.T.1/31/2000 letter and picture of Ash Creek area upzoned to 50+ units per acre.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon State Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195

Reply To: 6500.3001
File Name: WASQUARE.WPD

July 28, 1999

Washington Square Regional Center Task Force
c/o Elaine Cogan
Cogan Owens Cogan
813 SW Alder
Portland, OR 97205

Dear Task Force Members:

The U.S. Fish and Wildlife Service (Service) is submitting this letter to urge the Task Force not to recommend upzoning of the wetlands and floodplains within the proposed Washington Square Regional Center development area. In particular, the Service is concerned about the wetlands and floodplains associated with Ash Creek that would be impacted if the area between Oak and Hwy 217 is upzoned to allow for a minimum of 50 units per acre. The Service encourages the conservation of these valuable and sensitive natural resources by maintaining the more protective zoning.

In addition to the numerous fish and wildlife species typically associated with wetland and floodplain habitats, Ash creek is known to support sensitive species such as cutthroat and the northern red-legged frog. In addition, Upper Willamette River steelhead, which are listed under the Endangered Species Act as threatened, occur downstream and may occur in Ash Creek. Unfortunately, Ash Creek is currently included on the Oregon Department of Environmental Quality's 303(d) List of Water Quality Limited Waterbodies for declining fish communities due to poor water quality, low dissolved oxygen, high summer temperatures, and fecal coliform.

The recovery and sustainability of fish and wildlife species requires conservation efforts that lead to improved watershed health. This is a challenging goal to achieve in an urban area, not only because of direct development pressures on sensitive areas, but also because of the intensive off-site and indirect impacts related to urbanization. Long-term planning and sound policy development are two of the most effective protection mechanisms available for minimizing both direct and indirect impacts to natural resources and their associated functions and values. Local conservation efforts can play a key role in complimenting, supporting, and expanding upon those at the regional, state and Federal levels. To ensure that local resources continue to provide benefits to fish, wildlife and people, and for consistency with regulations that will affect the site, the Service recommends that the Task Force work to protect Ash creek and associated riparian areas, floodplains, wetlands and buffers by supporting zoning and other conservation strategies that will prevent resource degradation.

The following is a list of some of the many functions that floodplains, riparian zones, and wetlands provide.

Fish and Wildlife Habitat:

- There are currently 54 Federally listed threatened, endangered, proposed, candidate, and special concern species within Multnomah, Washington, and Clackamas counties. Over 80% of these species depend on wetlands, riparian habitat, or the functions they provide for one or more stages in their life cycles. Riparian, floodplain and wetland area protection can benefit listed species, as well as prevent the future listing of other species.
- Healthy riparian areas provide connected, protected corridors for wildlife to travel between seasonal ranges and alternate habitats, allowing for species dispersal. This mobility facilitates genetic exchange and allows utilization of a wider range of potential habitat.
- Undisturbed riparian vegetation composed of a mosaic of various successional stages and plant communities equates to high habitat diversity necessary to support diverse communities and populations.
- Undisturbed riparian systems typically contain an assortment of habitat characteristics including multiple canopy layers, snags, woody debris, irregular edges (which provide a diverse interface between riparian areas and differing habitat types, furthering habitat diversity), undercut banks and overhanging vegetation. These complex characteristics provide the diverse habitat requirements necessary to support a wide range of naturally occurring fish and wildlife species.
- Although riparian and wetland areas cannot ameliorate all adverse upland impacts, they provide the greatest resources needed by fish and wildlife in the smallest area, and thus are a priority for protection.
- In developed and developing landscapes, riparian and wetland areas can provide critical refuge when adjacent habitat is lost or degraded.

Role of Floodplains and Riparian Zones During Flood Events:

- Floodplains naturally accumulate the appropriate type and balanced amount of organic matter and dissolved nutrients which are flushed into streams and rivers during runoff events. At natural levels, this material supplies fish and aquatic invertebrates with a rich source of food that can enhance production.
- Intact vegetation buffers the impact and erosive forces of rain as it hits the ground, and helps to slow and store water as it flows across the landscape. The greater the vegetative cover in a watershed, the greater the amount of water that can be slowed and held for gradual release. Riparian areas and floodplains moderate both high and low stream flows, providing more consistent flows throughout the year.
- Water moves from the active stream channel onto floodplains during storm events, providing natural areas for flood storage. Alterations to floodplains, such as the removal of vegetation or creation of impervious surfaces, reduces the flood storage capacity and infiltration of water over the floodplain. In turn, this results in increased and expedited flows moving downstream, leading to stream degradation and potential flooding problems that may affect life and property.

Water Quality:

- Riparian buffers which retain adequate vegetation and intact soils intercept, store, and biodegrade significant portions of pollutants.
- Riparian buffers filter and break down nutrients. By preventing nutrient loading and excessive aquatic plant and algal growth (which can ultimately cause oxygen depletion and excess ammonia), an increase in water acidity is avoided, which would otherwise

adversely impact fish and other wildlife by slowing fish growth and negatively impacting reproduction in some species.

- Plant roots help to stabilize the soil. Maintaining woody vegetation and limiting soil disturbance in riparian areas will prevent significant quantities of sediment from entering stream systems.

Efforts are needed not only to maintain, but to improve watershed health throughout the metropolitan region. Locally lead and supported efforts are needed more now than ever to recover species such as threatened and endangered salmon and steelhead. The opportunity is still available at the proposed Washington Square Regional Center to avoid impacts to natural resources, which is much more effective than fixing problems later both in terms of preventing irreplaceable resource losses, maintaining environmental health and preventing the unnecessary costs of repair, restoration, or attempting to recreate lost functions through artificial means.

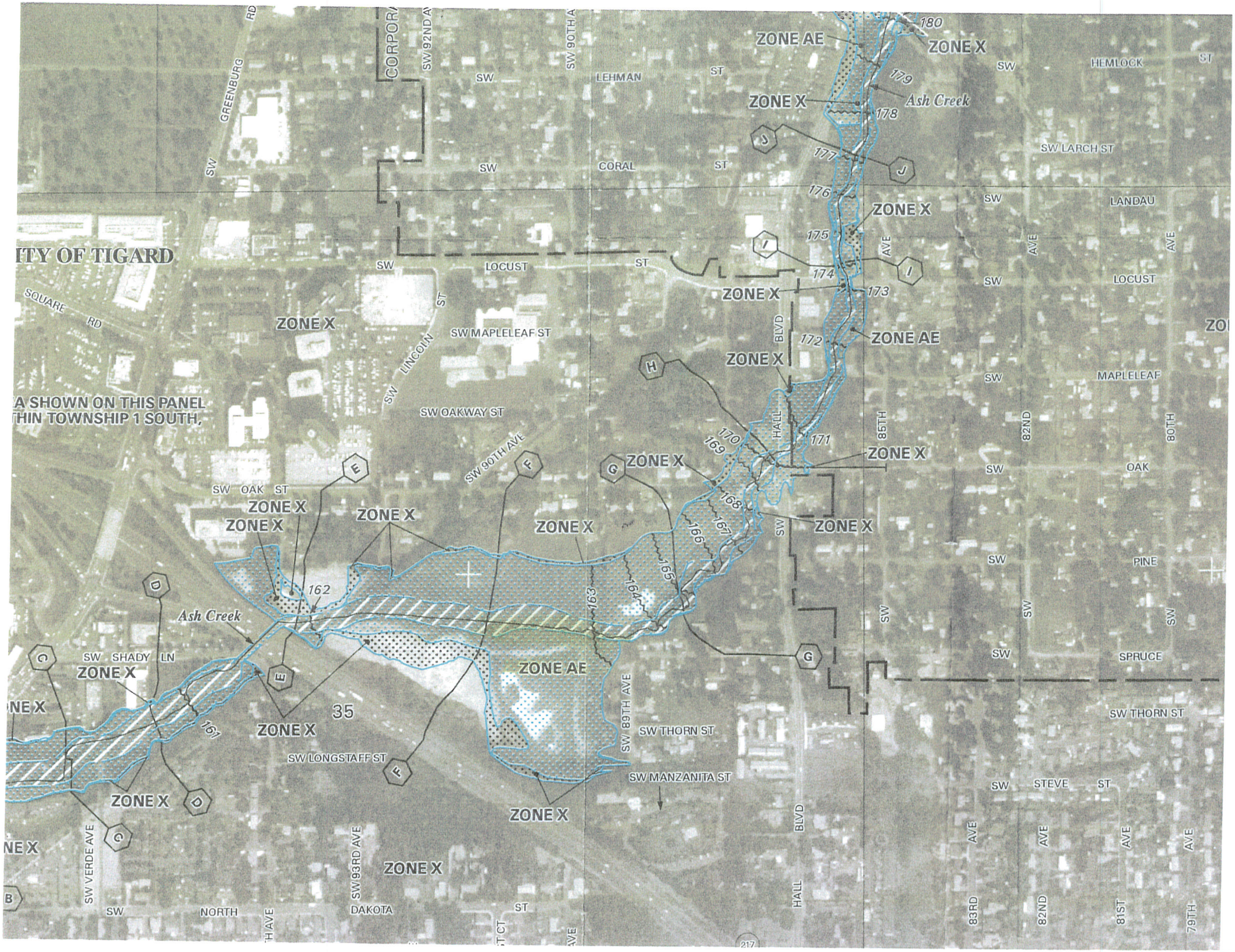
Please ensure that all Task Force members receive a copy of this letter, and that it is included in the Task Force Record and in the Regional Center Plan Appendix for consideration by local jurisdictions. Feel free to contact Jennifer Thompson or Kumari Sivam of my staff at (503) 231-6179 if you would like to discuss these comments, or if we can provide you with any additional information. Thank you in advance for considering our input and keeping us informed of your decision regarding this issue.

Sincerely,

FOR

State Supervisor

cc: Washington Square Regional Center Task Force Members
Tigard City Council
Tigard Planning Commission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SW CORAL ST
SW LOCUST ST
SW SQUARE RD
SW LINCOLN ST
SW MAPLELEAF ST
SW OAKWAY ST
SW OAK ST
SW SHADY LN
SW LONGSTAFF ST
SW THORN ST
SW MANZANITA ST
SW 89TH AVE
SW HALL BLVD
SW 85TH AVE
SW 82ND AVE
SW 80TH AVE
SW HEMLOCK ST
SW LARCH ST
SW LANDAU AVE
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SW STEVE ST
SW VERDE AVE
SW 93RD AVE
SW NORTH
SW DAKOTA ST
83RD AVE
82ND AVE
81ST AVE
79TH AVE
35

LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood.

ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AR Area of special flood hazard formerly protected from the 1% annual chance flood event by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood event.

ZONE A99 Area to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no base flood elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary

0.2% annual chance floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or velocities.

~~~513~~~ Base Flood Elevation line and value; elevation in feet*

(EL 987) Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the National Geodetic Vertical Datum of 1929

A —— A Cross Section Line
~~~

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Occupational Employment Statistics Query System

OES | FONT SIZE:

Occupational Employment Statistics

(For more information or help)

Area: Oregon
Period: May 2013

Occupation (SOC code)	Employment(1)	Employment percent relative standard error(3)	Hourly mean wage	Annual mean wage(2)	Wage percent relative standard error(3)	Hourly 10th percentile wage	Hourly 25th percentile wage	Hourly median wage	Hourly 75th percentile wage	Hourly 90th percentile wage	Annual 10th percentile wage(2)	Annual 25th percentile wage(2)	Annual median wage(2)	Annual 75th percentile wage(2)
Retail Salespersons(412031)	60120	2.7	12.67	26360	1.1	9.13	9.46	11.00	13.83	18.16	19000	19690	22890	28780

Footnotes:
(1) Estimates for detailed occupations do not sum to the totals because the totals include occupations not shown separately. Estimates do not include self-employed workers.
(2) Annual wages have been calculated by multiplying the hourly mean wage by 2,080 hours; where an hourly mean wage is not published, the annual wage has been directly calculated from the reporte data.
(3) The relative standard error (RSE) is a measure of the reliability of a survey statistic. The smaller the relative standard error, the more precise the estimate.

SOC code: Standard Occupational Classification code -- see http://www.bls.gov/soc/home.htm

Data extracted on January 5, 2015

TOOLS
Areas at a Glance
Industries at a Glance
Economic Releases
Databases & Tables
Maps

CALCULATORS
Inflation
Location Quotient
Injury And Illness

HELP
Help & Tutorials
FAQs
Glossary
About BLS
Contact Us

INFO
What's New
Careers @ BLS
Find It! DOL
Join our Mailing Lists
Linking & Copyright Info

RESOURCES
Inspector General (OIG)
Budget and Performance
No Fear Act
USA.gov
Benefits.gov
Disability.gov

Freedom of Information Act | Privacy & Security Statement | Disclaimers | Customer Survey | Important Web Site Notices

U.S. Bureau of Labor Statistics | Division of Occupational Employment Statistics, PSB Suite 2135, 2 Massachusetts Avenue, NE Washington, DC 20212-0001
www.bls.gov/oes/ | Telephone: 1-202-691-6569 | Contact OES

Carol Krager

From: Gary Pagenstecher
Sent: Tuesday, January 06, 2015 2:19 PM
To: Carol Krager
Subject: FW: Parking comparison document - A+O Apartments
Attachments: Parking comparison121514.doc

Carol,
A further request by the applicant to include this document in the record and to make available to the CC for their review.
Thanks,
Gary

From: Jerry Offer [mailto:jerry.offer@otak.com]
Sent: Tuesday, January 06, 2015 11:16 AM
To: Gary Pagenstecher
Cc: Nawzad Othman; Skip Grodahl; Don Hanson; Mike Peebles
Subject: Parking comparison document - A+O Apartments

Good morning Gary,
Attached is a minimally edited version of the document that I submitted to the Planning Commission showing how other Portland area suburban jurisdictions' parking standards would apply to the proposed unit mix for the A+O Apartments. We would like the City Council to see this document – either in their meeting packets or in the work session prior to the public hearing. Don or Mike will be referring to this comparison at the public hearing.

Also, we will be sending you a couple of letters from Nawzad Othman on behalf of Orland, Ltd., regarding: 1) providing a 12-foot pedestrian easement over the future right-of-way for the SW Lincoln Street extension and DBG, LLC providing the asphalt path within the easement; and 2) Orland agreeing to cooperate in the provision of right-of-way for the SW Lincoln Street extension when needed. Those letters are currently being processed and scanned and will be sent to you in short order.

otak
HarmilGlobal Partner

Jerry Offer | Planner

808 SW 3rd Ave., Suite 300, Portland, OR 97204.
Main 503.287.OTAK (6825) | Fax 503.415.2304 | Direct 503.415.2330

at Otak, we consider the environment before printing emails.

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Tigard Code Section 18.765.070.H Table 18.765.2 parking requirements applied to the A +O Apartments proposal

On-Site Parking Spaces Required

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Subtotal	215	266
15 percent additional onsite parking required for visitors	-	40
Total MFR Units/ Parking Spaces Required	**215 units**	**306 spaces**

On-Site Parking Spaces Provided

Type of Parking Space	Onsite Parking Spaces Provided
Surface parking – standard-sized	121
Surface parking – compact	115
ADA surface parking	5
Parking garage – standard-sized	17
Parking garage – compact	18
Parking garage – ADA space	2
Total On-site Parking Spaces Provided	**278 On-site Parking Spaces**
Total compact spaces	**133 spaces, 48% of total**

In addition, an estimated 16 parking spaces will be provided along the site's SW Oak Street road frontage.

An Exception to the minimum on-site parking standard is requested to allow 278 spaces to serve the development whereas the typical on-site parking standard would require 306 on-site parking spaces. This would constitute a 9.1% reduction in parking. With the 16 on-street spaces added to the on-site parking, a 4% exception to the maximum parking standard would be what is requested.

Washington County Community Development Code parking requirements if they were applied to A +O Apartments proposal

On-Site Parking Spaces Required per Table 413-7 Wash. Co. Development Code

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1 spaces/1-bedroom unit	98	98
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**242 spaces**

Tualatin Community Development Code parking requirements if they were applied to A +O Apartments proposal

On-Site Parking Spaces Required per Tualatin Code Section 73.370(2)(a)

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**266 spaces**

Lake Oswego parking requirements if they were applied to the A +O Apartments proposal

On-Site Parking Spaces Required Per Lake Oswego Code Section 50.06.002

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – 25 of the required parking must be non-reserved so as to provide for common or visitor use	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**266 spaces**

Beaverton Community Development Code parking requirements if they were applied to A +O Apartments proposal

On-Site Parking Spaces Required per Beaverton Code for Multi-Use Zones Section 60.30.010

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio	64	64
1 spaces/1-bedroom unit	98	98
1spaces/2-bedroom unit	53	53
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**215 spaces**

Carol Krager

From: Councilmail Councilmail
Sent: Tuesday, January 13, 2015 2:08 PM
To: John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump
Subject: FW: Remarks, for the record/tonight

From: Marty Wine
Sent: Tuesday, January 13, 2015 2:08:24 PM (UTC-08:00) Pacific Time (US & Canada)
To: Karen Crichton
Cc: Councilmail Councilmail
Subject: FW: Remarks, for the record/tonight

Dear Ms. Crichton,

At Mayor Cook's request I am sending you information to respond to your email to the Tigard City Council on Saturday and again today about the meeting notice and materials.

The City has met the notice requirements to inform the public of the place, time and agenda of the meeting 10 days in advance of the meeting. As such, a request for the Planning Commission to revisit the decision is not indicated.

Below are the Tigard development code requirements for Type IV hearings; the dates that the notices were mailed and published are noted in red below.

18.390.060 Type IV Procedure

D. Notice of hearing.

1. Required hearings. Two hearings, one before the commission and one before the council, are required for all Type IV actions, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of the public hearings for the request shall be given by the director in the following manner:
   a. **At least 10 days prior to the scheduled hearing date, notice shall be sent** to: (mailed 11-3-2014)
      i. The applicant;
      ii. Any affected governmental agency;
      iii. Any city-recognized neighborhood group whose boundaries include the site; and
      iv. Any person who requests notice in writing and pays a fee established by Council resolution.
   b. **At least 10 business days prior to the scheduled public hearing date, notice shall be given in a newspaper of general circulation in the city.**(Pub 11-20-2014)
   c. The director shall:
      i. For each mailing of notice, cause an affidavit of mailing to be filed and made a part of the record as provided by subparagraph 2.a of this subsection D; and
      ii. For each published notice, cause an affidavit of publication to be filed and made part of the record as provided by subparagraph 2.b of this subsection D.

As to getting access to the record, the record can be accessed via web links to the documents posted on the websites of the City Council or Planning Commission agenda, and also the City Recorder's web page links. We did experience periodic trouble with the links the project files on the City Recorder site, but those were checked and fixed within hours of knowing that they were not working. What is placed on our website is in addition to other ways to get to the record – people can also come in to view or get copies of the record on request, or have them

sent electronically for a small cost, and the Council packet materials are available to be viewed for free in the Tigard Public Library.

In addition to accessing the records online, the required notice states, in part:
"Public Information Requests: A copy of the application, documents and evidence considered will be contained in the public record and available for public review. If you would like to review this material at no cost, please schedule an appointment with Lora Garland, Records Management Specialist, 503-718-2483. If you wish to receive copies of the materials, city records will prepare them for you at a reasonable cost."

To the best of my knowledge, if you believe a violation of public meetings law occurred, remedy is sought by filing the complaint in circuit court. I do not believe that the Ethics Commission is involved in such allegations.

I invite any further questions or concerns you have. I can understand your frustration in the moment you could not get to the documents online, and I recommend that if that occurs and you can reach out to our staff to let us know accessing the documents is a problem, we can and will work to be sure they are available through all the means explained above. The city agree that the intent of the public meetings law and notice requirements is transparency, and city did nothing to interfere with that in intent or practice.

Thanks, and regards,

Marty Wine

Marty Wine
City Manager
DIRECT 503-718-2486
CELL 206-419-8081
EMAIL marty@tigard-or.gov
WEB www.tigard-or.gov

City of Tigard | CITY MANAGEMENT
13125 SW Hall Boulevard, Tigard, OR 97223

From: Councilmail Councilmail
Sent: Tuesday, January 13, 2015 1:24 PM
To: John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump; Marty Wine
Subject: FW: Remarks, for the record/tonight

From: Karen C
Sent: Tuesday, January 13, 2015 1:24:17 PM (UTC-08:00) Pacific Time (US & Canada)
To: Councilmail Councilmail
Cc: Carol Krager
Subject: Remarks, for the record/tonight

Regarding the A + O apartments proposal - PA) 2014-00002
(PDR)2014-00003 / (SDR)2014-0000 / (SLR)2014-000

Carol Krager

From:	Councilmail Councilmail
Sent:	Tuesday, January 13, 2015 1:24 PM
To:	John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump; Marty Wine
Subject:	FW: Remarks, for the record/tonight

From: Karen C
Sent: Tuesday, January 13, 2015 1:24:17 PM (UTC-08:00) Pacific Time (US & Canada)
To: Councilmail Councilmail
Cc: Carol Krager
Subject: Remarks, for the record/tonight

Regarding the A + O apartments proposal - PA) 2014-00002
(PDR)2014-00003 / (SDR)2014-0000 / (SLR)2014-000

To refresh your memory - I had contacted you after the Dec. 15th Tigard Planning Commission meeting regarding this development, because I was unable to open & view all the relevant files on your website, before that meeting.
Again, these are files you are *required* to provide to the public in a transparent, timely manner.
I have checked for the doc(s) regularly ever since - and have been unable to open the "public comments" doc until JUST NOW.
This makes it clear it was a tech problem at your-end, and you chose not to correct it in time for me/anyone to view all the relevant docs before tonight's meeting.

When the public is only able to view a document a few hours before a decision is made, it violates public disclosure requirements.
Therefore, now that all the docs are *finally* accessible, and I find there was relevant information contained there, I call for you to postpone tonight's Council meeting & vote, and hold a new Planning Commission meeting & vote on this development.

This is from the same ORS section that I'd quoted when I filed a Federal discrimination against the City of Tigard, FYI;

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

As for the proposed-development itself -
I always find it informative to review others' comments, when I am involved in a local issue. Now that I can view them - I find that this time is no exception. There are long-

time Tigard residents who provided well-informed opposition to the development, there. So, for the record - I agree with the points laid-out by those who have written in-opposition (no one wrote in-favor, by the way).

Sincerely,

Karen Crichton

DISCLAIMER: E-mails sent or received by City of Tigard employees are subject to public record laws. If requested, e-mail may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law. E-mails are retained by the City of Tigard in compliance with the Oregon Administrative Rules "City General Records Retention Schedule."

Carol Krager

From: Councilmail Councilmail
Sent: Saturday, January 10, 2015 6:30 AM
To: John Goodhouse; Marc Woodard; Marland Henderson; John Cook; Jason Snider; Council Email Dump; Marty Wine
Subject: FW: Good morning

From: Karen C
Sent: Saturday, January 10, 2015 6:30:04 AM (UTC-08:00) Pacific Time (US & Canada)
To: Councilmail Councilmail
Cc: ogec.mail@oregon.gov
Subject: Good morning

Leading up to Friday-before the December 15th Planning Commission meeting (A + O Apt. proposal on the agenda), I was able to view all the documents in the files attached to your "public notice" post on the City website.
But on the Friday before the meeting, I was unable to open the "public comments" link on this post. I easily opened other documents there.

I had intended to use some of the information contained in those wise & well-researched public-comments to do further research, ahead of the PC meeting.

I found this broken-link to violate the legally-required transparency at the heart of the public-posting requirement for publicly-owned documents.

I was able to view this doc since then, so I was confident I would be able to utilize it this weekend.
And now - here we are again, it's the weekend before the next meeting on this matter, and I cannot open this particular document - again.

So, I am now calling for a new Planning Commission hearing & vote, before this matter can be considered by the Council.

This email has been copied-to the Oregon Ethics Commission, I will discuss the issue further with them directly, next week.

Sincerely,

Karen Crichton

DISCLAIMER: E-mails sent or received by City of Tigard employees are subject to public record laws. If requested, e-mail may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law. E-mails are retained by the City of Tigard in compliance with the Oregon Administrative Rules "City General Records Retention Schedule."

THE OTHMAN GROUP
PORTLAND / ERBIL / ABU DHABI

January 6, 2015

Mayor John Cook and City Council
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97224

RE: Multi-use path connecting between SW Lincoln Street and SW Oak Street

Dear Mayor Cook and City Councilors,

I represent Orland, Ltd., the owners of tax lots 3300 and 3302 of WCTM 1S1 35AB located on the north side of SW Oak Street, just east of Lincoln Center. These parcels lie south of the current southern end of SW Lincoln Street. Orland, Ltd., has agreed to provide a 12-foot wide pathway easement and any necessary construction easement over these parcels to DBG, LLC, with the intention that DBG, LLC will construct a 10-foot wide asphalt multi-use path between SW Lincoln Street and SW Oak Street and then convert the easement to a public pedestrian easement. Please be aware that we plan on the pedestrian easement to be located such that this area will later be incorporated into the right-of-way for SW Lincoln Street when that street is extended to connect with SW Oak Street. The multi-use path would then be replaced by the improved street and sidewalk.

Sincerely,

Nawzad Othman
The Othman Group
On behalf of Orland, Ltd.

215 SW WASHINGTON STREET SUITE 202 PORTLAND, OREGON 97204 P +1 971 302 6983 F +1 971 544 7698

THE OTHMAN GROUP
PORTLAND / ERBIL / ABU DHABI

January 6, 2015

Mayor John Cook and City Council
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97224

RE: SW Lincoln Street north of SW Oak Street

Dear Mayor Cook and City Councilors,

I represent Orland, Ltd., the owners of tax lots 3300 and 3302 of WCTM 1S1 35AB. These parcels are located on the north side of SW Oak Street, just east of Lincoln Center. These parcels lie south of the current southern end of SW Lincoln Street. It is understood that the City of Tigard will at some time want SW Lincoln Street to be extended to connect with SW Oak Street, thereby requiring that right-of-way be acquired from these two parcels. On behalf of Orland, Ltd., I would like to say that we understand the City's desire to extend SW Lincoln Street through these parcels. Orland, Ltd., is willing to cooperate with the needed right-of-way acquisition for this section of SW Lincoln Street at a fair market value for the affected property. However, please note that extending the full 62-foot right-of-way width of SW Lincoln Street from the north across Orland Ltd's properties would greatly reduce their development potential so we would hope that we can agree with the City on the right-of-way width tapering from 62-feet at the north side of tax lot 3300 to approximately 50-feet in width where it intersects with SW Oak Street. It should be understood that Orland, Ltd's agreement to cooperate in providing the necessary right-of-way for extension of SW Lincoln Street should in no way prohibit the owner from developing the affected properties consistent with the exiting zoning.

Improvement of this section of SW Lincoln Street should be the responsibility of the developer(s) whose development project(s) triggers the need for the street improvements based upon the City's review of their development applications. Orland, Ltd., is willing to commit that Orland, Ltd., or the developer of Orland's property will pay their proportionate share of the needed street improvements at the time of improvement of the street.

Sincerely,

Nawzad Othman
The Othman Group
On behalf of Orland, Ltd.

215 SW WASHINGTON STREET SUITE 202 PORTLAND, OREGON 97204 P +1 971 302 6983 F +1 971 544 7698

Transmittal

Emerio Design
8285 SW Nimbus Ave, Suite 180
Beaverton, Oregon 97008

Cell: 503-780-4061
Email: ryano@emeriodesign.com

TO: Gary Pagenstecher, City of Tigard Associate Planner

FROM: Ryan O'Brien, Planning Consultant

DATE: 1-5-15

SUBJECT: A + O Apartments

I represent Gene Davis, the owner of property on the north and south side of Oak Street adjacent to the proposed A+O Apartments. We request changes to the following approved Planning Commission Condition of Approval No. 8 to require public right-of-way dedication for the extension of Lincoln Street to Oak Street over Tax Lots 3300 and 3802, Map 1S1-35AB when determined to be necessary by the City of Tigard.

City of Tigard Proposed Conditions 7 and 8

7. *The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identifies in TriMet's comment letter dated December 4, 2014.*

8. *The applicant shall submit a revised development plans to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, as recommended by the Planning Commission and approved by the City Council.*

Orland LTD owns these tax lots and also owns the property where the A+O Apartment will be developed (See attached Tax Map). We assume Tax lot 3300 and 3802 were purchased so Orland LTD could extend Lincoln Street in the event it was required for the A+O Apartments. An agreement recorded as a deed restriction on Tax Lots 3300 and 3802 should be required to assure the right-of-way dedication will occur. Otherwise, the Tax Lots 3300 and 3802 could be sold and the new property owners may not agree with the right-of-way dedication. This agreement needs to be recorded prior to issuance of development permits for the

A+O Apartments. This condition of approval modification will provide the proportionality as identified in following **Section 18.810.020.A** of the Tigard Development Code.

18.810.020 General Provisions

A. *When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.*

If this right-of-way dedication Condition of Approval is not specific, too much discretion and confusion will result from the city, property owner and applicant attempting to determine how to comply with Condition of Approval No. 8. This street dedication is also necessary to comply with Condition of Approval No. 7 for pedestrian access. Clearly this right-of-way is needed for access to the Lincoln Center. Future development of Lincoln Street will help relieve AM peak hour left turning movements from 90th Avenue to Locust Street. With this option, the property owner will have a clear understanding about the proportionality requirement. We are not asking the applicants or the property owner to develop Lincoln Street. We are only requesting street dedication. If this street dedication is not required with the approval of this application, we have no option except to request city condemnation of the right-of-way so additional development applications can be submitted to the city. This process will be very expensive and time consuming. Orland LTD should dedicate the Lincoln Street right-of-way just to be good neighbors and to benefit all property in the Lincoln Center area including the future residents of the A+O Apartments.

The next development along Oak Street will probably push the capacity of surrounding streets to an unacceptable level of service which will require construction of the Lincoln Street extension. Possibly 600 more apartments can be developed in the area in addition to hotels and other commercial buildings. It is important for the city to be able to properly plan for future development of the Lincoln Center area. The benefit of the Lincoln Street dedication is the opportunity for future developers in the area to build this Lincoln Street so the owners of Tax Lots 3300 and 3802 will have a fully developed street on their property. If the owners of Tax Lots 3300 and 3802 submit a development application for these tax lots, then they would be required to build the Lincoln Street extension. This street dedication appears to be a great benefit for future development of Tax Lots 3300 and 3802.

We have discussed this with Nawzad Othman who represents Orland LTD. Nawzad said he would discuss this with the property owner. He agreed the City of Tigard should be the decision maker about when the right-of-way should be dedicated rather than having and agreement with Gene Davis or other developers in the area. We agree with this option. However, he needs approval from Orland LTD.

LOCUST STREET (CR 753)
LINCOLN STREET (CR 1698)
MAPLE LEAF
METZGER ELEMENTARY SCHOOL
VACATED R&O 78-232
VACATED 2003-114480
VACATED 463/359
VACATED 326/356
VACATED 278/629
VACATED R&O 81-73
VACATED 311/535
23-81
900 1.67 AC
700 1.90 AC
1002 1.77 AC
1004 3.21 AC
100 7.33 AC
202 .22 AC
203 .24 AC
3300 .91 AC
3400 3.21 AC
3401 .38 AC
3200 .66 AC
3201 .18 AC
3205 .16 AC
3202 .36 AC
3302 .22 AC
3303 .22 AC
3304 .22 AC
3403 .29 AC
90TH SW
OAK (CR 823) STREET
RAILROAD
A+O APARTMENTS

Cofield
LAW OFFICE

Dorothy S. Cofield,
Attorney at Law

VIA ELECTRONIC MAIL

January 5, 2015

Mayor John Cook and Tigard City Council
c/o Gary Pagenstecher – garyp@tigard-or.gov
Tigard Civic Center – Town Hall
13125 SW Hall Blvd
Tigard, Oregon

Re: Quasi Judicial Public Hearing A + O Apartments (CPA 2014-00002; PDR 2014-00003; SDR 2014-00004; SLR 2014-00002)

Dear Mayor Cook and Members of the City Council,

I represent Jill Warren and Trudy Knowles. Ms. Warren and Ms. Knowles testified to the planning commission on the above referenced applications. After the planning commission adopted staff's recommendation to approve the subject application, they retained my legal services.

My preliminary review of the Public Meeting Materials that are posted on line reveal that the city council should not approve the A & O Apartments for a number of reasons. I also ask that you continue the public hearing so that my law firm will have the necessary time to review this matter. The planning commission hearing was held on December 15, 2014 and with the intervening holidays and new council members, it is in everyone's best interest to continue the hearing to February. These four complicated development applications (including a comprehensive plan amendment to remove a Goal 5 Sensitive Wetlands Designation from the subject property) should not be summarily approved.

OBJECTIONS TO THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL

Commercial Zoning Districts: The property is zoned Mixed Use Employment 1 (MUE-1) and Mixed Use Residential (MUR). Yet, the project is comprised of 215 apartment units. Tigard Development Code (TDC) §18.020(G) describes the MUE-1 as "designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited and residential uses are permitted which are compatible with the employment character of the area." The MUR zone "is designed to apply to predominantly residential areas, where mixed-uses are permitted when compatible with the residential use. " Both of these zones are MIXED use, not solely residential as the A & O apartments are planned.

Creekside 5, Suite 380 | 8705 SW Nimbus Avenue | Beaverton, Oregon 97008
503.675.4320 OFFICE | 503.228.5950 FAX | cofield@hevanet.com

There is no purpose in designating a mixed use zone if the entire development is not a mix of employment and residential. The Washington Square Regional Plan was adopted to provide new mixed-use zoning districts along with existing residential zoning districts. TDC §18.630(A)(5). The plan is being gutted by allowing this developer to build a residential apartment building with no mixed uses because it is more profitable. The city council must deny the planned development concept plan on this factor alone.

Comprehensive Plan Amendment: The applicant seeks to remove nearly a half-acre of significant Goal 5 wetlands from the property. The applicant does not begin to meet the applicable criteria at TDC §18.775.130. The applicant states there are no other sites in the Tigard Planning Area (TPA) that would allow the use without the comprehensive plan amendment. It appears that the applicant only looked at vacant land in the Washington Square Regional Center (WSRC). It is hard to believe there is no other vacant land in the TPA that does not need to use a significant Goal 5 wetland to build these apartments. Even if the Council finds the WSRC only needs to be studied, the applicant's "survey" is far from substantial evidence and is not in the form of an accurate inventory of available, vacant land. For this reason alone, the Council must deny the CPA.

The Applicant's ESEE Analysis Is Not Supported by Substantial Evidence: The applicant states that it is not economical to build the project without filling the Significant Wetland. The applicant alternatively states that the applicant would realize "far less economic benefit" from remodeling or replacing the four existing houses." Alternatively, the applicant states that without removing the Goal 5 Significant Wetland, the applicant would need to build a six to eight story building and it would cost too much. Staff Report, p. 10. The applicant has no evidence on why it cannot build a six to eight story building to protect the Significant Wetland and the standard is not met. The ESEE is a balancing test and is not overly weighted on the economic factor.

When the city adopted its Goal 5 wetland inventory, it found that this wetland was significant. A Goal 5 rating of significance is much different that the State's wetland program, which allows wetlands to be filled if there is corresponding mitigation. This wetland, as the applicant's own consultant determined, is significant. The applicant's consultant determined that Wetland A (which the applicant seeks to partially remove from the City's Goal 5 Inventory) provides rearing and migration habitat because of its connection to Ash Creek. Appendix E, p. 4. The applicant's consultant further determined that "even though the quality [sic] of the wetland, its connection to Ash Creek still ensures it would be regarded as significant." The applicant's consultant also found that Ash Creek provides rearing and migration habitat for steelhead trout which is listed as Threatened under the Federal Endangered Species Act (ESA). Appendix E, p. 1, p. 7. Thus the applicant chose to do an ESEE type of comprehensive plan amendment (which arguably allows the applicant to make the economics of filling the wetland more important than protecting the wetland.)

The applicant's ESEE also states that the applicant cannot avoid removing the wetland from the City's inventory because the alternative would not meet the City of Tigard's requirements for density and parking. Id. This may be true for residential use, but not for mixed use which does not require 60 units per acre. There are no density requirements for the commercial development standards in Table 18.620(2).

The real reason the applicant seeks the comprehensive plan amendment to fill the Significant Goal 5 resource is to make more money for the project.

The Applicant Has Not Mitigated for Its Traffic Impacts: My clients are presently having a traffic engineer review the applicant's traffic study and may provide a separate letter on this issue. As a preliminary comment, the applicant is relying on transit to mitigate the impacts of 1,430 new car trips a day. Appendix A, p. 14. The applicant has also said future occupants will be able to work at the Washington Square Mall which is close by. The applicant has said the apartment rents will be in the range of $900.00 to $2000.00 a month. The developer testified that an income of $3000 a month is needed to support rent of $900.00 a month. The attached Occupational Employment Statistics from the U.S. Bureau of Labor Studies finds that the average Oregon retail worker makes a yearly salary of $26,360, which is not enough to pay for the cheapest studio apartment the development has projected. Retail workers will not be able to afford the A & O Apartments to live and work near the Washington Square Mall and thus these apartments are not achieving the purpose of the WSRP idea to create a mixed use development, nor will the traffic from the 215 apartments (1430 trips a day) be mitigated by walking to work.

The Exception to the Parking Standard is Not Met: TDC §18.765(b) states an exception may be granted when a use has a "low demand for off street parking." The applicant states that A & O Apartments are low demand because they are 64 studios and 98 1-bedroom apartments. The code speaks to a low demand use such as a nursing home, in which most of the residents don't drive at all. The applicant's traffic study determined that the apartments will generate 1430 daily new trips. Appendix A, p. 14. That is not a low demand use by anyone's definition. When combined with the lack of affordability of the apartments to nearby employment and the need for all the required parking, the exception to the parking standard should not be granted.

The Applicant Must Pay Its Share For Funding Future Transportation: Staff has prepared a rough proportionality study that shows the monetary impact the A & O Apartments will have on public infrastructure. Staff Report, p. 54. The full impact is $3,431,596. Less the Transportation Development Tax (TDT) and the ½ street improvement to Oak St., the applicant is being asked to mitigate less than half of its impact, leaving the public to pay the rest. This is not proportional.

The rough proportionality test requires a "nexus" to any required dedications or improvements and the amount of improvements must be "proportional." Staff has concluded that the applicant's traffic analysis does not satisfactorily address the additional traffic on SW 90th, a 50-foot local street, as the primary route north to SW Locust for southbound Greenburg/Hwy 217 trips. Staff Report, p. 28. The WSRC plan anticipates that Lincoln Street will be extended to mitigate some on the Oak St. trips. The applicant is substantially impacting SW Oak Street with over 1,430 new car trips a day. The applicant must provide a Dolan analysis that describes the impact area; the applicant's impact in a ratio to the impact area and then the City Council can determine if funding the future improvements to Lincoln are warranted. At a minimum, the applicant must mitigate the full 1.8 million dollars of impact it is creating.

Floodplain Alternation Is Not Allowed: The applicant is seeking to alter the 100-year floodplain by filling .35 acres of it and building a portion of Building A on the fill in the floodplain. Under TDC §18.775.070(B)(2), floodplain alterations are allowed only on land designated as commercial or industrial on the comprehensive plan. Staff Report, p. 14. The applicant's property is designed MUE and MUR (both commercial zones) but the property is being developed as completely residential. While it is not clear why the code prohibits filling residentially zoned land in a floodplain, it may have something to do with Federal Flood Insurance requirements. The city council should look further at the code requirements in filling the floodplain with residential apartments and the city's liability if there is flooding. My client, Jill Warren, will be submitting a separate letter on floodplain requirements.

Conclusion: The applicant has the burden of proof to demonstrate all the approval criterial for the four requested applications have been met. As shown in the above comments, the applicant has not met its burden and the applications must be denied.

I will be at the public hearing on January 13, 2015 to further testify on the A & O Apartment applications and to answer any questions the Council may have.

Very truly yours,

COFIELD LAW OFFICE

Dorothy S. Cofield

Dorothy S. Cofield
Of Attorneys for Jill Warren and Trudy Knowles

DSC:dsc
Attachments: As Stated

Jill Warren
9280 SW 80th Ave.
Portland, OR 97223
January 13, 2015

Tigard City Council
13125 SW Hall Blvd.
Tigard, OR 97223

Dear Council Members,

re: 215-unit apartment complex on Oak St.
CPO 2014-00002, PDR2014-00003,
SDR2014-00004, SLR2014-00002

The Washington Square Regional Center plan was conceived 15 years ago yet was never built. There were unanswered questions about infrastructure costs, impacts of development in a sensitive lands area, property damage from flooding and questionable market success.

Removing Wetlands/Taxpayer Liability

The proposal includes removing 0.42 acres of delineated wetlands on the site from the Comprehensive Plan's Wetlands and Stream Corridor map's Goal 5 Safe Harbor/Significant Wetlands designation along with removal of the same area from the Significant Habitat areas map. It includes reshaping the ground surface to accommodate flooding. According to FEMA map #4102760509C, floodway areas in zone AE "must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights". The residents upstream will have more water impact during an event than if the buildings weren't there. It is not buildable land. Evidence of a changing climate with higher highs and lower lows, in precipitation and temperature, require us to be more thoughtful on how we protect what floodplains and wetlands still remain. It is impossible to justify that mitigation will solve the water problem, there will be extensive property damage and taxpayers will pick up the tab for damage and liability.

Parking Exemption

To satisfy the parking exemption of 9.1% the applicant shall provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site. The nearest bus stop is more than a quarter mile away so the criteria does not justify the parking exemption.

Public Investment

The regional center plan includes a public/private partnership for funding, yet the plan does not fit the zoning criteria for the regional center, rendering it illegitimate. The zones got changed in 1999 from residential 4.5 units per acre to 50+ units per acre mixed use. The project is 100% residential. Why should taxpayers invest in a for-profit investment if there's no civic value? On page 54 of 56 of the staff report the estimate of unmitigated impacts is $1,576,485.00. Where is that money going to come from?

Insurance

According to the state floodplain manager if City of Tigard approves this project the city could no longer qualify to be in the national flood insurance program.

Please do not approve the proposed application.

Respectfully submitted,

Jill Warren

From: "Jere W. Retzer" <jere@teleport.com>
To: jandjay@ix12.ix.netcom.com
Date: Thu, 3 Jun 1999 20:31:48 -0700
MIME-Version: 1.0
Subject: Re: Followup on Ash Creek Article
Priority: normal
X-MIME-Autoconverted: from Quoted-printable to 8bit by ixmail5.ix.netcom.com id UAA29887

Here is the attachment pasted as good old text (looks like a great letter):

DRAFT

June 1, 1999

Ms. Elaine Cogan
Cogan, Owens, Cogan
8313 SW Alder Street
Portland, Oregon 97302
Lloyd Lindley and Lloyd Lindley - promoting development
Dear Ms. Cogan:

The Department of Land Conservation and Development (DLCD) serves as the state,s floodplain management agency under an agreement with the Federal Emergency Management Agency. The department supports the need for Regional and Town Centers such as the proposed Washington Square Regional Center. However, we are concerned about the particulars of this proposed development which would impact lands in the Ash Creek watershed protected by other statewide planning goals (Goal 5 - riparian areas and Goal 7 - floodplains and other natural hazards). As the State,s floodplain manager, I am most concerned about the impacts of this development on the Ash Creek floodplain.

Under federal floodplain management regulations (44 CFR section 60.20) communities that participate in the National Flood Insurance Program, including the City of Tigard, shall evaluate a number of standards in considering proposals for floodplain development. One standard is that the community shall consider the adverse effects of floodplain development on existing development (44 CFR 60.22(c)(4)). In addition, the community shall also consider diverting development to areas safe from flooding in light of the need to reduce flood damages and in light of the need to prevent environmentally incompatible flood plain use (44 CFR section 60.22(c)(2)). Therefore, the City of Tigard must thoroughly evaluate the consequences of developing Ash Creek,s floodplain before issuing a permit. Also, it appears in this situation that there is acreage in the proposed development where higher density development could be diverted to protect the floodplain and wetlands area. The City of Tigard, as a requirement of participating in the national flood insurance program, needs to fully evaluate the consequences of this development.

If you have any questions, please contact me at 503-373-0050 (ext. 255).

Sincerely,

Ann Beier
State Floodplain Program Manager

cc: Mark Eberlein, Federal Emergency Management Agency
Meg Fernekees, Oregon Department of Land Conservation & Development
~~Jim Nicoli~~
Laurie Nicholson taskforce title
*Ward Rader copy to us
*Lloyd
John Spenser filter

Sq. Reg. Center need copy of final letter

Oct. 5, 2005

The Ash Creek Wetland/Floodplain has been up-zoned to 50+ units per acre (up from 4.5 upa).

This floodplain/wetland is an important feature in the Metzger/ Tigard area and is part of the Fanno Creek Watershed.

CPO 4-M opposed up-zoning this important natural resource and the testimony submitted by Jill Tellez in 2000 sites Oregon Land Use Planning excerpts and portions of the WSRC plan contents that do not reflect impact reports, compromises sensitive lands area violating Statewide Goal 9.

The WSRC up-zones neighborhoods and open-space lands. Yet the 1997 Urban Growth Report Update by Metro, Sept.1999, states:

> "There is now no new up zone applied toneighborhoods and parks and open space lands."

Pat Whiting

Attached: J.T.1/31/2000 letter and picture of Ash Creek area upzoned to 50+ units per acre.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon State Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195

Reply To: 6500.3001
File Name: WASQUARE.WPD

July 28, 1999

Washington Square Regional Center Task Force
c/o Elaine Cogan
Cogan Owens Cogan
813 SW Alder
Portland, OR 97205

Dear Task Force Members:

The U.S. Fish and Wildlife Service (Service) is submitting this letter to urge the Task Force not to recommend upzoning of the wetlands and floodplains within the proposed Washington Square Regional Center development area. In particular, the Service is concerned about the wetlands and floodplains associated with Ash Creek that would be impacted if the area between Oak and Hwy 217 is upzoned to allow for a minimum of 50 units per acre. The Service encourages the conservation of these valuable and sensitive natural resources by maintaining the more protective zoning.

In addition to the numerous fish and wildlife species typically associated with wetland and floodplain habitats, Ash creek is known to support sensitive species such as cutthroat and the northern red-legged frog. In addition, Upper Willamette River steelhead, which are listed under the Endangered Species Act as threatened, occur downstream and may occur in Ash Creek. Unfortunately, Ash Creek is currently included on the Oregon Department of Environmental Quality's 303(d) List of Water Quality Limited Waterbodies for declining fish communities due to poor water quality, low dissolved oxygen, high summer temperatures, and fecal coliform.

The recovery and sustainability of fish and wildlife species requires conservation efforts that lead to improved watershed health. This is a challenging goal to achieve in an urban area, not only because of direct development pressures on sensitive areas, but also because of the intensive off-site and indirect impacts related to urbanization. Long-term planning and sound policy development are two of the most effective protection mechanisms available for minimizing both direct and indirect impacts to natural resources and their associated functions and values. Local conservation efforts can play a key role in complimenting, supporting, and expanding upon those at the regional, state and Federal levels. To ensure that local resources continue to provide benefits to fish, wildlife and people, and for consistency with regulations that will affect the site, the Service recommends that the Task Force work to protect Ash creek and associated riparian areas, floodplains, wetlands and buffers by supporting zoning and other conservation strategies that will prevent resource degradation.

The following is a list of some of the many functions that floodplains, riparian zones, and wetlands provide.

Fish and Wildlife Habitat:

- There are currently 54 Federally listed threatened, endangered, proposed, candidate, and special concern species within Multnomah, Washington, and Clackamas counties. Over 80% of these species depend on wetlands, riparian habitat, or the functions they provide for one or more stages in their life cycles. Riparian, floodplain and wetland area protection can benefit listed species, as well as prevent the future listing of other species.
- Healthy riparian areas provide connected, protected corridors for wildlife to travel between seasonal ranges and alternate habitats, allowing for species dispersal. This mobility facilitates genetic exchange and allows utilization of a wider range of potential habitat.
- Undisturbed riparian vegetation composed of a mosaic of various successional stages and plant communities equates to high habitat diversity necessary to support diverse communities and populations.
- Undisturbed riparian systems typically contain an assortment of habitat characteristics including multiple canopy layers, snags, woody debris, irregular edges (which provide a diverse interface between riparian areas and differing habitat types, furthering habitat diversity), undercut banks and overhanging vegetation. These complex characteristics provide the diverse habitat requirements necessary to support a wide range of naturally occurring fish and wildlife species.
- Although riparian and wetland areas cannot ameliorate all adverse upland impacts, they provide the greatest resources needed by fish and wildlife in the smallest area, and thus are a priority for protection.
- In developed and developing landscapes, riparian and wetland areas can provide critical refuge when adjacent habitat is lost or degraded.

Role of Floodplains and Riparian Zones During Flood Events:

- Floodplains naturally accumulate the appropriate type and balanced amount of organic matter and dissolved nutrients which are flushed into streams and rivers during runoff events. At natural levels, this material supplies fish and aquatic invertebrates with a rich source of food that can enhance production.
- Intact vegetation buffers the impact and erosive forces of rain as it hits the ground, and helps to slow and store water as it flows across the landscape. The greater the vegetative cover in a watershed, the greater the amount of water that can be slowed and held for gradual release. Riparian areas and floodplains moderate both high and low stream flows, providing more consistent flows throughout the year.
- Water moves from the active stream channel onto floodplains during storm events, providing natural areas for flood storage. Alterations to floodplains, such as the removal of vegetation or creation of impervious surfaces, reduces the flood storage capacity and infiltration of water over the floodplain. In turn, this results in increased and expedited flows moving downstream, leading to stream degradation and potential flooding problems that may affect life and property.

Water Quality:

- Riparian buffers which retain adequate vegetation and intact soils intercept, store, and biodegrade significant portions of pollutants.
- Riparian buffers filter and break down nutrients. By preventing nutrient loading and excessive aquatic plant and algal growth (which can ultimately cause oxygen depletion and excess ammonia), an increase in water acidity is avoided, which would otherwise

adversely impact fish and other wildlife by slowing fish growth and negatively impacting reproduction in some species.

- Plant roots help to stabilize the soil. Maintaining woody vegetation and limiting soil disturbance in riparian areas will prevent significant quantities of sediment from entering stream systems.

Efforts are needed not only to maintain, but to improve watershed health throughout the metropolitan region. Locally lead and supported efforts are needed more now than ever to recover species such as threatened and endangered salmon and steelhead. The opportunity is still available at the proposed Washington Square Regional Center to avoid impacts to natural resources, which is much more effective than fixing problems later both in terms of preventing irreplaceable resource losses, maintaining environmental health and preventing the unnecessary costs of repair, restoration, or attempting to recreate lost functions through artificial means.

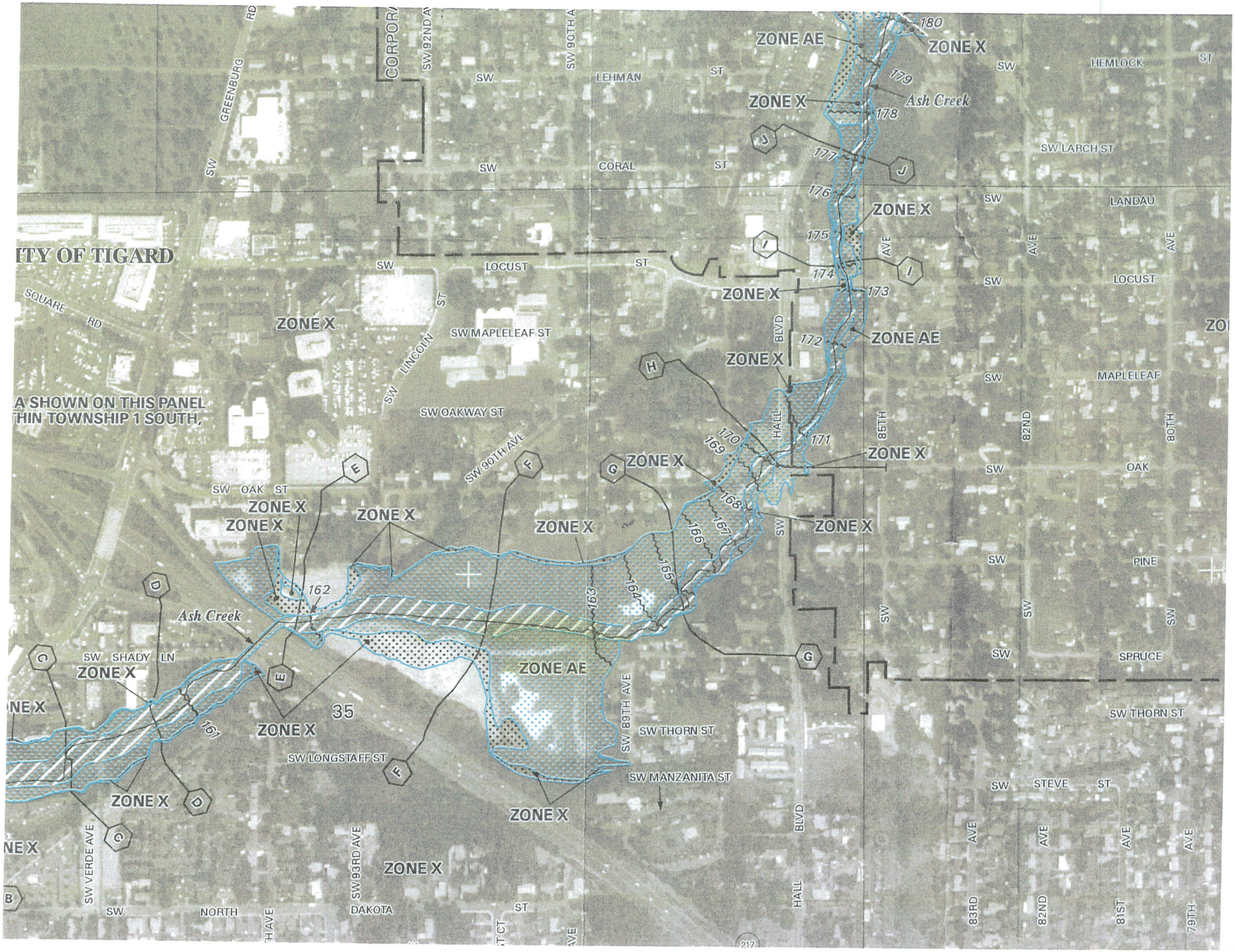
Please ensure that all Task Force members receive a copy of this letter, and that it is included in the Task Force Record and in the Regional Center Plan Appendix for consideration by local jurisdictions. Feel free to contact Jennifer Thompson or Kumari Sivam of my staff at (503) 231-6179 if you would like to discuss these comments, or if we can provide you with any additional information. Thank you in advance for considering our input and keeping us informed of your decision regarding this issue.

Sincerely,

FOR

State Supervisor

cc: Washington Square Regional Center Task Force Members
Tigard City Council
Tigard Planning Commission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SW GREENBURG RD
SW 92ND AVE
SW 90TH AVE
SW LEHMAN ST
SW CORAL ST
SW LOCUST ST
SW SQUARE RD
SW LINCOLN ST
SW MAPLELEAF ST
SW OAKWAY ST
SW OAK ST
SW SHADY LN
SW LONGSTAFF ST
SW THORN ST
SW MANZANITA ST
SW 89TH AVE
SW HALL BLVD
SW 85TH AVE
SW 82ND AVE
SW 80TH AVE
SW HEMLOCK ST
SW LARCH ST
SW LANDAU AVE
SW MAPLELEAF
SW OAK
SW PINE
SW SPRUCE
SW THORN ST
SW STEVE ST
SW VERDE AVE
SW 93RD AVE
SW NORTH
SW DAKOTA ST
83RD AVE
82ND AVE
81ST AVE
79TH AVE
35

LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood.

ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AR Area of special flood hazard formerly protected from the 1% annual chance flood event by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood event.

ZONE A99 Area to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no base flood elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary

0.2% annual chance floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or velocities.

~~~513~~~ Base Flood Elevation line and value; elevation in feet*

(EL 987) Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the National Geodetic Vertical Datum of 1929

A —— A Cross Section Line
~~~

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Occupational Employment Statistics Query System

OES | FONT SIZE:

Occupational Employment Statistics

(For more information or help)

Area: Oregon
Period: May 2013

Occupation (SOC code)	Employment(1)	Employment percent relative standard error(3)	Hourly mean wage	Annual mean wage(2)	Wage percent relative standard error(3)	Hourly 10th percentile wage	Hourly 25th percentile wage	Hourly median wage	Hourly 75th percentile wage	Hourly 90th percentile wage	Annual 10th percentile wage(2)	Annual 25th percentile wage(2)	Annual median wage(2)	Annual 75th percentile wage(2)
Retail Salespersons(412031)	60120	2.7	12.67	26360	1.1	9.13	9.46	11.00	13.83	18.16	19000	19690	22890	28780

Footnotes:
(1) Estimates for detailed occupations do not sum to the totals because the totals include occupations not shown separately. Estimates do not include self-employed workers.
(2) Annual wages have been calculated by multiplying the hourly mean wage by 2,080 hours; where an hourly mean wage is not published, the annual wage has been directly calculated from the reporte data.
(3) The relative standard error (RSE) is a measure of the reliability of a survey statistic. The smaller the relative standard error, the more precise the estimate.

SOC code: Standard Occupational Classification code -- see http://www.bls.gov/soc/home.htm

Data extracted on January 5, 2015

TOOLS
Areas at a Glance
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Injury And Illness

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Disability.gov

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U.S. Bureau of Labor Statistics | Division of Occupational Employment Statistics, PSB Suite 2135, 2 Massachusetts Avenue, NE Washington, DC 20212-0001
www.bls.gov/oes/ | Telephone: 1-202-691-6569 | Contact OES

Carol Krager

From: Gary Pagenstecher
Sent: Tuesday, January 06, 2015 2:19 PM
To: Carol Krager
Subject: FW: Parking comparison document - A+O Apartments
Attachments: Parking comparison121514.doc

Carol,
A further request by the applicant to include this document in the record and to make available to the CC for their review.
Thanks,
Gary

From: Jerry Offer [mailto:jerry.offer@otak.com]
Sent: Tuesday, January 06, 2015 11:16 AM
To: Gary Pagenstecher
Cc: Nawzad Othman; Skip Grodahl; Don Hanson; Mike Peebles
Subject: Parking comparison document - A+O Apartments

Good morning Gary,
Attached is a minimally edited version of the document that I submitted to the Planning Commission showing how other Portland area suburban jurisdictions' parking standards would apply to the proposed unit mix for the A+O Apartments. We would like the City Council to see this document – either in their meeting packets or in the work session prior to the public hearing. Don or Mike will be referring to this comparison at the public hearing.

Also, we will be sending you a couple of letters from Nawzad Othman on behalf of Orland, Ltd., regarding: 1) providing a 12-foot pedestrian easement over the future right-of-way for the SW Lincoln Street extension and DBG, LLC providing the asphalt path within the easement; and 2) Orland agreeing to cooperate in the provision of right-of-way for the SW Lincoln Street extension when needed. Those letters are currently being processed and scanned and will be sent to you in short order.

otak
HarmilGlobal Partner

Jerry Offer | Planner

808 SW 3rd Ave., Suite 300, Portland, OR 97204.
Main 503.287.OTAK (6825) | Fax 503.415.2304 | Direct 503.415.2330

at Otak, we consider the environment before printing emails.

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Tigard Code Section 18.765.070.H Table 18.765.2 parking requirements applied to the A +O Apartments proposal

On-Site Parking Spaces Required

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Subtotal	215	266
15 percent additional onsite parking required for visitors	-	40
Total MFR Units/ Parking Spaces Required	**215 units**	**306 spaces**

On-Site Parking Spaces Provided

Type of Parking Space	Onsite Parking Spaces Provided
Surface parking – standard-sized	121
Surface parking – compact	115
ADA surface parking	5
Parking garage – standard-sized	17
Parking garage – compact	18
Parking garage – ADA space	2
Total On-site Parking Spaces Provided	**278 On-site Parking Spaces**
Total compact spaces	**133 spaces, 48% of total**

In addition, an estimated 16 parking spaces will be provided along the site's SW Oak Street road frontage.

An Exception to the minimum on-site parking standard is requested to allow 278 spaces to serve the development whereas the typical on-site parking standard would require 306 on-site parking spaces. This would constitute a 9.1% reduction in parking. With the 16 on-street spaces added to the on-site parking, a 4% exception to the maximum parking standard would be what is requested.

Washington County Community Development Code parking requirements if they were applied to A +O Apartments proposal

On-Site Parking Spaces Required per Table 413-7 Wash. Co. Development Code

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1 spaces/1-bedroom unit	98	98
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**242 spaces**

Tualatin Community Development Code parking requirements if they were applied to A +O Apartments proposal

On-Site Parking Spaces Required per Tualatin Code Section 73.370(2)(a)

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**266 spaces**

Lake Oswego parking requirements if they were applied to the A +O Apartments proposal

On-Site Parking Spaces Required Per Lake Oswego Code Section 50.06.002

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – 25 of the required parking must be non-reserved so as to provide for common or visitor use	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**266 spaces**

Beaverton Community Development Code parking requirements if they were applied to A +O Apartments proposal

On-Site Parking Spaces Required per Beaverton Code for Multi-Use Zones Section 60.30.010

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio	64	64
1 spaces/1-bedroom unit	98	98
1spaces/2-bedroom unit	53	53
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**215 spaces**

CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
December 15, 2014

CALL TO ORDER

President Rogers called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Rogers
Vice President Fitzgerald
Commissioner Doherty
Commissioner Feeney
Alt. Commissioner Goodhouse
Alt. Commissioner Mooney
Commissioner Muldoon
Commissioner Ouellette
Commissioner Schmidt

Absent: None

Staff Present: Tom McGuire, Assistant Community Development Director; Gary Pagenstecher, Associate Planner; John Floyd, Associate Planner; Lloyd Purdy, Economic Dev. Manager; Greg Berry, Development Engineer; Doreen Laughlin, Executive Assistant

COMMUNICATIONS - None

CONSIDER MINUTES

November 17 Meeting Minutes: President Rogers asked if there were any additions, deletions, or corrections to the November 17 minutes; there being none, Rogers declared the minutes approved as submitted.

UPDATE ON FIELDS INDUSTRIAL PROPERTY

Lloyd Purdy introduced himself as the City of Tigard's Economic Development Manager. He gave an update on the public/private partnership for mixed use development on the Fields property - a project that he'd talked to the commission about ten months ago relating to the Field's Industrial site. This site is a portion of the Field's property along Wall Street in what's called the Hunziker Industrial Core. He went over a memo with the commission regarding that site ***(Exhibit A).***

OPEN PUBLIC HEARING

President Rogers opened the public hearing.

A + O APARTMENTS PLANNED DEVELOPMENT; COMPREHENSIVE PLAN AMENDMENT (CPA)2014-00002; Planned Development Review; (PDR)2014-00003; Site Development Review; (SDR)2014-00004; Sensitive Lands Review (SLR)2014-00002

Comprehensive Plan Amendment approval is requested to remove, or allow conflicting uses on, 0.42 acres of significant wetlands, designated on the Comprehensive Plan's "Wetlands and Stream Corridor Map" as Goal 5 Safe Harbor/Significant Wetlands. The remaining 6.20-acres of significant wetlands on the site would continue to prohibit conflicting uses and be protected under Goal 5 Safe Harbor/Significant Wetlands.
Sensitive Lands Review approval is requested to allow modification to the 100-year floodplain of Ash Creek on the site to include reshaping the existing ground surface to decrease the areal extent of the floodplain on the site without modifying the flood storage capacity or floodwater transmission capacity of the floodplain on the site.
Planned Development Concurrent Concept Plan and Detailed Development Plan approval is requested for the plans for development of 215 multi-family residential dwelling units in four buildings on an 11.17-acre site on the south side of SW Oak Street within the Washington Square Regional Center Plan Area. The proposed planned development would preserve over 6-acres of the site as permanent open space including wetlands and riparian area adjacent to Ash Creek, and would include the provision of pedestrian trail easements to the City for development of future pedestrian trails in this area.
LOCATION: 8900, 8950, 8960, 8980, and 9000 SW Oak Street; south of SW Oak Street opposite SW 90th.

QUASI-JUDICIAL HEARING STATEMENTS

President Rogers read the required statements and procedural items from the quasi-judicial hearing guide. There were no abstentions; there were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: Commissioner Brian Feeney stated that he is working with a couple of the applicant's consultants. He said his company does work with Kittelson & Pacific Habitat Services and that he believes he can be completely unbiased. Site visitations: Commissioners Feeney, Muldoon, Goodhouse, Fitzgerald and Ouellette had visited the site.
No one wished to challenge the jurisdiction of the commission; no conflicts of interest.

STAFF REPORT

Associate Planner Gary Pagenstecher introduced himself. He noted that additional testimony and comments had been forwarded to the commissioners and entered into the record – including the ESEE Analysis. Using boards, he explained to the commissioners the order of the separate recommendations that would be going to Council.

QUESTIONS

"Could you explain the floodplain issue a little more?" The floodplain is identified as elevation 163. The retaining wall (southern boundary of the property) – 163 is out of it on the east side – it's lower than the wall – but on the west side of the development – they plan to fill in the relatively small area (.35 acres) that is in the wetland. 163 goes at a shallow angle from outside the retaining wall to inside the retaining wall. They need approval for filling in a wetland. They need to determine through their analysis that they are not going to increase the level of the flood by displacement in that regard. The conclusion of the study is no net rise in the floodplain as a result of this fill.

STAFF RECOMMENDATION

Staff recommends that Planning Commission find that the proposed Comprehensive Plan Amendment, Sensitive Lands Review, and Planned Development Review will not adversely

affect the health, safety and welfare of the City and meets the Approval Standards as outlined in Section VI of this report. Therefore, Staff recommends that the Planning Commission recommend to City Council APPROVAL, subject to the recommended Conditions of Approval and any modifications that result from the Commission's deliberations.

APPLICANTS TESTIMONY

Jerry Offer, Senior Planner with OTAK Incorporated said he would be acting as the team coordinator. He said Joe Tucker of Ankrom Moisen Architects would describe the architecture and basic site plan. John Van Stavern, a biologist for Pacific Habitat Services would deal with the ESEE Analysis and Comp Plan Amendment as well as the Sensitive Lands application for modification to the wetlands. Mike Peebles, of OTAK, would come up and discuss the floodplain modification. Mike, being the project engineer, would also be available for any questions regarding road improvements, utilities, etc. Mr. Offer said he, then, would talk about the requested parking exception and try to fill in for whatever is important and may have been missed; then Kelly Lawston, a traffic engineer with Kittelson and Associates, would summarize the traffic study.

Mr. Offer said they appreciate the staff recommendation for approval of all four of the applications. He said they accept the conditions of approval that are in the staff report and noted that they hope to be able to address a couple of them before the City Council hearing so they can make those conditions of approval disappear - because they will have addressed them in advance of that.

Joe Tucker, a senior associate of Ankrom Moisen Architects and the project manager for the architectural component of the project thanked the commission for their time. He went over a PowerPoint ***(Exhibit B)*** giving the elevations and describing the project. Among other things, he noted that the plan is to keep them at no more than four stories in height to keep it at a lesser impact and more relative to the neighborhood.

John VanStavern of Pacific Habitat – a biologist, talked about the wetland. He said the wetland had actually expanded in size due to stormwater coming from the adjacent development across the road. There was some lack of maintenance on the road causing the expansion. He said the expansion area was the largest area they're impacting with the significant wetland area. He noted that they've received approval from the National Marine Fisheries Service, making sure that their stormwater plan complies with the Endangered Species Act. They minimized the impact of wetland but because of the impact they have to mitigate for it. They looked at opportunities within the area to mitigate. With the 6.2 acres of remaining wetland they're planting 15,000 native plants within that area; 8,300 native trees and shrubs; and the rest sages and rushes. He said that's actually above and beyond what they need to do. Their proposal is to limit conflicting uses – what that means is that hopefully they will allow the .42 acres of impact; they would then enhance the remaining resources on site so they'll have better wildlife habitat, water quality, and flood control.

Mike Peebles, Sr. Project Engineer of OTAK talked about the floodplain modifications. He noted that the small encroachment area is on the west end in the MUE area – there are no encroachments in the MUR zone. He said there's a no rise change in the floodplain.

Jerry Offer talked about the density requirements. He spoke about the parking exception – pages 23 – 25 of staff report – called out the criteria. He said that if they don't have a

reduction in the parking standard or the modification of the wetland, they're going to be pushed upward with the buildings and they don't think that is the best thing to do with regard to being the first development in the door. He passed out a report to compare parking requirements that would be required for the same project in neighboring jurisdictions ***(Exhibit C);*** Tigard's onsite parking requirement would be 306 spaces for this mix of units, in Washington County with the same mix – they would require 242 spaces; in Tualatin, 266; Lake Oswego, 266; and Beaverton 215 spaces. He said he's pointing this out because he believes they're requiring a reasonable amount of parking for this sort of suburban project.
.

Kelly Lawston, of Kittelson addressed the scope of the traffic study. She noted that they developed the scope of the study in a collaborative process with Washington County, ODOT, and the City of Tigard. They added a couple of intersections based on some comments from ODOT and worked together with those jurisdictions to get a study scope they're comfortable with. The results show that all intersections operate acceptably today and continue to do so with the development in 2015 – the build-out year; no considerations or concerns arose from the traffic study.

Jerry Offer said he appreciates the recommended conditions of approval and that there are two that he wants to call out; conditions 7 & 8 on page 3 of the staff report. The recommendation is that they "provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership"… it refers to a letter from TriMet (TriMet had suggested that they work with the Lincoln Center to provide a transit shelter on Greenburg Road – an existing transit stop.) He said he's been in contact with the property managers at Lincoln Center and that they've not heard back from them yet – but that they hope to get that worked out before they get to the City Council meeting. He believes it would serve both their use, as well as ours, to have a transit shelter there. With regard to condition 8 - "The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvement projects such as the SW Lincoln Street extension, subject to rough proportionality." We're willing to discuss that further in discussions with the Planning Commission.

QUESTIONS FROM THE COMMISSIONERS

"How affordable would these units be? Could someone working for Washington Square be able to afford living in this complex?" I've not had any discussions with the developer about actual money for the units but I know that their target is looking at employees of Washington Square and Lincoln Center, primarily, and having a range of units but I think they wouldn't be characterized as being a high-end apartment project but a market rate mid-range apartment.

Skip Grodahl, with DBG Properties, (the developer) said that the rent would be in the $900.00 range to $2000.00/month. You'd need to be making about $3000/mth to pay $900.00. Our two bedrooms are like twin masters which allows affordability to come down further. To build this type of density is quite expensive so the kind of rents that you need tend to be higher.

A question about the access now - are people using the property now for recreation? Trails? I would say not much – it's very overgrown
.

Why not stick with alternative A which was a higher density building to minimize impact on wetlands? Our primary reason is that we knew we'd have difficulties with the neighborhood no matter what we did – whether it was a taller building or a four-story building like we're proposing. We think that the four-story buildings would be more compatible and acceptable to the neighborhood and to the City. As we looked at the wetlands – in the area we're proposing to do some modifications – they are in no way high-quality wetlands. They're choked with blackberries and other invasive species. We decided it makes more sense to develop a more regularly shaped site so that we could develop a more neighborhood compatible development. In addition, it's less expensive construction.

Was there any thought on whether you could improve the quality of the remaining wetland?

John VanStavern explained that they are proposing a significant on-site mitigation program. He said they are impacting only 6% and preserving 94% of the wetland. The agencies would actually allow them to go all to the mitigation bank and do nothing on site – but what the applicant/developer decided to do was say okay – well let's enhance the remaining area. So we are putting over 15,000 native plants in that area, 8,300 native trees and shrubs – and then the rest sages and rushes. We are keeping some areas unplanted – which is the request of the Department of Fish and Wildlife – so we've got a mosaic of habitats on the site. Ash Creek right now is not shaded at all and so with these trees now being planted within the riparian area and the wetland – that's going to shade the water – that's going to benefit the fish in the creek – and also downstream - keep water temperatures down.

TESTIMONY IN FAVOR -

Ryan O'Brien, Planning Consultant at Emerio Design at 8285 SW Nimbus Ave. Suite 180, Beaverton, OR 97008 – He represents Dr. Gene Davis, the owner of the developable property on the south and north side of Oak Street adjacent to the A+O Apartment property. He summarized his testimony and submitted it in writing ***(Exhibit D)***.

TESTIMONY IN OPPOSITION

Tim Harless – 10435 SW 90th, Tigard – he said he's disabled - and is very concerned about having to clean the leaves out of the storm-drain from the front of his house every time it floods down 90th. He said his property is getting flooded by 90th – which becomes a big river whenever it rains – which happens a lot. The topography of the area causes everything to go underneath the ground and out into the wetlands. Because he has a three-wheeled bicycle - and a pair of dogs that pull him because he can't peddle it – he uses a bike lane. Right across the street where there are new apartments – people are parking in the bike lane. He said, "I complained to the city and they haven't done anything about it. That's dangerous! If you do not do the proper parking for this project, people will be parking in the bike lane. If I get hit by a car, I'm going to sue the City too; seriously - because you're not taking care of the proper parking. It's got to be safe and you've got to consider the people who live here."

Jill Warren – 9280 SW 80th Ave., Metzger area – went over her written testimony (***Exhibit E).*** She's concerned about flood insurance. Believes people would be in harm's way and, once flooded, would have no recourse.

Steve Bintliff – member of Tigard First – read his written testimony on behalf of that group (***Exhibit F).***

Nancy Tracy – 7310 SW Pine St, Portland, OR 97223 – distributed her testimony in writing ***(Exhibit G).*** She is concerned about water runoff.

Jim Long – 10730 SW 72nd Ave., Tigard 97223 submitted written testimony and read it on behalf of CPO-4M. ***(Exhibit H)***

Noreen Gibbons 10730 SW 72nd Ave., Metzger area – believes wetlands are not for people and is concerned about the wildlife. She's also concerned about the quality of life because of the traffic. She believes trying to get onto Greenburg Rd from Oak will be terrible with the traffic.

Margaret Linn 10455 SW 87th, Tigard 97223– submitted her written testimony ***(Exhibit I)*** and briefly went over it. She's concerned with the displacement of water and its impact on the wildlife.

Trudy Knowles – 10430 SW 82nd, Tigard 97223 – showed a sign "Keep Metzger Livable" – a sign on the side of her house for two years.

David Fallman 9055 SW Oak St., Tigard. Lives across the street from the development. He's concerned about the traffic issues. He said there will be 400 or 500 more cars on the road. The parking issue should not be exempt.

Steve Nyes 10250 SW 87th, Tigard, OR opposes the application because of the parking requirements. He says it's not fair for the neighborhood to have to absorb this. There isn't public transit nearby. They should not be granted a parking exemption.

Kristen Prince 10455 SW 90th Ave., – is concerned about the parking and the traffic. She's concerned about the schools being overcrowded and also about the floodplain.

REBUTTAL FOR APPLICANT

Mike Peebles from OTAK came up to address some of the comments concerning floodplain and stormwater concerns. He put a slide up of the composite utility plan. He referred to their preliminary stormwater report that's in their narrative that addresses how they are meeting the City of Tigard, Clean Water Services stormwater requirements. As for the floodplain – the no rise analysis that they performed shows that they had minimal encroachment to the floodplain. The encroachment is on the perimeter on the fringe of the floodplain where it has very low velocity so the impacts are very minor as shown by the hydraulic analysis that shows there's no rise. As for flood insurance requirements – they will comply with those requirements.

Jerry Offer continued, "The City of Tigard's sensitive lands requirements for drainage ways and floodplains have gone through the State Post Acknowledgement Plan Amendment (PAPA) process. They have been reviewed and approved by the state floodplain office; that also goes through Federal review. It does provide an opportunity for modifications to floodplains within

commercial and industrially zoned areas – that's the process we are using. The entire building will be outside of what will be the future 100 year floodplain when the modification is made. As for the storm drain on the western edge of the property that had been plugged – the wetlands on this property grew substantially because of a plugged storm sewer culvert. Our proposal is to pull that culvert and replace it with a storm sewer to get the water off of SW 90th and down into the drainage way. We're also proposing to do street improvements to provide storm sewers along the street.

Mr. Harliss talked about blocked bike lanes – the City of Tigard has modified their standards and have requested they, instead of providing an on-street bike-lane – like we had proposes – they asked us to instead increase the width of the sidewalk along Oak Street from the typical 8 feet to 12 feet to make a better multi-modal ped/bike way that doesn't get blocked.

There were some comments about the Washington Square Regional Center plan and returning the zoning… that's not before the commission now. It's something that's been adopted by the Council some time ago. We're bound by the standards that are in effect at the time we made our application and that is the current MUE1 and MUR1 zones. So that's what you have to review it upon. There's not a zone change to the land use designations in front of you.

Jim Long requested the applications be considered separately by the neighbors. Again, you have to review the application as we have submitted it. I don't think you would have the opportunity to cause them to be separated – in fact, state law provides for them to be able to be combined. We believe it makes sense to address them together.

We are requesting approval of a plan that involves a substantial amount of on-site mitigation to the wetlands that *isn't required.* What is required is the off-site mitigation at the wetland bank in the Bethany area of Washington County. We don't think that's enough. We think that we can greatly improve the wetlands on this site despite the proposal to fill a small portion of the wetlands. We're going to have approximately 95% of the wetlands left – they are going to be enhanced in exchange for the 5% that we're looking to modify."

Mike Peebles from ODOT came back up and noted that the 278 on-site parking numbers does not include the 16 on-street parking spaces that will be provided along the Oak Street frontage.

Kelly Lawston of Kittelson briefly addressed the traffic issue comments; regarding operations along 90th and SW Oak Street with this development. She said "This is a 250 unit development and whenever we are doing our study we use the conservative rates in the ITE that assume all vehicle trips so even though we're in an area that is shown in the Washington Square studies, we were conservative in our assessment and assumed all vehicle trips; when we were looking at the AM/PM Peak Hour - that amounts to about 110 or 135 trips. There was some concern that we'd actually have 4 times the number of trips so I wanted to be sure to hearken back to those numbers.

Jerry Offer added with regard to parking – some people said they were asking for a variance to the parking standard – we are not. We are asking for an exception. The code provides for an exception of up to 10% from what the typical parking standard is. We are requesting a 9.1% reduction of on-site parking. Again, we're providing some on-street parking as well and we

believe that we have adequately addressed the criteria that are already set out in the code that the commission and the council need to consider for approval of an exception. We think we meet the standard.

Lastly, regarding Ryan O'Brien's request that the commission consider requiring right-of-way for SW Lincoln St. to be dedicated even possibly be required to improve it – but then he went on to say that he doesn't know that the City can require it. We don't think it meets the Nexus requirement of the impacts of this development are such that an off-site improvement like that would be required based upon the anticipated traffic impacts. Nevertheless, we're willing to consider some off-site improvements, as I mentioned earlier. We're talking to the management of the Lincoln Center if we can do some transit improvements. We're willing to look at what can be done with regard to SW 90th. In his letter he said that the Orland Company was not interested in giving up SW Lincoln because they're trying to block development and that's not the case. They're looking to share responsibilities for Lincoln and we have talked to Dr. Davis in the past about selling that property or somehow partnering with him for the improvement of SW Lincoln Street but, no, we don't think the City can require improvement of SW Lincoln Street as it relates to this project because we meet the acceptable traffic standards.

PUBLIC HEARING – CLOSED

DELIBERATION

Commissioner Muldoon noted that there appears to be two main issues – the wetlands and quality of life or parking.

Commissioner Doherty asked whether the police could ticket people on 90th – whether that's part of Tigard. "Yes, it's Tigard's jurisdiction."
"So my suggestion would be to inform the Tigard PD to maybe do a little extra. If people are parked illegally - to go out and ticket those people who are parked in the bike lane or in front of mailboxes."

"My second comment is more of an observation as opposed to a question…. This area is *going* to be developed – there's no doubt about it; eventually; by somebody. My concern is if another developer comes in down the road – are they going to do improvements to the wetlands that are there now? This developer has gone through and said 'we're going to plant 8,000 trees and shrubs.' The next developer may do nothing. So, there will be something there – and will it be something that will have no improvements whatsoever. It seems like now it's not something that's real accessible to the neighborhood – possibly it looks like this IS going to be accessible for the neighbors to be able to look on. The next developer may just come along and say 'heck – let's just leave it as blackberries.'"

Commissioner Feeney agreed with Commissioner Doherty and said they definitely are going above and beyond what they are required to do. He spoke about the fact that there are codes that everyone has to follow. He said, "we commissioners are here to follow the code in front of us. I understand the concerns of the neighbors – traffic's an issue but that is more of a higher city code concern. We have to address what's in front of us - and what's in front of us is permitted under those certain things.

Commissioner Fitzgerald thanked everyone for coming in and complimented the very thorough amount of work the project team put together. She complimented Mr. Tucker on the

design of the floor plans. She said it wasn't anything they'd talked about but she noted that there are many nice amenities in the project, including the community gardens and pool. Her main concerns about the project are:

- As this is the first major project in Washington Square I do not want to set precedent with this project.
- This planned development should have come in separate from the detailed plan.
- The project could have been laid out minimizing building footprints and going vertical. This would have reflected the zonings intent for high density and respected the wetlands.
- She has concerns about the impact to the wetlands and doesn't want to set precedence by changing Goal 5 for this.
- Parking: concerns about parking reduction. She believes it's important to have the parking counts met.
    - Families in the area have 5-6 people in a one bedroom. 2 driving adults and a driving teen.

She asked for some clarification from staff on Lincoln Street – her concern is about the improvements of the traffic patterns in this area. She wondered if staff could share any information about city plans for that so the commission is aware. Not just Lincoln Street but the other streets in that area.

Gary Pagenstecher said as far as he knows the TSP expects to develop that area. The city isn't planning on having a Capital Improvement Project in that area – all on its own. It's expecting development will pay the way. Commissioner Fitzgerald asked what the trigger was for that. Gary said it's not warranted at this time. We wouldn't be able to require it so we haven't alluded to that in the staff report.

In reference to TriMet or bus routing – or mass transit - Commissioner Ouellette is hesitant because right now there are service routes but later TriMet could adjust those. How can we use that as a factor in our decision making process This bus stop is just over a quarter mile away but it may not exist due to budgetary cuts. President Rogers said he believes that we have to work with the current conditions. Anything could happen down the road that would change things; however, we work in the "now" and I think that's what they've done.

Commissioner Muldoon had two questions that he wanted to ask staff and wanted the public hearing to be reopened. Commissioner Feeney offered to help answer the questions regarding stormwater; however, Commissioner Muldoon still wanted to hear from staff.

PUBLIC HEARING REOPENED FOR FOLLOWING QUESTIONS

1. Do you feel that there's a substantial improvement with the storm sewer drain idea as opposed to where the water's at right now with an ineffective ditch that can get clogged with leaves and such;
2. The second question is whether you feel the proposed canopy or shading was going to achieve some substantial improvement for the wetlands for water temperature.

Gary Pagenstecher addressed the second question. "That's why we require canopy coverage – which we would in this case for both the parking lot and the overall site according to the new tree code. The planting adjacent to Ash Creek would directly shade the creek and lower the temperature there so, in both cases, it's beneficial to the temperature.
Development Engineer Greg Berry answered the first question. "As Mr. Peebles described, the proposed storm drainage improvement should result in improved drainage out there. Right now there's just ditches and an ineffective culvert – so at least on the south side they'll be putting in curbs and full drainage and they'll have an effective drain to collect it and dispose of it. The north side of the street will remain unimproved and you could still have problems with debris collection on the north side but overall it would be expected to be a much better system."

PUBLIC HEARING RECLOSED

DELIBERATION
Commissioner Schmidt said he agrees with Commissioner Fitzgerald and her comments about parking and the flood zone impediments. He doesn't think this project warrants those kinds of exceptions – there's plenty of variety of ways to improve the capacity of the site and not impact those areas.

President Rogers said he understands that sooner or later something will be built there. The question in his mind is striking a balance. Has enough been done to maintain balance within the neighborhood to preserve the eco-system, to deal with the flood issues, to deal with parking – and he thinks yes.

Commissioner Doherty said it looks to her that when you're talking about balance… you've got 6 acres of wetlands versus .42 acres that they would take from the Goal 5 change. Again, I'm going to reiterate – that area IS going to be built up – it's Washington Square area – there's a density issue – the direction from Metro – there will be density in all the Portland Metro area in the next 25 years. I'm just thinking – do we want to keep those wetlands as they are or have another developer come in that's going to ignore them? That's the dilemma I'm in. The ESEE Analysis follows standards – and that's what we have to follow. Sometimes the Planning Commission doesn't do things that we necessarily agree with but it follows what has been brought and put in front of us and what we have to deal with when it comes to the legal aspect.

MOTIONS
Commissioner Muldoon made the following motion: **"I move the Planning Commission forward a recommendation of approval to City Council of (CPA)2014-00002 and adoption of the finding and conditions of approval without change contained in the staff report and based on the testimony tonight." Commissioner Feeney seconded the motion.**

A verbal vote was taken:

Those in favor – Commissioners Feeney, Muldoon, Rogers, and Doherty
Those opposed – Commissioners Schmidt, Ouellette, and Fitzgerald
Abstentions – none
Motion passes with a count of 4 to 3.

Commissioner Muldoon again moved: **"I move the Planning Commission forward a recommendation of approval to City Council of (PDR)2014-00003 and adoption of the finding and conditions of approval contained in the staff report and based on the hearing tonight."**

A verbal vote was taken:

Those in favor – Commissioners Feeney, Muldoon, Rogers, and Doherty
Those opposed – Commissioners Schmidt, Ouellette, and Fitzgerald
Abstentions – none
Motion passes with a count of 4 to 3.

Commissioner Muldoon again moved: **"I move the Planning Commission forward a recommendation of approval to City Council of (SDR)2014-00004 and adoption of the findings and conditions of approval contained in the staff report and based on the hearing tonight." Commissioner Feeney seconded the motion.**

A verbal vote was taken:

Those in favor – Commissioners Feeney, Muldoon, Rogers, and Doherty
Those opposed – Commissioners Schmidt, Ouellette, and Fitzgerald
Abstentions – none
Motion passes with a count of 4 to 3.

Commissioner Muldoon again moved: **"I move the Planning Commission forward a recommendation of approval to City Council of (SLR)2014-00002 and adoption of the findings and conditions of approval contained in the staff report and based on the testimony heard tonight." Commissioner Feeney seconded the motion.**

A verbal vote was taken:

Those in favor – Commissioners Feeney, Muldoon, Rogers, and Doherty
Those opposed – Commissioners Schmidt, Ouellette, and Fitzgerald
Abstentions – none
Motion passes with a count of 4 to 3.

President Rogers declared that all motions had passed and stated that the next step in the process is the A+O Apartment Complex hearing at the City Council that will occur on January 13, 2015. He encouraged those who testified to attend that meeting and to please bring their passionate public input. He thanked everyone who had come.

WORKSHOP – Medical Marijuana

Associate Planner John Floyd came up and said due to the lateness of the hour that he would try to be brief and high level. He reminded the commission that Measure 91 and the legalization of recreational marijuana had passed in November. He noted that Tigard generally

voted with the rest of the state in terms of percentages. Tigard was 56% Yes / 44% No – which is within ½ a percentage point of the rest of the state.

- Strongest support in northern & eastern precincts
- Weakest support came from the south near the high school and around the Bull Mountain area.
- Our regulatory ability is relatively unchanged
    - The measure authorizes local governments to adopt time/place/manner restrictions
    - Any restriction; however, must be tied to a very specific community impact
- There's a Two-Track Regulatory System
    - Doesn't affect how the state regulates Medical Marijuana – so Medical Marijuana rules remain unchanged.
    - Recreational marijuana has different rules/timelines
    - Council direction to staff was for a single, adaptable set of rules that addresses the full spectrum of activity.

The results of public outreach efforts regarding the development and adoption of marijuana facility regulations:

- Summarized in Packet
- Some feedback was given , but not at levels desired
- The City tried a variety of outreach methods
    - Cityscape
    - Website
    - Online Forum – this wasn't used much because some people felt intimidated by those who were pro. Most people were civil but some people were rather concerned about that and didn't participate because of that.
    - Targeted Survey to 225 Business owners / executives
    - Informal Conversations
- "Wait and See" approach seemed to be common / Show them the proposal
- LOTS of interest based on conversation with realtors / property owners / operators
    - Portland Market getting saturated
    - Pacific Highway is seen as the most desirable location
    - People have said they are signing leases – even when warned that they are advised not to do so until we actually have regulations. Presently the City cannot issue any authorization whatsoever but people want to position themselves to be ready to go.
    - Not just locals – Bend, Ashland, Eugene, and California investors are interested
- Thirty five business owners and leaders did respond after Measure 91 passed did respond
    - 65% did not see an impact to their businesses
    - Only 13% expected to participate directly or indirectly
    - That said – about 60% of respondents supported some form of local regulation / 25% were against local regulations – the rest were unsure
    - When asked about specific types of regulations
        - 63% supported odor controls and limits on hours of operation
        - 71% supported minimum distance buffers

On August 4, 2014 the commissioners had asked for some hard data on this topic.

- Unfortunately hard local data simply does not yet exist – it's too soon
    - Spoke to staff at the City of Portland and they promised to pull something together and for whatever reason – it just wasn't delivered. They may not have it.
    - Spoke to Tigard PD and they don't code data in easily searchable form for marijuana
        - PD did say that the current local medical co-ops have had some property crime associated with them

        - PD believes there's lots of under-reporting
- Only two peer reviewed studies of impacts of dispensaries on local communities
    - Rand Corporation supported a study in LA, then rescinded the study after the data proved to be flawed
    - A Sacramento Study found no correlation between a dispensary and local crime rates, but authors conceded other factors may be at play
- Washington County and Beaverton

Overview of draft regulations to be proposed by staff on January 12, 2015:

- January 15 – First Hearing
- Time/Place/Manner Restrictions
- Seed to Sale
- Based on Tigard adult entertainment regulations / Similar ordinances
- Impacts to be avoided / mitigated
    - Diversion of Marijuana to Minors
    - Unpleasant odors from growing / processing / consumption
    - Noise
    - Crime related to cash / saleable product
    - Threats to health, life, and property
- Basic Structure
    - New chapter to generally regulate "marijuana facilities"
    - Intended to be flexible
        - Adapt to new state regs
        - Duel Track
    - Limited hours of operation – based on average liquor store hours as a reasonable basis
    - 500' Distance buffers from residences / schools
    - No detectable marijuana odor at property line
    - Security standards
        - Orientation of primary entry
        - Exterior Lighting

OTHER BUSINESS – The incoming commissioners were present (in the audience) so President Rogers asked each of them to come up and introduce themselves and tell a little about themselves – which they did. The other commissioners introduced themselves as well – and welcomed the incoming commissioners.

ADJOURNMENT

President Rogers adjourned the meeting at 10:12 p.m.

_____

Doreen Laughlin, Planning Commission Secretary

_____

ATTEST: President Jason Rogers

EXHIBIT C

Tigard Code Section 18.765.070.H Table 18.765.2 parking requirements applied to the A +O Apartments proposal

On-Site Parking Spaces Required

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Subtotal	215	266
15 percent additional onsite parking required for visitors	-	40
Total MFR Units/ Parking Spaces Required	**215 units**	**306 spaces**

On-Site Parking Spaces Provided

Type of Parking Space	Onsite Parking Spaces Provided
Surface parking – standard-sized	121
Surface parking – compact	115
ADA surface parking	5
Parking garage – standard-sized	17
Parking garage – compact	18
Parking garage – ADA space	2
Total On-site Parking Spaces Provided	**278 On-site Parking Spaces**
Total compact spaces	**133 spaces, 48% of total**

In addition, an estimated 16 parking spaces will be provided along the site's SW Oak Street road frontage.

An Exception to the minimum on-site parking standard is requested to allow 278 spaces to serve the development whereas the typical on-site parking standard would require 306 on-site parking spaces. This would constitute a 9.1% reduction in parking. With the 16 on-street spaces added to the on-site parking, a 4% exception to the maximum parking standard would be what is requested.

Washington County Community Development Code parking requirements applied to A +O Apartments proposal

On-Site Parking Spaces Required per Table 413-7 Wash. Co. Development Code

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1 spaces/1-bedroom unit	98	98
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**242 spaces**

Tualatin Community Development Code parking requirements applied to A +O Apartments proposal

On-Site Parking Spaces Required per Tualatin Code Section 73.370(2)(a)

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**266 spaces**

Lake Oswego parking requirements applied to the A +O Apartments proposal

On-Site Parking Spaces Required Per Lake Oswego Code Section 50.06.002

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio (<500 sf)	64	64
1.25 spaces/1-bedroom unit	98	122.5
1.5 spaces/2-bedroom unit	53	79.5
Visitor parking – 25 of the required parking must be non-reserved so as to provide for common or visitor use	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**266 spaces**

Beaverton Community Development Code parking requirements applied to A +O Apartments proposal

On-Site Parking Spaces Required per Beaverton Code for Multi-Use Zones Section 60.30.010

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1 space/studio	64	64
1 spaces/1-bedroom unit	98	98
1spaces/2-bedroom unit	53	53
Visitor parking – no requirement	-	-
Total MFR Units/ Parking Spaces Required	**215 units**	**215 spaces**

EXHIBIT D

Transmittal

Emerio Design
8285 SW Nimbus Ave, Suite 180
Beaverton, Oregon 97008

Cell: 503-780-4061
Email: ryano@emeriodesign.com

TO: Gary Pagenstecher, City of Tigard Associate Planner

FROM: Ryan O'Brien, Planning Consultant

DATE: 12-15-14

SUBJECT: A+O Apartments

I represent Gene Davis, the owner of developable property on the south and north side of Oak Street adjacent to the A+O Apartment property. We are not opposed to this apartment development. However, we believe this development should include the improvement of Lincoln Street to Oak Street or at least the right-of-way should be dedicated so Lincoln Street can be improved in the future. Orland, the owner of the A+O property, are also the owners the property where this right-of-way would be located (Tax Lots 3300 and 3302). A Map of this property is attached. Temporary construction easement will also be needed. The surrounding property owners mentioned this at the neighborhood meeting. We agree with the comments in the Tigard staff report regarding the Lincoln street extension and improvement.

The Lincoln Street extension is needed for good traffic circulation in the area. Orland LTD purchased the land where the right-of-way would be located if Lincoln Street was required for development of the A+O apartments. I do not see any reason why this right-of-way should not be dedicated with the development of the A+O apartments. This right-of-way dedication and street improvements will benefit everyone in the area including employees in the Lincoln Center offices. This will also reduce on traffic on 90th Avenue which is a local street adjacent to Metzger Elementary School and existing single family detached houses. The need is clearly stated in the Tigard Staff Report. The following are additional reasons for the Lincoln street extension.

1. The land where the Lincoln Street right-of-way is located has no value except for the livability of the rental house on the property. Dedication of this right-of-way and improvement of Lincoln Street will be required when this property is developed in the future (Tax lots 3300 and 3302). Dedicating the right-of-way would be a benefit to Orland because other developers in the area would probably build the road at no cost to Orland.

2. Dedication of the Lincoln Street right-of-way would be a "Good Neighbor" gesture because it will help everyone in the general area and especially the property owners along 90th Avenue where street improvements are minimal. Development of 215 units will change the character of the neighborhood and the function of 90th Avenue.

3. Section 18.350.050.A.3 requires the "PUD Concept Plans to identify how the future development will integrate into the existing neighborhood." The traffic study indicated 90th Avenue has capacity 215 additional units. However, the function of 90th Avenue will be degraded. About 600 additional multiple family units could be developed in the area which will require the extension of Lincoln Street.

3. Section 18.350.070.C.8.a allows development if "Public safety is not compromised." Even though the traffic report does not require 90th Avenue improvements to Locust Street or the extension of Lincoln Street, safety issues may occur from the lack of adequate circulation. This is especially true for students that attend Metzger Elementary School and the residents along 90th Avenue that are required to back out from their driveways.

4. The Tigard Staff Report on Page 25 indicates the need to improve accessibility in the Lincoln Center Commercial District in accordance with the Washington Square Regional Center (WSRC). The Purpose of the WSRC Plan District in Section 18.630.010.A.4 requires "Improved multi-modal transportation links to create a desirable, livable community in the face of dramatic population and employment growth".

5. Section 18.630.C requires "All new developments will be required to dedicate and improve public streets and participate in funding future transportation projects within WSRC." Based on this requirement, dedication of the Lincoln Street right-of-way should be the minimum to demonstrate Orland is cooperating with the city to adequately plan for future development in the WSRC Planning District. The only reason why Orlando would not dedicate the right-of-way is to stop other property owners from developing their property. If the right-of-way is not dedicated, the only option available to the city is condemnation which will require the expenditure of public funds. This is not a reasonable alternative. There is a need for other properties to develop along the north and south sides of Oak Street so full street improvements will occur along Oak Street.

6. Page 28 of the staff report indicates an analysis of existing street improvements along 90th Avenue were not included in the traffic study. 90th Avenue will be a primary route to Locust Street. The code does not specifically address this issue. However, a local street is not intended the have traffic which exceeds 1500 vehicle trips per day (vpd) when fully improved (See Figure 18.810.4 in the Tigard Development Code). An unimproved road will have less capacity. Figure 18.810.5 and 18.810.6 show local streets with ranges from 200 500 vpd.

7. The Purpose of Street connectivity in Section 18.630.040.A, indicates that "The standards provide a way for creating continuity and connectivity within the WSRC. The primary objective is to create a balanced, connected transportation system that distributes trips in the WSRC on a variety of streets." This purpose statement is directly related to the extension of Lincoln Street. Gene Davis was told in the past by city staff that no development can occur along Oak Street without the extension of Lincoln Street to Oak Street.

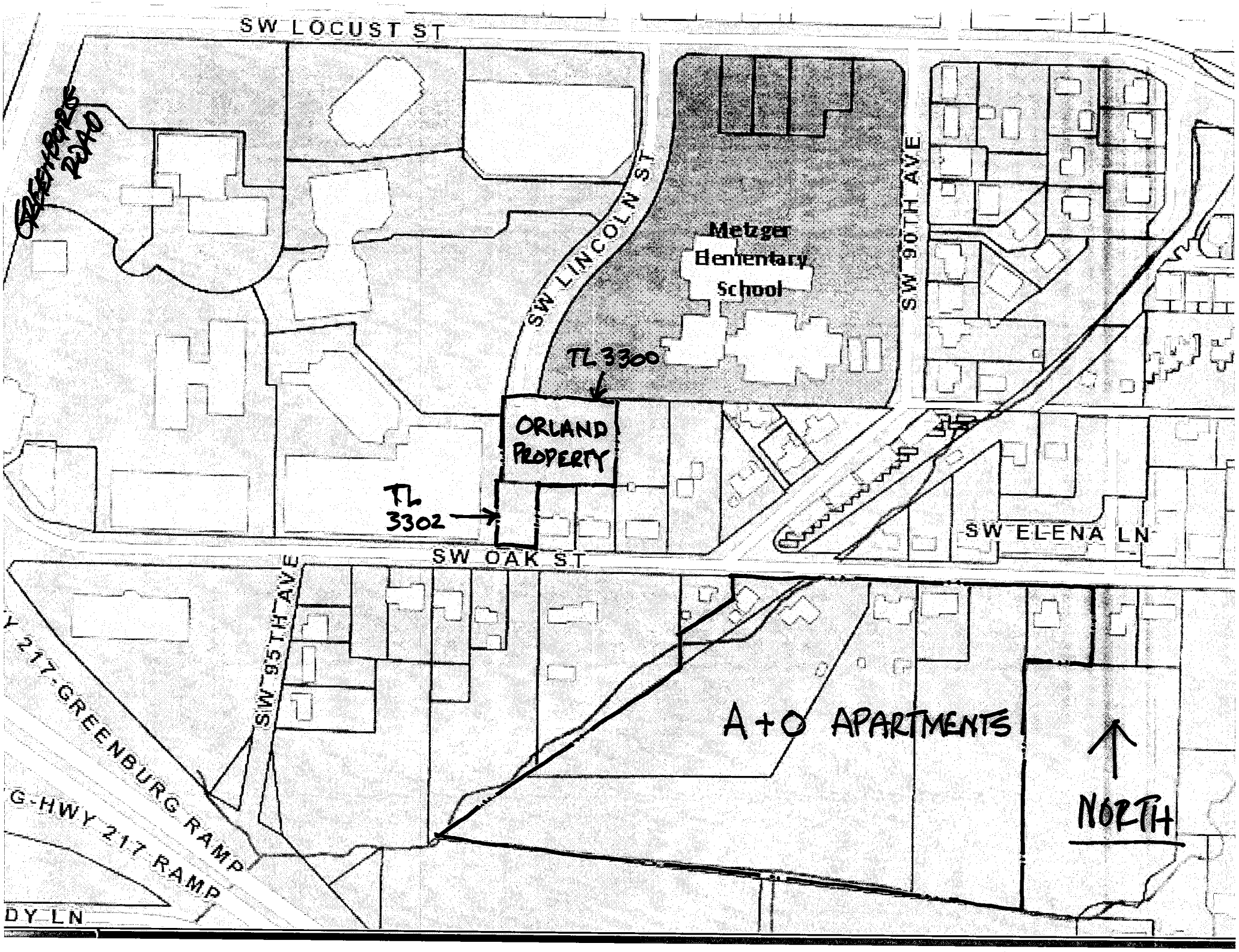

SW LOCUST ST
GREENBURG ROAD
SW LINCOLN ST
Metzger Elementary School
SW 90TH AVE
TL 3300
ORLAND PROPERTY
TL 3302
SW ELENA LN
SW OAK ST
SW 95TH AVE
Y 217-GREENBURG RAMP
G-HWY 217 RAMP
DY LN
A+O APARTMENTS
NORTH

EXHIBIT E

Jill Warren
9280 SW 80th Ave.
Portland, OR 97223
December 15, 2014

To: City of Tigard
Mayor John Cook
Marty Wine, City Manager
City Council
Planning Commnission
13125 SW Hall Blvd.
Tigard, OR 97223

CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Mayor Cook, City Manager
City Council and Planning Commission,

re: 215 unit apartment complex on Oak St.

The Washington Square Regional Center plan was conceived 15 years ago yet never reached fruition. There were unanswered questions about infrastructure costs, impacts of development in a sensitive lands area, property damage from flooding and questionable market success.

To piggy back high-density development and call it the regional center is erroneous. Is it fair to commit taxpayer dollars on a project that is high risk? There will have to be substantial taxpayer investment, i.e. urban renewal bonds for construction costs, infrastructure and potential legal issues.

Flooding/Mold/Insurance

Putting high-density development in a 100-year floodplain that has a history of flooding every 50 years will put people and property at risk. When people are harmed they need to be made whole. The jurisdictions that approved the zoning change will be culpable for litigation (City of Tigard, City of Beaverton, Metro and Washington County). Compound that with flooding impacts downstream and structural water damage (mold), it will be a costly disaster. Water will soak into the drywall and mold will ensue so the buildings will have to be gutted and completely rebuilt.

Flood insurance is prohibitively expensive. If there is a mortgage on the property flood insurance is mandatory. If the property is free and clear there is no mandate for flood insurance. If urban renewal bonds are used for construction costs and there won't be a mortgage on the property will flood insurance be available?

Removing Wetlands

The proposal includes removing 0.42 acres of dileneated wetlands on the site from the Comprehensive Plan's Wetlands and Stream Corridor map's Goal 5 Safe

Harbor/Significant Wetlands designation along with removal of the same area from the Significant Habitat areas map.

It is not proper to remove wetlands from what is currently on the books. If they have to do this to move forward it illustrates this is not the right site for this project.

Bull Mountain

When Bull Mountain was being developed the real estate community knew it was overbuilt. No developer in the private sector would heavily develop that site because they have to mitigate risk. Sure enough 15 years later City of Tigard had to purchase a house from erosion damage because it was "cheaper than being sued". Does the City of Tigard have the resources to purchase a 215 unit apartment complex and do repairs? Is it right for City of Tigard to use taxpayer dollars for investment and repairs and then commit to another high-risk project?

Conclusion

Before approving this proposal there needs to be more investigation from state agencies and risk management. The regional center was stalled for many reasons and we need to revisit questions that were raised 15 years ago. This proposal will change and modify the wetland/floodplain dramatically. There are many alterations in the plan that are extreme in order to pencil out, proving this is not the appropriate site for this project.

Respectfully submitted,

Joe Warren

EXHIBIT F

Members of the Tigard Planning Commission,

My name is Steve Bintliff, a resident of Tigard and member of the citizen group, Tigard First.

I'm speaking in opposition to the A&O Apartments application to build an apartment complex along Oak Street near 90th Ave.

We have noted that the developer for the project is listed on the application as the "Othman Group", but many of the documents are on OTAK, Inc. letterhead. We know that the CEO of OTAK, Mr. Othman, was on the Tigard Task Force that designed the Washington Square Regional Center Plan. So it's no surprise that he would want to capitalize and profit from his involvement and knowledge of the area by pursuing a project here.

We know that this project is funded by 'wealthy foreign investors' as part of the US Government's EB-5 Investor Green Card Program. Congress established the program to attract foreign cash by rewarding foreign investors with green cards. Foreign citizens who invest $1 million in a new businesses organized through government-approved regional centers can qualify for U.S. visas. The Washington Square Regional Center is one of these government-approved centers. (Link: http://www.bizjournals.com/portland/print-edition/2011/12/09/eb-5-to-trigger-millions-for-projects.html?page=3)

According to the Portland Business Journal, The Othman Group was launched to help Middle East-based clients expand to the U.S.. and help Pacific Northwest clients do business in the Middle East. The firm provides strategic positioning, business development, investment advice and community development services. It's clients are in Portland, Iraq and the United Arab Emirates." (link: http://www.bizjournals.com/portland/blog/real-estate-daily/2013/02/otak-founder-othman-launches-real.html)

We can be sure that the investors in this project will have no interest in our community whatsoever. This project is just a clever way for them to get a green card. However, they DO expect a high return on their investment, and to assure that, they're asking Tigard taxpayers to improve their ROI and cover their risk should something go wrong with the property.

We have two main areas of objection:

Wetlands:

By changing the master plan to allow them to take almost half an acre of the wetlands on the site, we, the taxpayers of Tigard become responsible for whatever happens. What could go wrong on land built in a floodplain, to a development built on land we KNOW will flood?

TDC18.775.130 requires that the economic benefits of the project must justify the loss of the wetlands. The Staff report supports the project consuming puts a portion of the wetlands, yet the report does nothing to explain what these benefits are to the community. So we ask: What benefit do the taxpayers realize in exchange for this? By the applicant's own admission, they never seriously considered other alternatives that would leave the wetlands intact. They claim it would result in higher rents, but they never actually put pencil to paper. Honoring the current wetland boundaries might result in higher costs or a lower rate of return for the foreign investors involved, but that's not a problem for our City Staff or for this body to solve, and not a reason to waive or modify the rules for the development.

Parking:

By admission of the applicant and City Staff, the proposed development doesn't include enough parking. If a waiver is granted by this Commission, we believe the residents and their visitors will have to go looking for on-street parking, adding to traffic and congestion in the area. The applicant's weak promise to 'make information available about rideshare services' is NOT an effective mitigation of this possibility, nor is City Staff's assertion that there might be future transit and walkability improvements available to residents. Again, the City Staff report doesn't adequately justify why a parking exemption should be granted. This body should require the parking spaces as specified by the code.

Tigard First strongly urges you to reject the current application, until the project can be resized or restructured preserve the current wetland boundaries, and to have the required number of parking spaces on – site.

Dec. 15, 2014

EXHIBIT G

Tigard Planning Commission
City Hall
Tigard, OR

I share others' concerns, seeing this development as a total misfit for the site as well as the surrounding area, with Metzger Grade School just a few hundred feet away on 96th. Oak Street is a narrow, 2-lane country road without street lights or sidewalks.

Having four grandchildren in college has made me acutely aware of what the future holds for them. We can take steps now to make the climate forecast a better one.

As our world grows warmer, heavier rainfall is predicted for the Pacific Northwest, changing our 100-year floodplains into 21st century 25 to 50 year events.

The City's plans (albeit future) to increase multi-family and commercial development to north and east of this site will creat vastly increased storm runoff. Mike Houck, former conservation chair of the Portland Audubon Society, now with the Intertwine Alliance, remembers walking in 3-foot deep water just a short distance from Hwy. 217. At very little cost the area could, once again, hold three feet of stormwater.

Washington Square depends upon a network of pipes to drain underlying water. Some 3 decades ago water rose up the heat ducts at one store. My husband worked for Del Val, the company that responded to the emergency.

A 50-year resident of the area, I was involved in a mitigation of some 27 acres within this area, the goal being to replace significant wetlands lost in building a hotel next to Greenburg Rd. where most water once accumulated. Instead, the upland 3-acre pond, dug by the Oregon Dept. of Fish and Wildlife, its surrounds to be filled with grasses, shrubs, trees to replace food and shelter of the lost habitat, has failed the mitigation. Tons of fill, over the limit set by the US Army Corp of Engineers, has buried the former wetland.

Located on the Pacific Flyway the site once offered migrating birds a resting place and food. This land awaits our best restoration efforts.

It is a tragedy as we enter a new century where water is going to be a major issue, for this land, bounded by 217, Greenburg and Oak, to retain zoning for any development. Every square inch, to my mind, should be treasured for the stormwater protection it offers — free of charge — to Washington Square, upland redevelopment and downtown Tigard Merchants.

Please oppose this development.

Sincerely
Nancy

Nancy Leaper Tracy
7310 SW Pine St
Portland, OR 97223

EXHIBIT H

December 15, 2014

To: Planning Commission & City Council
City of Tigard
13125 SW Hall Blvd.
Tigard, Oregon 97223

Subject: Testimony re: Ash Creek and Oak Apartments (A+O Apartments)
Case ID Numbers: CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Commissioners, Councilors, and Mayor -

The Neighborhood Meeting about this proposed development drew 55-60 concerned citizens last February.
The September CPO-4M meeting had 39 attendees with many concerns about these applications.
At its last meeting in November, the membership of CPO-4M voted unanimously to oppose portions of these application/s.

This is a Type III=PC LAND USE REVIEW.
We are hoping that you hear all of the public input prior to your deliberations and a decision. The County Commissioners allow 2 minutes for individuals and five minutes for organizations like CPOs. Can CPO4M be allotted five minutes?

Why are the four applications in the above cases not considered separately?
Please do not streamline these cases, but separate the four applications, and allow 2 min. per application

We see that the City planner has outlined a lot of conditions that need to be met before implementation if approved. What is the applicant's response?

Because we believe that after tonight's hearing there will be some outstanding questions that need to be answered, we request a continuance and that the record remain open to allow for more input and answers to the questions raised in these cases prior to your final deliberations.

We disagree with the staff recommendations and find errors in the applicant's assertions.

On page 1 of the staff report misspells the applicant's name. This creates difficulties for people trying to research more info about the applicant. Whereas staff asks for the exact name of the permittee, staff misspells the applicant's in its posted report to the council and PC.

= = = = = = = = **Wetlands** = = = = = = = = = ==

CPO-4M opposes the requested amendment to remove/decrease any acreage or partial acreage (0.42 acres) of existing wetlands south of southwest Oak Street from the Comprehensive Plans map.

Uses that conflict with the city code should be prohibited. Recent climate change has brought some extreme conditions elsewhere that don't suggest any modification of this 100-year flood plain is warranted here at this time.

Almost every winter over at least four decades, CPO members have seen from viewpoints {on SW Oak Street, SW Spruce Street, Oregon Highway #217, and SW Greenburg Road) those lands covered with water supporting fish and wildlife habitat. These are federal and state "wetlands" that have increased and the City of Tigard has deemed them to be 'significant wetlands'.

It appears that the combination of the proposed decrease in wetlands acreage and the proposed wall would increase the elevation of the surface water of the 100-year flood plain

CPO-4M was involved in the lack of fulfillment of the proposed Washington Square Regional Center and the Presidential Parkway proposals in the late 1990s. CPO members thought the wetlands were protected.

= = = = = = = = = **TRAFFIC & PARKING** = = = = = = = = =

Does Tigard have traffic problems already? Yes. Has there been a city traffic study along SW Oak Street recently? This morning at 6am I did a little parking study. On the north side of SW Oak Street there are signs that say "No Parking This Side of the Street." I saw two vehicles parked illegally on the north side of Oak Street and in the bike lane.
In addition, parking along SW 90th was full this morning at 6:10am.

At the Neighborhood meeting, the applicant said: "Parking will be provided to meet minimum requirements of City of Tigard."

But now they want a variance on parking. CPO-4M opposes the request for a variance for off-street parking and loading requirements code [Code 18.765] because they are unable to provide enough parking spaces for all the 1-bedroom and 2-bedroom units. Fifty-one vehicles without parking spaces will create a serious parking overflow.

The applicant's claims about Tri-Met are not accurate either.
It is more than one-quarter of a mile to any of the Tri-Met bus line stops (routes #43, #76, #78) on Locust, Hall or Greenburg roads.

[Goal 7 **Hazards]** There are economic and insurance liabilities from building in the floodplain. The City of Tigard and its citizens have already experienced costly negative economic issues due to overbuilding (poor planning decisions) on Bull Mountain.

[Code: 18.795] **Visual clearance** – The proposed four 4-story buildings along SW Oak Street would block scenic viewpoints.

Also, for the record, when asked at the Neighborhood Meeting if any of this 'complex' will be affordable housing, the developer's answer was, "No, it won't be affordable." The applicant's minutes of the Neighborhood meeting clearly differ from our minutes.

So in summary, we oppose the variance in city codes for parking and wetlands and request continuance beyond the holiday season to allow for full deliberation of the issues.

Respectfully submitted,

Jim Long, Chair
Citizen Participation Organization-4M
10730 SW 72nd Avenue
Tigard, OR 97223

EXHIBIT I

Letter to Gary- My story:

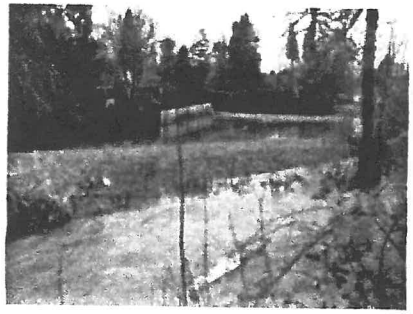
My husband and I have been living at 10455 SW 87th since 1996. Our front door faces the old Lyon (Don and Hazel) farm house across 87th that sits on Hall. In 50 years their house never flooded. Ash creek runs through it until it runs under the bridge across Oak and on to the flood plain adjacent to the wetland that this apartment proposal hopes to molest. Every winter since we moved in, the floodplain to the right of us would fill with water-until 2004.

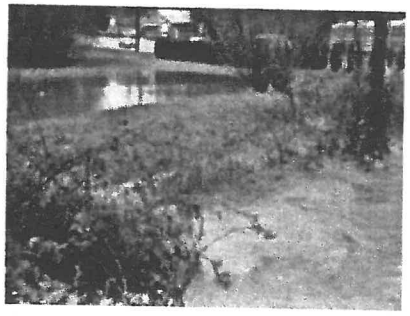
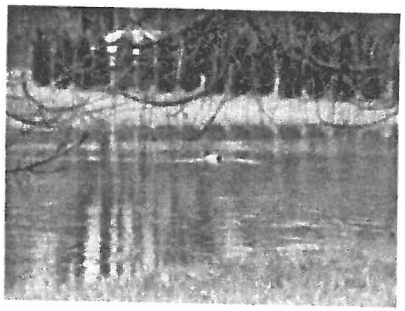
When the sewer line was installed in 2004, that stretch, we noticed truckloads of dirt being brought in to the flood plain (with tremendous amount of dust to compromise our attempt to paint our house) At the same time pumps where being brought in as well. As I understand it, the owner of that property was exercising his own agenda for pumping water. As well he pasteurized horses as the rest of my neighbors were told they could not have chickens.

Since that time the water has found another place to go. It now collects across from us in the yard of Hazel Lyon. Ill and elderly she worried about her property but had no energy to research it. She has since passed away and a new owner has acquired the land.

Below are photos of her flooding which is happening half the time now during winter. In the center of the 4th photo, is a berm added by the sewer project, but you can see it did very little good. As well our back yard has become a soupier each winter. The more this stretch of land gets messed with, the wetter we become.

So my question is,what exactly do I have as a land owner, beside the fact that I am a Audubon member and bird steward who is profoundly disappointed with the zoning that allowed for this proposal, and besides the fact that I have already witnessed multiple traffic accidents on that blind corner of 87th, and Oak, and besides the fact that my neighborhood already rejected the regional center plan, that would see any benefit to this investment that is applying a real hazard to us and other neighbors. I vehemently urge reconsideration of this plan.



Agenda Item: 6
Hearing Date: December 15, 2014 Time: 7:00PM

STAFF REPORT TO THE PLANNING COMMISSION FOR THE CITY OF TIGARD, OREGON

TIGARD

120 DAYS = 1/28/2015

SECTION I. APPLICATION SUMMARY

FILE NAME: A + O Apartments Planned Development

CASE NOS.:

Comprehensive Plan Amendment	**(CPA) 2014-00002**
Planned Development Review	**(PDR) 2014-00003**
Site Development Review	**(SDR) 2014-00004**
Sensitive Lands Review	**(SLR) 2014-00002**

REQUEST:

Comprehensive Plan Amendment approval is requested to remove Goal 5 protection (allow conflicting uses) from 0.42 acres of significant wetlands, designated as significant on the Comprehensive Plan's "Wetlands and Stream Corridor Map." The remaining 6.20-acres of significant wetlands on the site would continue to prohibit conflicting uses and be protected under Goal 5 Safe Harbor/Significant Wetlands.

Sensitive Lands Review approval is requested to allow modification to the 100-year floodplain of Ash Creek on the site to include reshaping the existing ground surface to decrease the areal extent of the floodplain on the site without modifying the flood storage capacity or floodwater transmission capacity of the floodplain on the site.

Planned Development Concurrent Concept Plan and Detailed Development Plan approval is requested for the plans to develop 215 multi-family residential dwelling units in four buildings on an 11.17-acre site on the south side of SW Oak Street within the Washington Square Regional Center Plan Area. The proposed planned development would preserve over 6-acres of the site as permanent open space including wetlands and riparian area adjacent to Ash Creek, and would include the provision of pedestrian trail easements to the City for development of future pedestrian trails in this area.

APPLICANT:
DBG Oak Street, LLC
c/o Skip Grodahl
2164 SW Park Place
Portland, OR 97204

OWNER:
Oland, Ltd.
c/o The Othman Group
215 SW Washington Street, Suite 202
Portland, OR 97204

LOCATION:
8900, 8950, 8960, 8980, and 9000 SW Oak Street; south of SW Oak Street opposite SW 90th Avenue; WCTM 1S135AC Tax Lots 4000, 4100, 4200, 4300, and 4400 and WCTM 1S135AD Tax Lot 1303.

ZONE/ COMP PLAN DESIGNATION:

MUE-1 and MUE-2: mixed use employment districts. The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.

MUR: mixed use residential districts. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district.

APPLICABLE REVIEW CRITERIA:

Community Development Code Chapters: 18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements.

Comprehensive Plan Goals: Goal 5 Natural Resources, Goal 6 Environmental Quality, Goal 7 Hazards, Goal 8 Parks Recreation and Open Space; Statewide Planning Goal 5; applicable Federal (USACE), Oregon Department of State Lands, and Metro (Titles 3 and 13) statues and regulations.

SECTION II. STAFF RECOMMENDATION

Staff recommends that Planning Commission find that the proposed Comprehensive Plan Amendment, Sensitive Lands Review, and Planned Development Review will not adversely affect the health, safety and welfare of the City and meets the Approval Standards as outlined in Section VI of this report. Therefore, Staff recommends that the Planning Commission recommend to City Council **APPROVAL,** subject to the following recommended Conditions of Approval and any modifications that result from the Commission's deliberations.

RECOMMENDED CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO COMMENCING ANY SITE WORK:

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the Community Development Department Attn: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

1. Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

2. The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

3. Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.

4. Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.

5. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).

6. Prior to any ground disturbance work, the applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

7. The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

8. The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, as recommended by the Planning Commission and approved by City Council.

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

9. Prior to any work on site, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for

the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

10. Prior to any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.

11. Prior to any work on site, the applicant shall obtain approval from the City Engineer for the Oak Street design which is anticipated to include a 20 foot paved half width, plus 8 foot planter with street trees and underground utilities, and 12 foot sidewalk in a 40 foot right of way half width.

12. Prior to any work on site, the applicant shall obtain city approval of a design access report.

13. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.

14. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.

15. Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.

16. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.

17. Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.

18. Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.

19. Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

20. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

21. Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.

22. Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.

23. Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the Community Development Department Attn: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

24. Prior to final inspection, the applicant shall contact the Planning Division (Gary Pagenstecher, 503-718-2434) for a final site review to ensure consistency with this land use decision.

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

25. Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance

26. Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include 20 foot paved with, 8 foot planter with trees lights and utilities in a 40 foot row width.

27. Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.

28. Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.

29. Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

30. Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.

31. Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

THIS APPROVAL SHALL BE VALID FOR 18 MONTHS FROM THE EFFECTIVE DATE OF THIS DECISION.

SECTION III. BACKGROUND INFORMATION

Site History and Description

The subject property is bordered on the west by the abandoned Oregon Electric Railroad alignment and has been used in recent times as pasture. The property is comprised of six parcels, four of which are currently developed with vacant single family residences along their Oak Street frontages. According to Washington Country records, the dwellings were built in the late 50s and early 60s. The property annexed into the City in 1987.

Vicinity Information:

The site is located within the Washington Square Regional Center District and is zoned MUE-1, a high density mixed use employment district and MUR-1, a high density mixed use residential district. Lincoln Center north of Oak Street is an example of high-density mixed use employment development within this district, which generally extends east of Greenburg between Hall and Hwy 217. The MUR-1 district lies between the MUE-1 district to the west and Hall Blvd to the east, extending south of Locust to Hwy 217. The subject site is centrally located within these zones with like-zones adjacent. The immediate vicinity south of Oak Street is characterized by the Ash Creek drainageway and associated wetlands. The subject property contains an approximately 1100 foot reach of Ash Creek at its southern boundary located mid-way between its confluences with Fanno Creek to the west and the South Fork of Ash Creek to the northeast.

Proposal Description:

The applicant's narrative states that "The general objectives in proposing the Planned Development Combined Concept Plan and Detailed Development Plan for the A+O Apartments and the open space protection for a large portion of the site are to:

- Help meet the need for multi-family housing in Tigard;
- Provide market rate multi-family housing within a reasonable distance from the Washington Square Shopping Center, Lincoln Center, and other nearby commercial uses in a location that is (or is planned to be) well connected to those areas by pedestrian and bicycle pathways, public transit, and roads;
- Provide an attractive living environment for project residents;
- Border the apartment project with preserved open space to the south in order to provide a buffer between the apartments and Highway 217, as well as between the apartments and a developed neighborhood of detached single-family homes to the southeast;
- Preserve and enhance valuable open space areas while utilizing portions of the overall site which are not significantly constrained by floodplain, wetlands, riparian areas, or significant vegetation for residential purposes;
- Provide adequate parking for the needs of residents and visitors; avoid parking overflow into nearby neighborhoods."

The proposed development plans provide for development of 215 multi-family residential dwelling units within four 4-story multi-family residential buildings located on an 11.17-acre gross area development site. The plans for the project provide for dedication of 0.32 acres of additional right-of-way for the widening of SW Oak Street across the site's frontage leaving a site area of 10.85 acres. 6.62 acres of the site is delineated wetlands (See Wetland Delineation Report and map by Pacific Habitat Services, Impact Assessment Report B). 4.23-acres of the net site is upland without either mapped 100-year floodplain or wetlands. The proposed development plans provide for the filling of 0.42 acres of previously degraded wetlands adjacent to the southern edge of the upland portion of the site. The development plans also use 0.21-acres of non-wetland area which juts southward into the wetlands as permanent open space. All of this area and the remaining wetlands area will be located to the south of a retaining wall (6.41-acres total south of wall) which will separate this area from the development site area of 4.44-acres.

SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET AND INTERESTED PARTIES

The applicant held a neighborhood meeting to present the conceptual development plans for the project and to gather comments on those plans at Metzger Elementary School on February 20, 2014. Approximately 60 people attended that meeting including many nearby residents, representatives of CPO 4M, representatives of the Friends of Fanno Creek and the Tualatin Riverkeepers, and a reporter for the Tigard Times. Meeting notes from that

meeting are included in Appendix B of the applicant's submittal, along with a copy of the notice which was mailed to owners of property within 500 feet of the site. Affidavits regarding mailing of the notice and posting the site with a sign regarding the meeting are also included in Appendix B. Representatives of the project development team also met with CPO 4 on September 24, 2014 to discuss the plans with the CPO members. In addition, representatives of the project development team met onsite with representatives of the Tualatin Riverkeepers organization on August 28, 2014 to discuss the plans for the project and the status of the wetland-related permitting process.

The city sent notice of a Public Hearing to neighboring property owners within 500 feet of the subject site boundaries and interested parties on November 3, 2014. The City received seven written comments identified below:

Jim Long, 10730 SW 72nd Avenue, Chair CPO-4M, writes in opposition to the proposed impacts to wetlands and floodplain and to the parking exception, and further highlights issues associated with economic liabilities of buildings in the floodplain and impacts on views.

Nancy Lou Tracy, 7310 SW Pine Street, writes in opposition to the proposed wetland impacts, in favor of their benefits for storm water filtration and habitat values.

Kristin Prince, 10455 SW 90th Avenue, writes in favor of improving SW Lincoln Street through to SW Oak Street as part of the project approval to address potential adverse impacts to local streets. She notes that ownership of the property required for extension is the same as the owner of the property subject to the proposed development.

Jill Warren, 9280 SW 80th Avenue, as a participant in the Washington Square Regional Center Planning process, raises plan implementation issues associated with wetland and floodplain impacts.

Dave Fahlman, 9055 SW Oak Street, writes in favor of improving SW Lincoln Street as a condition of approval to address increased traffic and the limited capacity of SW 90th Avenue.

Dr. Gene Davis, 10875 SW 89th Avenue, writes in favor of extending SW Lincoln Street and to full improvements to SW Oak Street.

Brian Wegener, Tualatin Riverkeeper Advocacy & Communications Manager, questioned whether wetland impacts have been sufficiently avoided by reducing building footprints through increased building height. He further questions the applicant's proposed use of a remote Tualatin River wetland mitigation bank over available local Ash Creek sites.

RESPONSE: Commenters are generally concerned with the proposed development's adverse impacts on significant wetlands and on neighborhood livability due to increased traffic, particularly on SW 90th Avenue, and off-site parking demand due to the requested minimum parking space exemption. The review criteria and findings in this staff report substantively address these issues.

SECTION V. ISSUES SUMMARY

NOTE: Procedure for review: according to TDC18.390.080.D.2.b.ii, the decision on the Wetland and Stream Corridors map amendment (**CPA**) shall precede other actions. A decision on impacts to the floodplain, drainageways, and wetlands (**SLR**) follows as it can affect the net buildable area subject to the planned development proposal. According to TDC18.350.020.D, in the case of concurrent applications for concept plan and detailed development plan (**PDR**) . . . The Planning Commission shall take separate actions on each element of the planned development application i.e., the **concept approval** must precede the **detailed development approval**; however each required action may be made at the same hearing.

Wetland Impacts (CPA)
TDC18.775.130 states "The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource."

Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center Plan District. See page 11.

Planned Development (PDR)
Parking Exemption
TDC18.350.050.4. requires that "The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc."

The plans for the project include public pedestrian easements for the future development of a trail along Ash Creek, a trail to connect between that trail and the sidewalk along SW Oak Street, Oak Street sidewalks along the property's frontage, and primary pedestrian routes through the site. However, given the applicant's request for a parking exemption of 9.1%, should the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014? See page 21.

TDC18.350.070.C.5.d is one of five criteria that must be addressed to warrant the requested parking space exemption: "Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses;"

Although the site is relatively well served by transit as is reported and detailed in Impact Assessment Report F, staff finds that the availability of transit may not be sufficient to ensure its use. In considering the parking exemption and the potential for mitigating the adverse effects on adjoining uses, shall the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014? See Page 24.

Funding future transportation
TDC18.630.010.C. states: "developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center."

To meet required participation in funding future transportation and public improvements projects (subject to rough proportionality) should the applicant be asked to consider, for example, a range of improvements associated with Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement? See page 28.

SECTION VI. SUMMARY OF APPLICABLE CRITERIA

The following summarizes the criteria applicable to this decision in the order in which they are addressed:

A. COMP PLAN AMENDMENT REVIEW CRITERIA
18.775.130 Sensitive Lands, Plan Amendment Option

B. SENSITIVE LANDS REVIEW CRITERIA
18.775.070.B Floodplain
18.775.070.D Drainageways
18.775.070.E Wetlands

C. PLANNED DEVELOPMENT REVIEW CRITERIA
18.350 Planned Developments
18.520 Commercial Zoning districts
18.630 Washington Square Regional Plan Standards
18.705 Access, Egress and Circulation

18.715 Density Computations
18.725 Environmental Performance Standards
18.745 Landscaping and Screening
18.765 Off-street Parking and Loading Requirements
18.790 Urban Forestry Plan
18.795 Vision Clearance Areas
18.810 Street and Utility Improvement Standards

SECTION VII. APPLICABLE REVIEW CRITERIA AND FINDINGS

A. COMP PLAN AMENDMENT REVIEW CRITERIA

The following criteria apply to the proposed Comprehensive Plan Amendment (CPA) to the City of Tigard "Wetland and Stream Corridors" map.

Applicable Provisions Of The City's Implementing Ordinances:

18.775.090 Special Provisions for Development within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek

A subject property contains locally significant wetlands identified on the City of Tigard "Wetlands and Stream Corridors" map.

A. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0030) pertaining to wetlands, all wetlands classified as significant on the City of Tigard "Wetlands and Streams Corridors Map" are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130.

The applicant has applied for the Plan Amendment Option to remove Goal 5 protections from .42 acres of significant wetlands to allow the proposed development.

18.775.130 Plan Amendment Option
Any owner of property affected by the Goal 5 safeharbor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek may apply for a quasi-judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an alternatives analysis, as described in Section 3.02.5 of the CWS "Design and Construction Standards." The applicant shall demonstrate that such an amendment is justified by either of the following:

The applicant has chosen to demonstrate the amendment is justified through an ESEE analysis.

A. ESEE analysis. The applicant may prepare an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040.

The applicant has submitted an ESEE analysis (Appendix C of Application and a revised ESEE analysis dated 12-8-14) prepared in accordance with OAR 60-23-040, to justify removal of Goal 5 protection from 0.42 acres of significant wetlands on the subject property.

This provision is met.

1. The analysis shall consider the ESEE consequences of allowing the proposed conflicting use, considering both the impacts on the specific resource site and the comparison with other comparable sites

within the Tigard Planning Area;

The applicant's ESEE analysis dated December 8, 2014 addresses the consequences of allowing the proposed conflicting use, identifying the impacts to the resource site and a comparison of comparable sites within the Tigard Planning area. Although the wetlands identified for removal are degraded, their association with Ash Creek makes them continue to be significant. Sites that could accommodate the proposed program were few and included a smaller site in the WSRC vicinity that could accommodate 75 units and a larger site at Hunziker Road and Wall Street with some wetlands but zoned I-P which does not allow the multi-family use. The lack of readily available sites of sufficient size and zoning led the applicant to choose the proposed development site as the preferred development site.

This provision is met.

2. The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;

The applicant's ESEE analysis states that "Prohibiting conflicting uses would keep the wetland intact and likely limit the footprint of the proposed development activity to the existing houses on SW Oak Street. The houses would be remodeled or torn down and replaced by new houses. As there will be no change in density, prohibiting conflicting uses would impact the potential densities planned for (and required) in the *Washington Square Regional Center Implementation Plan*. The economic benefits for local businesses from developing a high density apartment complex would not be realized. The applicant would also realize far less economic benefit from remodeling or replacing the four houses. There will be a loss in short term construction jobs required when the apartment complex is developed."

This provision is met.

3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use;

The applicant states: "Developing the property, while achieving the Washington Square Regional Center Plan's minimum density requirements, would be very difficult without the proposed wetland filling to provide a more regular shaped development site. If the site configuration is not "squared up," a very inefficient site development pattern would be necessary with a resultant increase in residential building heights in order to meet the minimum prescribed density for the site. While we have not done a final site and building design for development on a non-reconfigured development site, the project team estimates that it would be necessary to have residential buildings with four- to six-stories of residential units atop two levels of parking garages within the buildings on such a site. Six- to eight-story buildings would provide a much more significant variation from the existing single-story through three-story residential buildings to the north, east and south of the site than the proposed three-story above single level parking garage buildings than are currently proposed with the proposed reconfigured site. The taller buildings that would be necessary would require significantly different and much more expensive building construction techniques than is proposed. The current proposal is for wood frame construction over concrete single-level parking garages or concrete slabs. Additional parking levels would require ramps between levels at a significant construction cost. Additional levels of residential units would, at a minimum, require more expensive wood frame construction, or alternatively push the construction type to steel frame or concrete construction. DBG, LLC is trying to develop an economically viable residential development at close to the minimum density prescribed for the site by the zones applied to it, while making a reasonable attempt to respect the lower building heights of the existing residential neighborhood to the north, east and southeast of the site. In order to bear the additional costs of construction that would be necessary to develop on the non-reconfigured site, we would likely need to increase the density further to bear the costs, and that would result in even taller buildings adjacent to the relatively low profile neighborhood."

Several sites were identified in the Tigard Planning Area which included a smaller site in the WSRC vicinity that could accommodate 75 units, a site adjacent that was unavailable, and a larger site at Hunziker Road with some

wetlands but zoned I-P which does not allow the multi-family use. The lack of readily available sites of sufficient size and zoning led the applicant to choose the proposed development site as the preferred development site.

This provision is met.

4. The ESEE analysis shall be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;

The ESEE analysis has been prepared by wetlands biologist John van Staveren, PWS of Pacific Habitat Services based upon their on-site delineation of the wetlands on the site and an assessment of the quality and condition of the area which is proposed to be filled. The ESEE analysis was reviewed by other team members including land use attorney Steven Pfeiffer, land use planner Jerry Offer, and civil engineer Mike Peebles.

This provision is met.

5. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" shall be amended to remove the site from the inventory.

On approval of this request the site would be removed from the inventory.

This provision can be met.

FINDINGS: As shown in the analysis above, the ESEE analysis addresses the requirements of this section. The subject property contains Goal 5 safeharbor protection of significant wetlands. The applicant has applied for a quasi-judicial comprehensive plan amendment under a Type IV procedure. The application is based on a specific development proposal for 215 apartments, the A+O Apartments. The applicant has demonstrated that such an amendment is justified by and ESEE analysis consistent with OAR 660-23-040.

The applicant concludes that "limiting conflicting uses would result in the most positive consequences of the three decision options. A limit decision will avoid many of the negative consequences attributed to either allowing or prohibiting all conflicting uses. Through the application of site design and development standards to conflicting uses, the impacts on the significant wetland can be minimized (only 6% of wetlands on site will be impacted) and the remaining resource can be enhanced. There will be a relatively high level of economic, social, environmental and energy benefits achieved. Limiting conflicting uses offers the most benefit to the wetland (through its enhancement) and to the community, and strikes a balance between conflicting uses and planning goals. The recommendation is to limit conflicting uses within the significant wetland."

Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center (WSRC) Plan District. It is clear that the development proposal substantially implements the planning goals, including density, for the WSRC and minimizes its footprint given the project's 215-unit goal and the requested parking exception. A majority 94% of the wetlands are protected and enhanced on site, with a 3.2:1 off-site mitigation for the 6% of wetlands being adversely affected. Appendix D of the applicant's submittal (CWS SPL, reverse of Figure 2) provides a CWS Tier II Site Alternatives Analysis for impacts to the Vegetated Corridor, which is also useful for comparing incremental adverse economic consequence of not allowing conflicting uses.

If Council approves the application for Comprehensive Plan Amendment, then the ESEE analysis will be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" will be amended to remove the site from the inventory.

CONCLUSION: Staff recommends that the Planning Commission recommend to City Council approval of the proposed Comprehensive Plan Amendment.

B. SENSITIVE LANDS REVIEW CRITERIA

The following criteria apply to the proposed Sensitive Lands Review (SLR) for impacts to the Ash Creek floodplain, drainage ways, and wetlands/associated vegetated corridor.

18.775.020 G. Sensitive lands permits issued by the hearings officer.
1. The hearings officer shall have the authority to issue a sensitive lands permit in the 100-year floodplain by means of a Type IIIA procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.775.070.

The proposed sensitive lands permit request for these landform alterations would normally be reviewed by means of a Type IIIA procedure by the City of Tigard's hearings officer. However, since the sensitive lands permit request is being reviewed as a combined application request including a Comprehensive Plan amendment, the concurrent applications will be heard by the Planning Commission and City Council, with the City Council being the actual decision-making body.

2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:
a. Ground disturbance(s) or landform alterations in all floodway areas;
b. Ground disturbance(s) or landform alterations in floodway fringe locations involving more than 50 cubic yards of material;
c. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50% of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;
d. Structures intended for human habitation; and
e. Accessory structures which are greater than 528 square feet in size, outside of floodway areas.

According to the applicant's submittal, the A+O Apartments include approximately 423 cubic yards of material removal and 3,423 cubic yards of fill material within significant wetlands and 395 cubic yards of fill within the floodplain outside of the wetlands portion of the site. The plans do not include any ground disturbances or alterations within the Ash Creek floodway. The proposed development within the floodplain does not include any activities related to existing structures, accessory structures or utilities, or any structures proposed for human habitation.

18.775.030 Administrative Provisions
A. Interagency coordination. The appropriate approval authority shall review all sensitive lands permit applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.

Appendix F of the applicant's submittal includes a Joint Corp/DSL permit application (APP056389) for development within wetlands associates with Ash Creek, a tributary to Fanno Creek and the Tualatin River. The necessary permits have been applied for. This provision is met.

As governed by CWS "Design and Construction Standards," the necessary permits for all "development," as defined in Section 18.775.020.A, shall include a CWS service provider letter, which specifies the conditions and requirements necessary, if any, for an applicant to comply with CWS water quality protection standards and for the agency to issue a stormwater connection permit.

Appendix D of the applicant's submittal includes a CWS Service Provider Letter (SPL) and Natural Resources Assessment Report by Pacific Habitat Services. The SPL specifies conditions and requirements necessary for the applicant to comply with CWS water quality and protection standards. Implementation of these requirements will be ensured by a condition of approval of the Council's final order. This provision is met.

18.775.040 General Provisions for Floodplain Areas
Permit review. The appropriate approval authority shall review all permit applications to determine whether proposed building sites will minimize the potential for flood damage.

According to the applicant's narrative, proposed buildings B, C, and D are located outside of the existing floodplain area. Building A will be located on fill within the existing floodplain. Garage finished floor elevation will be approximately 2' above the existing floodplain elevation. The habitable finished floor elevation will be approximately 12' above the existing floodplain elevation. The proposed building site minimizes the potential for flood damage. This provision is met.

Base flood elevation data. When base flood elevation data has not been provided in accordance with subsection B of this section, the director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsections M and N of this section.

Base flood elevation (BFE) has been determined for this project area. The BFE is shown on Federal Emergency Management Agency (FEMA) map number 410276059C for the City of Tigard, Oregon, Washington County revised February 18, 2005. The floodplain boundary is shown (elevation 163) on the Existing Conditions plan (Sheet P1.1). This provision is met.

18.775.050 General Provisions for Wetlands
Code compliance requirements. Wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map," and to a vegetated corridor ranging from 25 to 200 feet wide, measured horizontally, from the defined boundaries of the wetland, per "Table 3.1, Vegetated Corridor Widths," and "Appendix C, Natural Resource Assessments," of the CWS "Design and Construction Standards." Wetland locations may include but are not limited to those areas identified as wetlands in "Wetland Inventory and Assessment for the City of Tigard, Oregon," Fishman Environmental Services, 1994.

According to the Pacific Habitat Services, Inc. May 9, 2014 Natural Resource Assessment for the subject site, the proposed development would impact .42 acres of significant wetlands and 1.02 acres of vegetated corridor measured 50 feet wide. Therefore, the following wetland regulations would apply to 1.44 acres of the site.

Delineation of wetland boundaries. Precise boundaries may vary from those shown on wetland maps; specific delineation of wetland boundaries may be necessary. Wetland delineation will be done by qualified professionals at the applicant's expense.

According to the applicant's narrative, a wetland delineation of the wetland areas on the site was done by the professional wetland scientists of Pacific Habitat Services. The delineated wetland boundary stakes provided by that on-site delineation were surveyed and mapped by the surveyors of Otak, Inc. The actual locations of wetlands on the site vary slightly from what is shown on the City of Tigard "Wetland and Streams Corridors Map. A copy of the Wetland Delineation report for the site by Pacific Habitat Services is included in the applicant's submittal as Impact Assessment Report B. The wetland boundary and associated vegetated corridor are illustrated clearly on Figure 3, PHS Natural Resource Assessment Report, Appendix D. This provision is met.

18.775.070 Sensitive Land Permits
Permits required. An applicant, who wishes to develop within a sensitive area, as defined in Chapter 18.775, must obtain a permit in certain situations. Depending on the nature and intensity of the proposed activity within a sensitive area, either a Type II or Type III permit is required, as delineated in 18.775.020.F and G. The approval criteria for various kinds of sensitive areas, e.g., floodplain, are presented in subsections B through E of this section.

This application includes proposed development in the Ash Creek floodplain, drainageways, and within wetlands (and associated vegetated corridor). The City Council is the decision-making body under concurrent review with the requested comprehensive plan amendment Type IV procedure. Impacts to these sensitive areas are addressed in findings for their respective approval criteria below.

18.775.070.B Within the 100-year floodplain. The hearings officer shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:

applicant's submittal includes Impact Assessment Report E, Preliminary Storm Drainage Report by Otak, Inc. According to the report, the fill area is approximately 0.35 acres. Figure 3 shows the proposed development in relation to the 100-year floodplain boundary (elevation 163). Proposed buildings B, C, and D are located outside of the existing floodplain area. Building A will be located on fill within the existing floodplain. Garage finished floor elevation will be approximately 2' above the existing floodplain elevation. The habitable finished floor elevation will be approximately 12' above the existing floodplain elevation.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;

A zero rise analysis has been completed and is included in the applicant's submittal as Appendix E in the Preliminary Drainage report. Based on the analysis of potential floodplain impacts associated with the proposed development, there will not result in any increase in flood levels during the base flood discharge. This criterion is met.

3. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 18.120 of the community development code shall be allowed in areas designated residential subject to applicable zoning standards;

The site of the proposed development includes both commercial plan designations and residential plan designations. The proposed development plans show floodplain modifications within portions of the site which have a Comprehensive Plan Map designation of MUE-1. Portions of the site which include the residential MUR-1 Comprehensive Plan Map designation include proposed modifications to wetlands. However, no modifications to the 100-year floodplain are proposed within the MUR-1 area. This criterion is met.

4. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

A zero rise analysis has been completed and a memorandum is included as Appendix E in the Preliminary Drainage Report. Based on the analysis of potential floodplain impacts associated with the proposed development, there will not be an increase in the 100-year water surface elevation. This criterion is met.

5. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the hearings officer as untimely;

The proposed development plans for the A+O Apartments include a public pedestrian easement to the City of Tigard for the future development of the City's planned Washington Square Regional Center Trail. Staff has determined that the Center Loop Trail alignment on SW Oak Street is preferred to the Ash Creek alignment along this reach of Ash Creek. The City Engineer has determined that a 12-foot wide multi-modal path within the Oak Street right of way along the property's frontage will be a required public facility improvement for this project. This criterion is met.

6. Pedestrian/bicycle pathway projects within the floodplain shall include a wildlife habitat assessment that shows the proposed alignment minimizes impacts to significant wildlife habitat while balancing the community's recreation and environmental educational goals;

The proposed development plans for the A+O Apartments propose the dedication of a public pedestrian easement to the City of Tigard for the future development of the City's planned Washington Square Regional Center Trail. A wildlife habitat assessment, further floodplain analysis and other related studies will need to be completed prior to construction of this trail. The actual alignment of the trail will need to be determined by the City in concert with resource permitting agencies prior to the final design and construction of the trail.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained; and

The applicant's submittal includes a CWS SPL (Appendix D) and a U. S. Army Corps of Engineers (COE)/Oregon Department of State Lands (DSL) permit application (Appendix F). This criterion is met.

8. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the city shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

The proposed development plans include a public pedestrian easement to the City of Tigard for the development of the City's planned Washington Square Regional Center Trail. Because the alignment across the property is not yet known, the City will require a blanket ped/bike easement over the entirety of Wetland A. This criterion is met.

FINDINGS: According to the analysis above, the floodplain criteria are met.

18.775.070.D Within drainageways. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:

A storm water ditch, or drainageway, 475 square feet in area (0.01 acre) is located in the northwestern portion of the site that carries stormwater from SW Oak Street and the adjacent condominium complex to the north of Oak Street. The Natural Resource Assessment by PHS characterizes this ditch as non-jurisdictional and therefore without an associated vegetated corridor.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;

According to the applicant's narrative, the proposed development plan for the A+O Apartments minimizes impacts to wetland/floodplain/drainageways by pushing the proposed area of development towards SW Oak Street. This results in impact to an existing ditch in existing public drainage easement on the western portion of the site. It is proposed that the existing ditch/drainageway be relocated into a public storm sewer pipe with an outfall to the wetlands to the south. The proposed alteration of this section of the drainageway on the southern portion of the site is limited to only the area that is necessary to construct the proposed storm sewer to replace the existing open drainage ditch, and therefore will limit drainageway disturbances to only what is necessary for the proposed use. This criterion is met.

3. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

According to the applicant's narrative, the proposed development plan for the A+O Apartments will replace an existing open drainage ditch into a public storm drainage pipe located in a public drainage easement that will extend the existing public storm drainage system and convey existing runoff from the upstream basin. The proposed public

storm drainage pipe will outfall to a rip-rap pad and drain into wetlands and Ash Creek. The plans provide for appropriate erosion control plans designed to City and CWS standards so that the proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property. This criterion is met.

4. The water flow capacity of the drainageway is not decreased;

According to the applicant's narrative, the open drainage ditch to be removed will be replaced with a public storm pipe in a new alignment that will have adequate capacity to convey to the upstream runoff. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, a small portion of the existing drainage ditch at its southern end will not be covered by structures or impervious surfaces. This portion will be replanted with seed mix to prevent erosion. The area to be replaced and put into a storm drainage pipe will be covered by pavement and landscaping associated with the proposed apartments designed consistent with the requirements of Chapter 18.475 and related standards as addressed elsewhere in this report. This criterion is met.

6. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;

According to the applicant's narrative, the existing drainage ditch will be replaced with a public storm sewer pipe in a new alignment (to be covered by a public drainage easement). The proposed storm drainage pipe has been sized to provide adequate capacity to convey the maximum anticipated flow from upstream basin in accordance with the 1981 Master Drainage Plan. The public easement will be located within the drive-aisle/parking area of the proposed multi-family development. The City will have access to public storm manholes for maintenance of the proposed public storm sewer. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the city shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

The proposed development plans propose the dedication of a public pedestrian easement to the City of Tigard for the development of the City's planned Washington Square Regional Center Trail. Because the alignment across the property is not yet known, the City will require a blanket ped/bike easement over the entirety of Wetland A.
This criterion is met.

FINDINGS: According to the analysis above, the drainageways criteria are met.

18.775.070.E Within wetlands. The director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:

Pursuant to TDC 18.775.050, General Provisions for Wetlands, wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map," and to a the 50-foot vegetated corridor for

Wetland A, as shown in Figure 3 of Pacific Habitat Services' Natural Resource Assessment for the subject site. The proposed development would impact .42 acres of significant wetlands and 1.02 acres of vegetated corridor. Therefore, the following wetland regulations apply to a total of 1.44 acres of the site.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the comprehensive plan floodplain and wetland map nor is within the vegetative corridor established per "Table 3.1 Vegetative Corridor Widths" and "Appendix C: Natural Resources Assessments" of the CWS "Design and Construction Standards," for such a wetland;

The applicant has requested wetlands to be removed from the designation of locally significant wetlands on the City of Tigard "Wetlands and Streams Corridors" Map by the Comprehensive Plan Amendment portion of this application. If that request is approved, these wetlands will no longer be designated as significant wetland on the Plan's floodplain and wetland map. As such, a sensitive lands permit can be approved in accordance with this section for both the wetland and its associated vegetative corridor. This criterion is met.

3. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;

According to the applicant's narrative, the proposed filling of 0.42 acres of wetlands is limited to only what is necessary to "square up" the developable portion of the site to accommodate the proposed 215-unit apartment complex and related parking and recreation facilities without creating any more wetland site disturbance than is absolutely necessary. The proposal includes ground level parking under two of the proposed residential buildings, a request for an exception to the minimum required number of on-site parking spaces in order to limit the area of development, and a retaining wall along the full width of the project's southern development boundary to limit impacts to sensitive areas. Given the findings in the applicant's ESEE analysis, this criterion is met.

4. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;

According to the applicant's narrative, the 0.42 acres of proposed encroachment into the wetlands on the site has been designed to be on the edges of or outside of the floodplain on the site. A storm sewer system has been proposed to replace the surface drainage through the wetlands on the western portion of the site. These measures have been designed in order that on-site and off-site drainage will not be adversely affected by the proposed wetlands modifications. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, an erosion control plan addressing the City and Clean Water Services' erosion control requirements will be submitted as part of final grading plans, as well as part of any state or federal permit applications. Disturbed areas will be replanted if not covered by impervious surfaces. This criterion is met.

6. All other sensitive lands requirements of this chapter have been met;

All other applicable sensitive lands approval standards related to the proposed development application are reviewed in findings within this staff report. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. The provisions of Chapter 18.790, Tree Removal, shall be met;

The provisions of Chapter 18.790, Urban Forestry Plan, are addressed further in this staff report, below. This criterion is met.

9. Physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, recreation and open space policies of the comprehensive plan have been satisfied.

The following Comprehensive Plan policies address physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, and recreation and open space. Findings address satisfaction of these policies with regard to the proposed plans for wetland modifications.

Natural Resources

1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:

A. contribute to the City's scenic quality and its unique sense of place;

B. provide educational opportunities, recreational amenities, and buffering between differential land uses;

C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and

D. result in healthy and naturally functioning systems containing a high level of biodiversity.

7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.

8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.

11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.

The City addresses the above policies dealing with wetlands, water resources, riparian areas and wildlife habitat through the development and administration of the sensitive lands permit process. The application of and satisfaction of the standards of that permitting process to the A+O Apartments development plans, including proposed modifications to the wetlands, habitat, and floodplain area on the site, are a demonstration that these plan policies have been satisfied. In addition, application of the planned development parking exemption has been requested to help minimize the development footprint.

Hazards

1. The City shall not allow development in areas having the following development limitations except where the developer demonstrates that generally accepted engineering techniques related to a specific site plan will make the area suitable for the proposed development:

A. areas having a severe soil erosion potential;

B. areas subject to slumping, earth slides, or movement;

C. areas having slopes in excess of 25%; or

D. areas having severe weak foundation soils.

The City of Tigard's development review application process implements this policy through the requirement of a geotechnical report as part of the required impact assessment of a proposed development. The current application includes a site specific geotechnical report prepared by Geotechnical Resources, Inc. that report demonstrates that

the proposed development site will be suitable for development without undue soil erosion and that the site does not contain slopes in excess of 25%; areas subject to slumping, sliding, or earth movement; or weak soils.

7. The City shall comply with the Federal Emergency Management Agency (FEMA) flood regulations, which include standards for base flood levels, flood proofing, and minimum finished floor elevations.

8. The City shall prohibit any land form alterations or developments in the 100- year floodplain which would result in any rise in elevation of the 100-year floodplain.

9. The City shall not allow land form alterations or development within the 100-year floodplain outside the zero-foot rise floodway unless:

A. The streamflow capacity of the zero-foot rise floodway is maintained; and

B. Engineered drawings and/or documentation shows there will be no detrimental upstream or downstream effects in the floodplain area.

10. The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.

11. The City shall comply with Metro Title 3 Functional Plan requirements for balanced fill and removal in the floodplain.

The City has addressed these above policies dealing with floodplain development and landform alterations through the development and administration of the sensitive lands permit process. The application of and satisfaction of the approval standards of the sensitive lands permitting process to the A+O Apartments development plans, including proposed modifications to the floodplain area on the site, are a demonstration that these plan policies have been satisfied.

Parks Recreation and Open Space

8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:

A. developed areas with facilities for active recreation; and

B. undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

22. City-owned property may be used for private wetlands mitigation considered on a case-by-case basis.

This policy allows, but does not require developers to provide local wetlands mitigation. The applicant has proposed off-site mitigation with this project. The City Parks Director has commented that private wetland mitigation on city-owned property has proved difficult administratively in the past and that city property will need to be used in the future for city projects that require mitigation. In this case, city owned property is not available for private wetland mitigation.

Goal 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.

Policy 1. The City shall create and interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban centers and regional recreational opportunities utilizing both public property and easements on private property.

The proposed development plans for the A+O Apartments include the provision of a public pedestrian trail easement within the privately owned wetland area adjacent to Ash Creek. This trail easement segment is provided to serve the Washington Square Regional Center Trail that is called for in the Parks Master Plan and is called for as multi-use path M-9 on maps and tables of the Tigard 2035 Transportation System Plan. The development plans also provide for a public pedestrian path easement for the future development of a connecting trail between SW Oak Street and the future Washington Square Regional Center Trail.

FINDINGS: As shown in the analysis above, the wetlands criteria are met.

CONCLUSION: Staff recommends that the Planning Commission find, and recommend to Council, that the applicable sensitive lands review criteria for floodplain, drainageways, and wetlands are met or can be met as conditioned, subject to a determination that Goal 5 protections can be removed, as requested by the applicant.

C. PLANNED DEVELOPMENT REVIEW CRITERIA

The following criteria apply to the proposed Planned Development Concept and Detailed Plan Reviews (PDR) for the 215 unit planned development.

18.350 PLANNED DEVELOPMENTS

18.350.020 Process

A. <u>Applicable in all zones.</u> The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.

D. <u>Concurrent applications for concept plan and detailed plan.</u> In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the planned development application (i.e., the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.

The applicant has elected to develop this project through the planned development process. In this case, the applicant is also applying for a concurrent review of the planned development concept plan and the detailed development plan. Separate concept plans and detailed plans have been submitted, requiring separate actions by the commission and council.

18.350.050 Concept Plan Approval Criteria

A. The concept plan may be approved by the commission only if all of the following criteria are met:

1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.

The Planned Development Concept Plan, Sheet P2.2, illustrates areas on the site that are intended to be preserved as open space in the form of wetlands and enhanced wetland; active open space and recreation areas near the proposed building locations; and passive landscape areas. The applicant's narrative, along with the applicable supplemental reports in the Appendix, describe how the natural open space, active open space, and passive open space areas are to be used and how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

2. The concept plan identifies areas of trees and other natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.

The planned development concept plan illustrates how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.

The Planned Development Concept Plan, Sheet P2.2, along with the aerial photo of the site and its environs, Sheet P2.1, illustrates how the proposed development will fit into the street and land use pattern of the neighborhood. This criterion is met.

4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

The plans for the project include the provision of an 8-foot wide sidewalk along the site's frontage. The Planned Development Concept Plan, Sheet P2.2, illustrates the general areas on the site where the applicant is offering to provide public pedestrian easements for the future development of a trail along Ash Creek, and a trail to connect between that trail and the sidewalk along SW Oak Street. Primary pedestrian routes through the site are also illustrated. However, given the applicant's request for a parking exemption of 9.1%, staff recommends that the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.

The planned development concept plan illustrates the proposed development pattern for four multi-story multi-family residential buildings on the northern portion of the site, along with associated recreation and parking facilities. The concept plan provides for approximately 4.16 acres of the site to be developed with multi-family dwellings at a net density of between 50 and 60 units per net acre, and for approximately 6.2-acres of the site to be retained as wetlands and floodplain associated with Ash Creek. Limited public access to the wetlands area is provided for through the provision of public pedestrian access easements to be dedicated to the City of Tigard for future trail development. This criterion is met.

6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.

The proposed development plan for the A+O Planned Development provides for the long term preservation of wetlands and floodplain associated with Ash Creek, along with significant enhancements to the wildlife habitat values of the wetlands through the removal of invasive vegetation and the planting of significant number of native trees. This work to restore the wetlands on the site would not occur unless there was a development project occurring primarily on the upland portion of the site, along with a relatively minor amount of wetland filling to create additional developable area. The practicality of intensive development of the upland portion of the site is dependent upon the proposed wetland filling to create a more usable development footprint, and is also dependent upon having flexibility with regard to certain development standards such as by reducing the amount of on-site parking to be provided; by not providing individual decks or porches for all units as would be required through the Site Development Review approval standards; and by accounting for shared open spaces through looking at the larger development plan.

In addition, it is noted that proposed A+O Apartments Planned Development will further the objectives of the Washington Square Regional Center plan by providing desired relatively intense residential development in close proximity to shopping opportunities at Washington Square and other nearby centers; close proximity to employment opportunities at Washington Square, Lincoln Center, and other nearby office and commercial centers; and within close proximity to transit opportunities on SW Greenburg Road, SW Locust Street, and SW Hall Boulevard. While the proposed development will be fairly intensive compared to the existing neighborhoods consisting primarily of detached single-family residences to the south and east of the site, the proposed A+O

Planned Development will provide a step down in intensity from Washington Square and Lincoln Center to those existing neighborhoods. The A+O Planned Development will be developed at a density (52 units/acre) which is low in the range of residential densities allowed by the MUE-1 and MUR-1 zoning districts applied to the site of the proposed development (50 units/acre minimum, no maximum). This criterion is met.

FINDINGS: According to the analysis above, the concept plan approval criteria are substantially met. However, staff recommends that the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014, as conditioned below.

CONCLUSION: Staff recommends the Planning Commission find that the proposed Concept Plan substantially meets the approval criteria and recommend approval of the Concept Plan to the City Council, subject to consideration of an enhanced mobility plan.

18.350.060 Detailed Development Plan Submission Requirements

C. <u>Compliance with specific development standards</u>. The detailed development plan shall show compliance with base zone provisions, with the following modifications:

1. Lot dimensional standards. The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.

There is no applicable minimum lot size in the underlying MUE-1 and MUR-1 districts. The site size will be 10.95 acres after dedication of additional road right-of-way for SW Oak Street. This standard is met.

2. Site coverage. The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks.

The concept plan provides for less than 40% of the gross planned development site area to be developed and over 60% of the site to be retained as natural and enhanced wetlands. Therefore, the proposed concept plan clearly meets this standard. Additionally, 25% percent of the portion of the site which is planned to be developed with the apartments will be landscaped and not covered by buildings or pavement. This standard is met.

3. Building height. In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be set back from the perimeter of the site a distance of at least 1-1/2 times the height of the building.

No increase in building height is request beyond that allowed by the underlying zones. This standard is met.

4. Structure setback provisions:

No exceptions to the applicable base zone setback standards are requested. All buildings within the proposed A+O Apartments Planned Development will be required to meet all applicable setback and building separation standards of the underlying zones and of the Uniform Building Code and Fire Code. No garage entrances will enter onto SW Oak Street. Both parking garages will have entrances internal to the site. This standard is met.

5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.

No exceptions are requested to any other standards of the base MUE-1 and MUR-1 zoning districts. This standard is met.

18.350.070 Detailed Development Plan Approval Criteria

A detailed development plan may be approved only if all the following criteria are met:

A. The detailed plan is generally consistent with the concept plan.

According to the applicant's narrative, the proposed detailed development plan has been designed to be completely consistent with the concept plan, except for providing additional details on how the site is to be developed. No changes to the residential densities, amounts of open space and landscaping, land usage; effects upon environmentally sensitive areas or hazardous areas; or the proposed pattern of development are proposed. This criterion is met.

B. All the provisions of the land division provisions, Chapters 18.420, Partitions, and 18.430, Subdivisions, shall be met if applicable;

No land division is proposed. Therefore, the provisions of Chapters 18.420 and 18.430 are not applicable to the proposed final development plan. This criterion is met.

C. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the commission that promotes the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.

2. Chapter 18.705, Access, Egress and Circulation. The commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).

No exception to the applicable access, egress and circulation standards is requested.

3. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

No density bonus is requested.

4. Chapter 18.745, Landscaping and Screening. The commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.

No exception to the applicable minimum landscaping requirements is requested.

5. Chapter 18.765, Off-Street Parking and Loading Requirements. The commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if:
a. The minimum number of parking spaces is not reduced by more than 10% of the required parking; and

An exception to the minimum required on-site parking space standard is requested to allow the proposed A+O Apartments to be served by 278 on-site parking spaces rather than the 306 on-site spaces which normally would be required for this type and size of development. The requested 28 fewer parking spaces would represent a 9.1 percent reduction from the normally required amount of on-site parking. Criterion (a) is met.

b. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or

The proposed mix of apartment units in the project with a relatively high number of smaller unit types (64 studios and 98 1-bedroom units) and the absence of larger dwelling units should result in fewer residents per dwelling unit than would be typically expected in a suburban multi-family project. Therefore, it is reasonable to anticipate that the lesser number of residents per unit would translate to a lesser demand for on-site parking spaces as compared to a typical suburban multi-family development. The applicant argues that the City of Tigard's minimum parking space standard is oriented more to the demand for parking spaces for a typical multi-family project with larger dwelling units than is currently proposed. Criterion (b) is met.

c. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or

The applicant has not identified any opportunities for shared parking.

d. Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or

According to the applicant's narrative, the site is relatively well served by transit as is reported and detailed in Impact Assessment Report F. A portion of the site is located within one-quarter mile of several transit stops. This is illustrated by the Transit Availability Map in that report which shows one-quarter mile radii from the closest transit stops to the site at: 1) the west side of SW Greenburg Road at the entrance to the Washington Square shopping center; and 2) at the intersection of SW Hall Boulevard and SW Locust Street. The TriMet Trip Planner service provided on TriMet's website says that there currently are three transit stops within one-half mile walking distance of the SW 8900 SW Oak Street within the site for TriMet Bus Route 43 on Hall Boulevard or SW Locust Street. The TriMet Trip Planner indicates that there are three transit stops within six-tenths of a mile walking distance for TriMet Bus Routes 76 and 78 on SW Greenburg Road. Maps of these routes and basic schedules are included in the Impact Assessment report. The proximity of the site to these bus transit stops and the frequency of transit service means that good public transportation service will be available to serve the proposed multi-family development.

However, staff finds that the availability of transit may not be sufficient to ensure its use. In considering the parking exemption and the potential for mitigating the adverse effects on adjoining uses, staff recommends the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

e. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.

The request for the reduction in the number of required parking spaces derives from efforts to minimize the amount of wetland area needed to be filled to provide on-site parking. Multiple attempts were made to lay out the site plan to provide all of the normally required parking on-site without providing on-street parking. All such alternative plans would have required additional wetland filling and/or increased building heights to provide additional parking. Additional wetland filling would not have been in the public's interests in preserving this existing resource area. Criterion (e) is met.

FINDING: The proposed 9.1% (28 spaces) exception to the minimum parking requirement is less than 10% allowed. The proposed mix of studio and one bedroom units and the availability of nearby transit can reasonably be expected to lower the demand for on-site parking. It is in the public interest to preserve wetlands to the south of the development site (Wetland A). Therefore, the commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone. However, staff finds that the availability of transit may not be sufficient to ensure its use and recommends the following condition of approval:

CONDITION: The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site,

including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

6. Chapter 18.780, Signs. The commission may grant an exception to the sign dimensional requirements in the applicable zone.

No exception to the dimensional standards for signs is requested.

7. Chapter 18.795, Visual Clearance Areas. The commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;

No exception to the vision clearance requirements is requested.

8. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks, and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the city engineer to grant an exception. The commission has the authority to reject an exception request. The commission can only grant an exception to street sanctions if it is sanctioned by the city engineer. The city engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

An exception to the public street improvement standards is requested to allow a narrower than the normal WSRC Plan minor collector street.

TDC Section 18.630.100 states the recommended roadway functional classification map and street cross-sections in the Washington Square Regional Center (WSRC) Plan shall govern the improvement and construction of major streets within the WSRC Plan District. The WSRC Plan calls for a minor collector section along SW Oak Street which includes 43.5-feet from centerline right-of way and a 29.5-feet from centerline paved width (5.5-foot half center lane, 11-foot travel lane, 5-foot bike lane, 8-foot parking).

The applicant proposes a modified minor collector section for this street to provide 40-feet from centerline collector street right-of-way, and 26-feet of pavement from centerline to curb (12-foot travel lane, 6-foot bike lane, 8-foot parallel parking). The 3.5-foot reduction in the street width is the result of removing the center lane in the street section (subtract the 5.5-foot half center lane) and widening the travel lane (add 2-feet to travel lane). A supplemental memo to the Transportation Impact Study addressing turn lane warrants is included in report C in the Impact Assessment portion of the applicant's submittal.

The City Engineer agrees with the applicant's assertion that the center turn lane is not warranted but has determined an alternative design will better serve multimodal transportation options: the SW Oak Street half section will 40 feet from center line and include a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

a. Public safety will not be compromised; and

The Washington Square Regional Center (WSRC) description refers specifically to improving accessibility to the Lincoln Center commercial district. Not having a left-turn along the site frontage does not impact the ability to provide multimodal access into the office/commercial uses. The WSRC also highlights improving access to residential areas specifically for pedestrians and cyclists with autos as a secondary consideration ("as well.") and the need for traffic management techniques to protect neighborhood streets. The proposed design helps accomplish these objectives by: 1) Removal of center left-turn lane reduces north-south pedestrian crossing distance/exposure; 2) Narrower cross section reduces potential traffic speeding issues through more compact environment and reduces appearance of a wide street that might otherwise encourage cut-through traffic; and 3) still accommodates on-street parking and sidewalks.

SW Oak Street is currently posted with 25 MPH speed signs. This speed will help keep travel on the street safe with on-street parking. This criterion is met.

b. In the case of public streets, maintenance costs will not be greater than with a conforming design; and

Maintenance costs would not be anticipated to be increased due to the reduced right-of-way and street width that are requested. The reduced 3.5-feet of pavement width would require less street sweeping and pavement overlay/maintenance in the future. This criterion is met.

c. The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

The reduced pavement width will also decrease the impervious surface which will reduce stormwater runoff from Oak Street. The proposed planter strip width will provide area for LIDA-facilities (stormwater planters, swales) that can provide stormwater quality treatment for the impervious area within the public right-of-way. In addition, the narrower right-of-way allows the proposed development to be constructed further north, reducing impacts to wetlands located to the south of the site. This criterion is met.

FINDING: The city engineer has determined that the applicant's proposed exception to the street standards is not permissible. Instead, the City Engineer adopts a revised section for SW Oak Street 40 feet from center line including a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

For those chapters not specifically exempted under the planned development chapter, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested. The following standards apply to the proposed planned development.

18.520 COMMERCIAL ZONING DISTRICTS

B. Use table. A list of permitted, restricted, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

The western portion of the site is zoned MUE-1 and the eastern portion of the site is zoned MUR-1, as illustrated on the Existing Conditions/Site Assessment Plan, Sheet P1.1.

Table 18.520.1 of the Community Development Code lists use types that are permitted, restricted, conditional, and prohibited in the various commercial zoning districts in the City of Tigard. Household living is listed as a permitted use in both the MUE-1 and MUR-1 districts in this table, with a footnote which says that all permitted and conditional uses may be subject to special development standards of Section 18.630. The proposed multi-family residential use is considered a Household Living use type, and thus is permitted in both zoning districts applied to the site.

18.520.040 Development Standards

A. Compliance required. All development must comply with:

1. **All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370;**
2. **All other applicable standards and requirements contained in this title.**

Any development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

MUE-1	Standard	Proposed
Minimum lot size:	None	10.85 acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-feet min. total site width

Minimum/maximum setbacks:		
Minimum front yard:	0	10.5-feet (Buildings B and C)
Maximum front yard setback:	20 feet	10.5-feet (Buildings B and C)
Minimum side yard:	0	28-feet (Building A west side)
Minimum rear yard:	0	over 300-feet to south property line
Minimum building height:	2 stories	4-stories
Maximum building height:	200 feet	53-feet
Maximum site coverage:	85%	75% of total apartment site
Minimum landscape requirement:	15%	25% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./net acre total
Maximum density	None	53.1 d.u. /net acre total

MUR-1

Minimum lot size:	None	10.85-acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-feet min. total site width
Minimum/maximum setbacks:		
Minimum front yard:	0	6.9-feet Building D stair tower)
Maximum front yard setback:	20 feet	11.2-feet (remainder of Building D face)
Minimum side yard:	0	15-feet (Building D east side)
Minimum rear yard:	0	over 300-feet to south
Minimum building height:	2 stories	4 stories
Maximum building height:	75 feet	53-feet
Maximum site coverage:	80%	75% of total apartment site
Minimum landscape requirement*:	15%	20% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./acre total
Maximum density	None	53.1 d.u./acre total

FINDING: Table 18.520.2 above, shows that the proposed development plans are consistent with the applicable development standards in the MUR-1 and MUE-1 zoning districts. The applicant has not applied for any variances or adjustments in accordance with Chapter 18.370. All other applicable standards and requirements contained in this title are addressed further in this staff report. The applicable commercial development standards are met.

18.630 WASHINGTON SQUARE REGIONAL CENTER PLAN DISTRICT

18.630.010 Purpose and Applicability

A. Purpose.

1. This chapter will implement the vision, concepts and principles contained in the Washington Square Regional Center Plan, and the recommendations contained in the Phase II Implementation Plan Summary Report, prepared by a task force appointed by the City of Tigard.

2. Metro's Regional Urban Growth Management Functional Plan target growth capacity for the Washington Square regional center will be met by permitting mixed use development within the regional center at densities appropriate for an urban center.

3. A mixed use regional center will contain a variety of districts that vary in scale, predominant use, and character. Distinct districts, connected to each other and to the rest of the region by a multi-modal transportation system, will provide a range of working, living and shopping opportunities.

4. Improved multi-modal transportation links, higher densities, variety of land uses, and enhanced environmental qualities will all contribute to create a desirable, livable community in the face of dramatic population and employment growth.

5. New mixed-use zoning districts, along with existing residential zoning districts in established areas, are appropriate for the regional center.

B. Design principles. Design standards for public street improvements and for new development and renovation projects have been prepared for the Washington Square Regional Center Plan District. These design standards address several important guiding principles adopted for the Washington Square

Regional Center Plan District, including creating a high-quality mixed use area, providing a convenient pedestrian and bikeway system, and utilizing streetscape to create a high quality image for the area.

C. Development conformance. All new developments, including remodeling and renovation projects resulting in new non-single-family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the development and building codes, developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center.

As reviewed in this staff report, the project meets or has been conditioned to meet the design standards in this Chapter and other development standards required by the development and building codes and would contribute to the character and quality of the area. In addition, developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. The applicant's submittal did not address this provision.

Both public comment and the WSRC plan identify the continuation of SW Lincoln Street through to SW Oak Street as a critical future transportation infrastructure improvement. Public commenters worry that the limited capacity of SW 90th Avenue will not be able to handle increased traffic generated by the development. The Regional Center Plan identifies a collector system at Oak-Lincoln-Locust to distribute east/west traffic between Locust and Oak Streets and improve accessibility to the Lincoln Center commercial district and to improve access to residential areas for bicyclists and pedestrians, as well as autos.

According to the WSRC plan, District C, Lincoln Center-Ash Creek, is an area "slated for high density office and residential development. Adjacent to a residential neighborhood, it will be important for this area to provide easy pedestrian and bicycle access between homes and jobs. A particular goal is to protect the Metzger neighborhood from impacts of increased traffic, while assuring free-flowing vehicular movement throughout the district." In addition, "Metro has established goals for the region to reduce the number of trips by auto relative to those made by transit, pedestrian and bike travel. Pedestrian and bike facilities developed in concert with new housing and offices will be a step toward achieving theses regional goals."

The applicant's traffic analysis concludes that intersections remain functional with the development's added traffic, but does recommend improvements to the SW Oak and 90th Avenue intersection. However, it does not satisfactorily address the additional traffic on SW 90th, a 50-foot local street, as the primary route north to SW Locust for southbound Greenburg/Hwy 217 trips originating from the proposed development.

To meet required participation in funding future transportation and public improvements projects (subject to rough proportionality) the applicant could consider, for example, a range of improvements associated with Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement.

The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality.

18.630.020 Development Standards
A. Compliance required. All development must comply with:
1. All applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370 and subsections C through E of this section;
2. All other applicable standards and requirements contained in this title.

Development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

18.630.040 Street Connectivity

A. Purpose. The standards provide a way for creating continuity and connectivity within the Washington Square regional center (WSRC). They provide incremental street and accessway development that is consistent with WSRC needs and regional and state planning principles for connectivity. The primary objective is to create a balanced, connected transportation system that distributes trips within the WSRC on a variety of streets.

B. Demonstration of standards. All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Section 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

1. Design option.

a. Local street spacing shall provide public street connections at intervals of no more than 530 feet.

b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.

2. Performance option.

a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.

b. The shortest vehicle trip over public streets from a major building entrance to a collector or greater facility is no more than twice the straight-line distance.

c. The shortest pedestrian trip on public right-of-way from a major building entrance to a collector or greater facility is no more than 1-1/2 the straight-line distance.

The site of the proposed development is located on the south side of SW Oak Street. Ash Creek and its associated floodplain and wetlands are located on and to the south of the subject site, with Oregon State Highway 217 – a controlled access highway- located further to the south. These existing conditions make the development of further streets to the south impracticable. Local streets to the north include SW 90th Avenue directly to the north, SW 87th Avenue to the east, and the planned intersection with the SW Lincoln Street to the west. SW Oak Street in front of the subject site is designated a collector street. All of the proposed buildings will have major entrances within 100 feet of SW Oak Street. This standard is met.

18.630.050 Site Design Standards

<u>Compliance.</u> All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan may be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010.C.2, governing criteria for granting a variance, is satisfied.

A. <u>Building placement on major and minor arterials.</u>

1. **Purpose. Architecture helps define the character and quality of a street and can make a strong statement about the overall community and city at large. The placement and design of buildings provides the framework for the streetscape and defines the edges of the public right-of-way. Architecture and ground floor uses can activate the street, either by its design presence or by those who come and go from it. At intersections, investing in building frontages can create gateways and special places that add to the character of the area.**
2. **Standard. Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.**

The site fronts only on SW Oak Street. SW Oak Street is a collector (minor arterial). Buildings B, C, and D occupy approximately 66% of the frontage. This standard is met.

B. <u>Building setback.</u>

1. **Purpose. Buildings and investment in architecture is most conspicuous when it is visible from the street. The presence of buildings closely sited at the edge of the right-of-way creates an envelope for the street and a sense of permanence.**
2. **Standard. The minimum and maximum building setback from public street rights-of-way shall be in accordance with Table 18.520.2.**

As addressed above under the Section 18.520, the front yard setbacks from SW Oak Street are met.

C. <u>Front yard setback design.</u>

1. **Purpose. The front yard is the most conspicuous face of a building and requires special attention. Places for people and pedestrian movement helps create an active and safer street. Higher level of landscape anticipates a more immediate visual result.**
2. **Standard. For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to the applicable standard in subsection E of this section. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.**

The front yard area between the sidewalk along SW Oak Street and the fronts of proposed buildings B, C and D and parking areas to the sides of buildings will be landscaped with a combination of lawn, planter beds, and trees which will enhance the pedestrian environment along SW Oak Street. This standard is met.

D. <u>Walkway connection to building entrances.</u>

1. **Purpose. As density increases and employee and resident populations increase, it is expected that more people will move between businesses within the WSRC. Provisions should be made to encourage people to walk from business to business, and housing to business rather than use automobiles.**
2. **Standard. A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner adjacent to a public street intersection are required. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.**

According to the applicant's narrative and plans, all building entrances will be connected to the public sidewalk along SW Oak Street by a network of internal site sidewalks. All private sidewalks between the building entrances and SW Oak Street sidewalk will be at least six feet wide and constructed of concrete. This standard is met.

E. <u>Parking location and landscape design.</u>

1. **Purpose. The emphasis on pedestrian access and a high quality streetscape experience requires that private parking lots that abut public streets should not be the predominant street feature. Where parking does abut public streets, high quality landscaping should screen parking from adjacent pedestrian areas.**
2. **Standard. Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified by the city where this requirement applies. In general, streets with higher functional classification will be identified as primary streets unless specific design or access factors favor another street. If located on the side, parking is limited to 50% of the primary street frontage. When abutting public streets, parking must be behind a landscaped area constructed to an L-1 parking lot screen standard. The minimum depth of the L-1 landscaped area is eight feet or is equal to the adjacent building setback, whichever is greater. All other site landscaping shall be landscaped to an L-2 general landscaping standard. The L-1 and L-2 standards are more fully described in Section 18.630.090. (Ord. 12-09 § 1)**

According to the applicant's narrative and plan set, all parking areas on the project will be located to the sides or rear of proposed buildings, or within first level parking garages of buildings A and D. Parking areas to the sides of buildings are no further forward than even with the adjacent front building elevation. Parking areas adjacent to buildings along SW Oak Street are will be screened by landscaped areas which include low level screening plant materials consistent with the L-1 parking area screening and planting size standards. All planting areas between parking areas and SW Oak Street are at least 10-feet deep, except where reduced to accommodate required patios

for ground level dwelling units. All other site landscaping will be provided at sizes consistent with the L-2 planting standard.

However, the applicant states that "landscape materials in these areas will need to be kept trimmed to allow for clear vision areas at the intersections of these driveways with SW Oak Street." According to the Preliminary Landscape Plan (Sheet L1.2) Blue Oat Grass and Kinnikinnick are specified. Pursuant to 18.630.090, Landscaping and Screening, within these landscaped areas "L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years." Visual Clearance Areas require 3-8 foot clear and allow trees. This standard is not met.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.630.060 Building Design Standards
All new buildings constructed in the MUC, MUE and MUR zones within the WSRC shall comply with the following design standards. Variance to these standards may be granted if the criteria found in 18.370.010.C.2, criteria for granting a variance, is satisfied.

A. <u>Ground floor windows.</u>

1. **Purpose. Blank walls along the street frontage tend to be neglected, and are not pedestrian friendly. Windows help keep "eyes on the street" which promotes safety and security, and can help create a lively street frontage by displaying activities and products within the building. Lighting at night from ground floor windows also adds to the presence of activity and the sense that someone is home.**
2. **Standard. All street-facing elevations within the building setback (0 to 10 feet) along public streets shall include a minimum of 50% of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50% of the ground floor window requirement may be met on an adjoining elevation as long as the entire requirement is located at a building corner.**

According to the applicant's narrative, only building D will have a portion of its front building face along SW Oak Street located within 10-feet of the street property line – and that is the stair tower which will be set back 6.5 feet. The front building elevations of buildings B, C, and D will all be located between 10 feet and 11.2 feet back of the street property line. Nevertheless, measured between three feet and nine feet above grade, buildings B and C will provide a minimum of 50% of their ground floor wall areas with windows and doorway openings at these distances which are just beyond 10-feet – so technically they are not subject to this standard. Buildings A and D are set back more than 10 feet; therefore, these building are not required to satisfy this standard. This standard is met.

B. <u>Building façades.</u>

1. **Purpose. Straight, continuous, unarticulated walls lack interest, character and personality. The standard provides minimum criteria for creating a diverse and interesting streetscape.**
2. **Standard. Façades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least one foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building's structural system. No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.**

According to the applicant's narrative, all facades that face a public street provide at least one of the variations listed in the standard at intervals of no less than every 50 feet along the facade. None of the proposed buildings will exceed a length of 205 feet; therefore, the pedestrian connection through a building standard is not applicable to any of the proposed buildings. This standard is met.

C. Weather protection.

1. **Purpose. Weather protection is encouraged to create a better year-round pedestrian environment and to provide incentive for people to walk rather than drive.**
2. **Standard. Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.**

Weather protection is provided at all entrances to the buildings through the use of overhangs or canopies as shown on the building elevations plans. This standard is met.

D. Building materials.

1. **Purpose. High quality construction and building materials suggest a level of permanence and stature appropriate to a regional center.**
2. **Standard. Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet.**

The project does not use materials listed above in the standard as prohibited exterior finish materials. Plain concrete is used as a foundation material, but the plain concrete will not be revealed for more than two feet. Proposed building materials will include Hardie board, Hardie panels, and vertical metal panels. Deck and patio railings will be constructed of acrylic or metal, as identified on Sheet A3.10. This standard is met.

E. Roofs and roof lines.

1. **Purpose. Roof line systems that blur the line between the roof and the walls of buildings should be avoided. This standard simply states that roofing materials should be used on the roof and that wall finish materials should be use on building walls. The premise is that future buildings in the WSRC should have a look of permanence and quality.**
2. **Standard. Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.**

The materials of roofs and roof lines are different from the materials used on the building elevations so as to avoid blurring the distinction between the roof and walls as required by the standard. This standard is met.

F. Roof-mounted equipment.

1. **Purpose. Roof top equipment, if not screened properly, can detract from views of adjacent properties. Also roofs and roof mounted equipment can be the predominant view where buildings are down slope from public streets.**
2. **Standard. All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.**

According to the applicant's narrative, all roof-mounted equipment is screened from the view of adjacent public streets. This standard is met.

18.630.070 Signs

A. <u>Sign standards.</u> In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:

1. **Zoning district regulations. Residential only developments within the MUC, MUE and MUR zones shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MUC zone shall meet the sign requirements for the commercial zones, 18.780.130.C; nonresidential development within the MUE zone shall meet the sign requirements of the C-P zone, 18.780.130.D and nonresidential development within the MUR zones shall meet the sign requirements of the C-N zone, 18.780.130.E.**

2. **Sign area limits. The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted.**
3. **Height limits. The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted.**
4. **Sign location. Freestanding signs within the Washington Square regional center shall not be permitted within required L-1 landscape areas.**

According to the applicant's narrative, an integral wall sign is provided on the west elevation of building C at the building's corner near SW Oak Street. The area of the western building face is 2,388 square foot. The area of the proposed sign is 143 square feet, or less than 6 percent of the total wall face. The sign area does not exceed 15% of the area of the building face on which it is mounted and will not extend above the building's roofline. To verify these specifications meet the applicable sign standards a sign application will be required prior to installation of any signage. This standard is met.

18.630.090 Landscaping and Screening

Applicable levels. Two levels of landscaping and screening standards are applicable. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other subsections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

A. L-1 parking lot screen. The L-1 standard applies to setbacks on public streets. The L-1 standard is in addition to other standards in other chapters of this title. The setback shall be a minimum of eight feet between the parking lot and a public street. L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.

B. L-2 general landscaping. The L-2 standard applies to all other trees and shrubs required by this chapter and Chapter 18.745 (except those required for the L-1 parking lot screen). For trees and shrubs required by Chapter 18.745, the L-2 standard is an additional standard. All L-2 trees shall be 2½-inch caliper at the time of planting. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

These landscape standards apply to the areas adjacent to SW Oak Street between Buildings B and C, and between C and D. As reviewed above, the applicant has not met the standard for L-1 and has been conditioned to meet it.

FINDING: The Washington Square Regional Center Plan District standards are not all met but can be met with the following conditions of approval.

CONDITIONS: The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, a recommendation by the Planning Commission and approval by the City Council.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.705 ACCESS, EGRESS, AND CIRCULATION

18.705.020 Applicability of Provisions

A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.

The proposal is for 215 multi-family units and associated access and parking, which is considered development;

therefore these standards apply.

18.705.030 General Provisions

D. <u>Public street access.</u> All vehicular access and egress as required in 18.705.030.H and I shall connect directly with a public or private street approved by the city for public use and shall be maintained at the required standards on a continuous basis.

As shown in the applicant's site plan, the three proposed driveways are directly connected to SW Oak St. This standard is met.

F. <u>Required walkway location.</u> On-site pedestrian walkways shall comply with the following standards:

1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments.

2. Within all attached housing (except two-family dwellings) and multifamily developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.

3. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.

4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, other pervious paving surfaces, etc. Any pervious paving surface must be designed and maintained to remain well-drained. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

As shown in the Preliminary Site Plan (Sheet P2.0) walkways will connect from all primary (and secondary) multi-family building entrances to the parking areas and common open spaces and facilities planned to serve the project. Primary crossings of driveway aisles will be marked by paint or contrasting pavement. These standards are met.

H. <u>Access management.</u>

1. An access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the city and AASHTO (depending on jurisdiction of facility).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting

adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

2. Driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from city engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. This standard is met.

3. The minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet.
4. The minimum spacing of local streets along a local street shall be 125 feet.

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

I. <u>Minimum access requirements for residential use.</u>
1. Vehicular access and egress for single-family, duplex or attached single-family dwelling units on individual lots and multifamily residential uses shall not be less than as provided in Tables 18.705.1 and 18.705.2.

TABLE 18.705.2
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
MULTIFAMILY RESIDENTIAL USE

Dwelling Units	Min. Number of Driveways Required	Min. Access Width	Min. Pavement Width
1-2	1	15'	10'
3-19	1	30'	24' if two-way, 15' if one-way: curbs and 5' walkway required
20-49	1 or 2	30' 30'	24' if two-way 15' if one-way: curbs and 5' walkway required
50-100	2	30'	24' curbs and 5' walkway required

Standards for parking greater than 100 cars is not specified in Table 18.705.2. The proposed three accesses with a 24-foot paved width would provide a level of access similar to that required for the largest development size listed. The standard is met.

FINDING: Based on the analysis above, the Access, Egress and Circulation standards are not all met but can be met through the following conditions of approval:

CONDITIONS: Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

18.715 DENSITY COMPUTATIONS

18.715.010 Purpose

The purpose of this chapter is to implement the comprehensive plan by establishing the criteria for determining the number of dwelling units permitted.

18.715.020 Density Calculation

A. Definition of net development area. Net development area, in acres, shall be determined by subtracting the following land area(s) from the total site acres:

1. All sensitive land areas:

a. Land within the 100-year floodplain,

b. Land or slopes exceeding 25%,

c. Drainage ways, and

d. Wetlands,

e. Optional: Significant tree groves or habitat areas, as designated on the City of Tigard "Significant Tree Grove Map" or "Significant Habitat Areas Map";

2. All land dedicated to the public for park purposes;

3. All land dedicated for public rights-of-way. When actual information is not available, the following formulas may be used:

a. Single-family development: allocate 20% of gross acreage,

b. Multifamily development: allocate 15% of gross acreage or deduct the actual private drive area;

4. All land proposed for private streets; and

5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.

B. Calculating maximum number of residential units. To calculate the maximum number of residential units per net acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot in the applicable zoning district.

C. Calculating minimum number of residential units. As required by Section 18.510.040, the minimum number of residential units per net acre shall be calculated by multiplying the maximum number of units determined in subsection B of this section by 80% (0.8).

The project site is zoned with a combination of the MUE-1 (7.88-acres) and MUR-1 (3.4 acres) zoning districts. Pursuant to Table 18.502.2, the minimum density for both zones is 50 units per net site acre, and no maximum. Based on the following density calculation, a minimum of 205 units are required.

Gross site area	11.17 acres
-Public right-of-way dedication	0.32 acres
Net site area	10.85 acres
Initial net site area	10.85 acres
-Remaining jurisdictional wetlands/floodplain	6.20 acres
-Private drive area (drive aisles required for fire access only)	0.60 acres
Net/Net site area	4.05 acres
Minimum units required	50 units/acre x 4.05 acres =205 units
proposed density	215 units/4.05 acres = 53.1 units/acre

FINDING: The proposal is for 215 units, or 53.1 dwelling units per net acre. This exceeds the minimum density required. This standard is met.

18.725 ENVIRONMENTAL PERFORMACE STANDARDS

These standards require that federal and state environmental laws, rules and regulations be applied to development within the City of Tigard. Section 18.725.030 (Performance Standards) regulates: Noise, visible emissions, vibration and odors.

Noise. For the purposes of noise regulation, the provisions of Sections 7.41.130 through 7.40.210 of the Tigard Municipal Code shall apply.

Visible Emissions. Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

Vibration. No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

Odors. The emissions of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

Glare and heat. No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and; 1) there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and 2) these regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

Insects and rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

FINDING: The proposal is for multi-family development, which is permitted within the MUR-1 and MUE-1 zones. These Environmental Performance standards will apply to the apartments after construction and be subject to compliance with the applicable code enforcement provisions.

18.745 LANDSCAPING AND SCREENING

18.745.030 General Provisions

A. Maintenance responsibility. Unless otherwise provided by the lease agreement, the owner, tenant and his or her agent, if any, shall be jointly and severally responsible for the ongoing maintenance of all landscaping and screening used to meet the requirements of this chapter according to applicable industry standards.

B. Installation requirements. The installation of all landscaping and screening required by this chapter shall be as follows:

1. **All landscaping and screening shall be installed according to applicable industry standards;**
2. **All plants shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-2004, and any future revisions); and**
3. **All landscaping and screening shall be installed in accordance with the provisions of this title.**

C. Certificate of occupancy. Certificates of occupancy shall not be issued unless the requirements of this chapter have been met or other arrangements have been made and approved by the city such as the posting of a bond.

18.745.040 Street Trees

A. Street trees shall be required as part of the approval process for Conditional Use (Type III), Downtown Design Review (Type II and III), Minor Land Partition (Type II), Planned Development (Type III), Site Development Review (Type II) and Subdivision (Type II and III) permits.

B. The minimum number of required street trees shall be determined by dividing the linear amount of street frontage within or adjacent to the site (in feet) by 40 feet. When the result is a fraction, the minimum number of required street trees shall be determined by rounding to the nearest whole number.

C. Street trees required by this section shall be planted according to the Street Tree Planting Standards in the Urban Forestry Manual.

D. Street trees required by this section shall be provided adequate soil volumes according to the Street Tree Soil Volume Standards in the Urban Forestry Manual.

E. Street trees required by this section shall be planted within the right of way whenever practicable according to the Street Tree Planting Standards in the Urban Forestry Manual. Street trees may be planted no more than 6 feet from the right of way according to the Street Tree Planting Standards in the Urban Forestry Manual when planting within the right of way is not practicable.

F. An existing tree may be used to meet the street tree standards provided that:

1. The largest percentage of the tree trunk immediately above the trunk flare or root buttresses is either within the subject site or within the right of way immediately adjacent to the subject site;

2. The tree would be permitted as a street tree according to the Street Tree Planting and Soil Volume Standards in the Urban Forestry Manual if it were newly planted; and

3. The tree is shown as preserved in the Tree Preservation and Removal site plan (per 18.790.030.A.2), Tree Canopy Cover site plan (per 18.790.030.A.3) and Supplemental Report (per 18.790.030.A.4) of a concurrent urban forestry plan and is eligible for credit towards the effective tree canopy cover of the site.

G. In cases where it is not practicable to provide the minimum number of required street trees, the Director may allow the applicant to remit payment into the Urban Forestry Fund for tree planting and early establishment in an amount equivalent to the City's cost to plant and maintain a street tree for three (3) years (per the Street Tree Planting Standards in the Urban Forestry Manual) for each tree below the minimum required.

As shown in the Landscape Plan (Sheets L1.1/2) the applicant proposes planting of fifteen katsura trees along the site's SW Oak Street frontage within planter strips between the curb and sidewalk is in order to provide the required number of street trees and planting locations consistent with Section 18.745.040. This standard is met.

18.745.050 Buffering and Screening

A. General provisions.

1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix.

3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.

E. <u>Screening: special provisions.</u>

1. Screening and landscaping of parking and loading areas:

a. Screening of parking and loading areas is required. In no cases shall nonconforming screening of parking and loading areas (i.e., nonconforming situation) be permitted to become any less

conforming. Nonconforming screening of parking and loading areas shall be brought into conformance with the provisions of this chapter as part of the approval process for conditional use (Type III), downtown design review (Type II and III), planned development (Type III), and site development review (Type II) permits only. The specifications for this screening are as follows:

i. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;

ii. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;

iii. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;

iv. All parking areas, including parking spaces and aisles, shall be required to achieve at least 30% tree canopy cover at maturity directly above the parking area in accordance with the parking lot tree canopy standards in the Urban Forestry Manual.

As indicated in Table 18.745.1, a Type D buffer is required for parking lots with 50+ spaces along the south perimeter of the property. According to Table 18.745.2, a 10-20 foot buffer with a 6 foot hedge, fence, or wall with trees and shrubs for screening is required. As shown on the Landscape Plan (Sheets L1.1/2), the applicant proposes an alternative to the buffer and screening standards to account for the retaining wall and limited space afforded the project's proximity to wetlands to the south. The applicant proposes that slats will be added to the proposed 42 inch high chain link fence atop the retaining wall after a pathway is placed through the wetland (unlikely to occur in the near future) and before proposed screening trees planted at the base of the retaining wall become an effective screen on their own. Given the information provided, it is unclear whether the proposed alternative screening plan would sufficiently reduce or eliminate the adverse impacts of visual pollution created by the elevated parking lot as seen from the south from other vantage points besides the potential trail. To ensure the alternative screening plan is sufficient, the applicant shall provide a site line analysis that demonstrates they will be effectively screened from view.

2. Screening of service facilities. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area.

4. Screening of refuse containers. Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

The applicant states that the refuse containers within the project will be screened from views by 6-foot tall CMU block enclosures. This standard is met.

FINDING: Based on the analysis above, the Landscaping and Screening standards have not been fully met but can be met through the following condition of approval.

CONDITION: The applicant shall provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south.

18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE

18.755.010 Purpose and Applicability

B. Applicability. The mixed solid waste and source separated recyclable storage standards shall apply to new multi-unit residential buildings containing five or more units and nonresidential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

The applicant proposes using the "franchised hauler review method" method provided for by Code Section 18.755.040.F. The 215-unit multi-family project will be served by two roughly 200 square foot trash and recycling enclosures conveniently located for use by all residents. The outdoor trash enclosures will be constructed of split-faced CMU block, with wood and metal accents. The apartment management company will contract for twice a week trash and recycling pick-up by Pride Disposal – the franchised hauler serving the area of the site. This method and frequency of pickup was suggested by representatives of Pride Disposal because of the site constraints posed by the site's slope making the location of additional collection facilities impractical and difficult to access by Pride Disposal's collection vehicles. A comment letter from Pride Disposal regarding the plans for solid waste collection and recycling facilities is enclosed as Impact Assessment Report D.

FINDING: As shown in the analysis above, the proposed mixed solid waste and recycling plan meets the standard.

18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.765.030 General Provisions

E. Visitor parking in multifamily residential developments. Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

The applicant has requested parking space exemption of 9.1% (28 spaces) as allowed under the Planned Development chapter. Provided the exemption is granted, the proposed development will meet the minimum parking standard, including the visitor parking requirement of 40 spaces (.15 x 266 minimum required spaces).

G. Disabled-accessible parking. All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the state building code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.

Disabled parking space are provided consistent with the state requirements. This standard is met.

18.765.040 General Design Standards

B. Access drives. With regard to access to public streets from off-street parking:

As shown in the Preliminary Site Plan (Sheet P2.0), proposed parking areas are designed consistent with the applicable dimensional and design requirements of Figure 18.765.1 including parking space sizes and drive aisle widths for parking space orientation of 90 degrees. As permitted by that figure's allowance of up to 50% compact spaces, the proposed development plan provides for 115 of the total 278 on-site parking spaces to be compact spaces, or 48 percent of the spaces proposed. The general design standards are met.

18.765.050 Bicycle Parking Design Standards

A. Location and access. With regard to the location and access to bicycle parking:
1. Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures;
2. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways;
3. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate the parking area;
4. Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.
B. Covered parking spaces.
1. When possible, bicycle parking facilities should be provided under cover.

2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.
C. Design requirements. The following design requirements apply to the installation of bicycle racks:
1. The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required;
2. Bicycle racks must be securely anchored to the ground, wall or other structure;
3. Bicycle parking spaces shall be at least two and one-half feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;
4. Each required bicycle parking space must be accessible without moving another bicycle;
5. Required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement;
6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.
D. Paving. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete, other pervious paving surfaces, or similar material. This surface must be designed and maintained to remain well-drained.
E. Minimum bicycle parking requirements. The total number of required bicycle parking spaces for each use is specified in Table 18.768.2 in 18.765.070.H. In no case shall there be less than two bicycle parking spaces. Single-family residences and duplexes are excluded from the bicycle parking requirements. The director may reduce the number of required bicycle parking spaces by means of an adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in 18.370.020.C.5.e.

Pursuant to Table 18.765.2, one bicycle parking space is required for every two multi-family dwelling units, or a minimum of 108 bicycle parking spaces are required. As shown in the Preliminary Site Plan (Sheet P2.0), 108 covered bike parking spaces are provided. This standard is met.

18.765.070 Minimum and Maximum Off-Street Parking Requirements
H. Specific requirements. See Table 18.765.2.

Table 18.765.2 requires a minimum of 1 parking space for each studio unit below 500 sq. ft. in size; 1.25 parking space for each 1-bedroom unit; 1.5 parking spaces for each 2-bedroom unit; and 1.75 parking spaces for each 3-bedroom unit for multi-family development projects. The proposed multi-family project will include 64 studios; 98 1-bedorrm units; and 53 2-bedroom units. There will be no 3-bedroom units. Therefore, a minimum of 266 parking spaces are required based solely upon the unit types and counts. In addition, an additional 15% on top of the required parking spaces based on unit sizes and numbers is required as visitor parking facilities. Therefore, a grand total of 306 parking spaces are required. The proposed development plan provides for a total of 278 on-site parking spaces to be provided including: a) 37 garage parking spaces and b)241 surface parking spaces. The proposed plan therefore will provide 28 fewer on-site parking spaces than would typically be required for the size and make-up of the proposed multi-family residential development. The applicant has requested an exception to the required number of on-site parking spaces as allowed under Code Section 18.350.070.C.5 for Planned Developments, above. Provided the exception is granted, the proposed development can meet the standard.

D. Exclusions to minimum vehicle parking requirements. The following shall not be counted towards the computation of the minimum parking spaces as required in subsection H of this section:
1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except; religious institutions may count on-street parking around the perimeter of the use.

The applicant acknowledges that the on-street parking provided by the SW Oak Street improvement may not count toward the required minimum parking spaces.

FINDING: As shown in the analysis above, the Off-Street Parking and Loading Requirements can be met.

18.790 URBAN FORESTRY PLAN

18.790.030 Urban Forestry Plan Requirements

A. Urban forestry plan requirements. An urban forestry plan shall:

1. Be coordinated and approved by a landscape architect (the project landscape architect) or a person that is both a certified arborist and tree risk assessor (the project arborist), except for minor land partitions that can demonstrate compliance with effective tree canopy cover and soil volume requirements by planting street trees in open soil volumes only;

The urban forestry plan for the A+O Apartments has been prepared by David Haynes, RLA – a registered landscape architect in the State of Oregon. Appendix E of the applicant's submittal includes an Urban Forestry Plan Supplemental Report. Sheets TC.1through TC.3 of the application plan set provide the required tree canopy plan and calculations. Soil volume specifications for trees to be planted are included on Sheet TC.3. This standard is met.

2. Meet the tree preservation and removal site plan standards in the Urban Forestry Manual (UFM);

The Urban Forestry Plan Supplemental Report of Appendix E of the applicant's submittal includes the results of an on-site assessment of the sizes, condition ratings, and preservation ratings for all of the existing trees on and immediately adjacent to the proposed development site portion of the subject property. An assessment of existing trees located within the area to be preserved as wetlands was not conducted. Sheet TC.1 is a Tree Preservation and Removal Site Plan. Protective measures for trees to be retained are included on this plan. The required right-of-way/street improvements for SW Oak Street, as well as the applicant requested additional road width for on-street parking, will necessitate the removal of several existing mature trees. This standard is met.

3. Meet the tree canopy site plan standards in the Urban Forestry Manual; and

The proposed landscaping plan provides for anticipated tree canopy coverage of the parking area to cover 57,282 square feet of the 98.317 square foot total parking lot area, or 58 percent of the parking lot. The minimum parking lot tree canopy cover area required is 33 percent in both the MUE-1 and MUR-1 zoning districts applied to the site. In addition the proposed landscaping plan provides for total anticipated tree canopy coverage of 78,785 square feet of the total 180,774 square feet of development area, or 44% of the development area. Finally, the minimum 1,000 cubic feet of soil per tree standard for the Tree Canopy Site Plan has also been met. Therefore, the proposed Tree Canopy Plan satisfies the standards of Section 18.790.030.A.3. This standard is met.

4. Meet the supplemental report standards in the Urban Forestry Manual.

Appendix E of the applicant's submittal includes an Urban Forestry Plan Supplemental Report prepared by David Haynes, RLA, which includes the required information and analysis required for such a report. This standard is met.

FINDING: Based on the analysis above, the urban forestry plan requirements are met.

18.790.060 Urban Forestry Plan Implementation

B. Tree Establishment. The establishment of all trees shown to be planted in the tree canopy site plan (per 18.790.030 A.3) and supplemental report (per 18.790.030.A.4) of the previously approved urban forestry plan shall be guaranteed and required according to the tree establishment requirements in Section 11, part 2 of the Urban Forestry Manual.

FINDING: The applicant's proposal does not address tree establishment. Therefore, a condition of approval is added for the applicant to provide a tree establishment bond that meets the requirements of the Urban Forestry Manual Section 11, Part 2.

D. <u>Urban forest inventory.</u> Spatial and species specific data shall be collected according to the urban forestry inventory requirements in the Urban Forestry Manual for each open grown tree and area of stand grown trees in the tree canopy site plan (per Section 18.790.030.A.3) and supplemental report (per Section 18.790.030.A.4) of a previously approved urban forestry plan.

Section 11, Part 3 of the Urban Forestry Manual states that prior to any ground disturbance work, the applicant shall provide a fee to cover the city's cost of collecting and processing the inventory data for the entire urban forestry plan. This can be met through a condition of approval.

FINDING: Based on the analysis above, the applicable urban forestry tree inventory and establishment standards have been met. To ensure compliance, the following conditions are applied:

CONDITIONS: Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.

Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.

18.795 VISUAL CLEARANCE

18.795.030 Visual Clearance Requirements

A. At corners. Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

B. Obstructions prohibited. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

FINDING: The Preliminary Landscaping Plan, Sheets L1.1 and L2.2, illustrates the applicable required clear vision triangles at these intersections. This standard is met.

D. In addition, the following criteria shall be met:

1. Relationship to the natural and physical environment:

a. The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;

According to the applicant's narrative, the proposed development has been designed to preserve as much of the existing wetlands and habitat area on the site as practical, while still providing with an intensive residential development as envisioned with the intensive standards and density allowances of the Washington Square Regional Center Plan and the underlying MUE-1 and MUR-1 zoning districts. Residential development area has been limited to the northern portion of the site near SW Oak Street to minimize impacts on the wetlands and to reduce the area that needs to be committed to automobile circulation. The site slopes downward away from SW Oak Street, thereby necessitating filling the site in order to provide building and site access per ADA requirements and to provide cover/depth for the stormwater management system (water quality and detention) prior to outfall to the south into the wetland area, and to provide relatively level areas for the buildings to be located. This filling of the northern portion of the site along with the relatively dense development pattern necessitated removal of all of the existing

trees. This criterion is met.

b. Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation; and

According to the applicant's narrative, all of the proposed structures will be located on structural fill designed to accommodate the load of the buildings. The underlying ground is stable and not severely sloped. A geotechnical study has been prepared for the proposed development by Geotechnical Resources, Inc. That study is included as report C in the Impact Assessment portion of this report. The recommendations of the study will be utilized in developing the final grading plan for the project. The geotechnical report offers the following conclusion:
"The site is mantled by 1.5 to 23.5 ft of silt, which is underlain by basalt which has decomposed to the consistency of sand. Beneath the decomposed basalt, the site is underlain by predominantly decomposed, extremely soft basalt to the maximum depth explored (26.5 ft). In our opinion, the structural loads of the proposed buildings can be supported by conventional spread footings established in structural fill or in the medium stiff silt or dense to very dense sand that mantles the site. The following sections of this report provide our conclusions and recommendations concerning site preparation and earthwork, foundation support, lateral earth pressures, subdrainage and floor support, pavement design, and seismic design considerations. [Geotechnical Investigation Report by Geotechnical Resources, Inc., page 3]." This criterion is met.

c. Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible.

The four multi-family residential buildings have been situated to maximize sunlight and air into as many dwelling units as practical. This criterion is met.

2. Buffering, screening and compatibility between adjoining uses:

a. Buffering shall be provided between different types of land uses; e.g., between single-family and multifamily residential, and residential and commercial uses;

The preserved open space area on the southern portion of the site will separate the proposed multi-family development project from detached single-family development to the south by over 400-feet. Trees to be planted to the south of and near the base of the retaining wall will help screen the proposed development from views from the south, as will screening materials at the top of the wall and parking area trees. Although the areas immediately to the west of the site are currently developed with detached single-family residences, that area is zoned MUE-1 and is anticipated to be redeveloped with intensive residential, institutional, and/or office development which should be similar in intensity as the proposed A+O Apartments. Nevertheless, landscaping is proposed to be provided on the western portion of the subject site to help provide a buffer between these neighboring uses. This criterion is met.

b. In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered landscape architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745:

i. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
ii. The size of the buffer needs in terms of width and height to achieve the purpose;
iii. The direction(s) from which buffering is needed;
iv. The required density of the buffering; and
v. Whether the viewer is stationary or mobile.

Section 18.745.050.E.1 typically requires the screening of parking lots and loading areas from views from adjacent areas. Table 18.745.1 specifies that a Type D buffer of at least 10- feet to 20-feet of width and differing levels of plant materials and fences/walls or hedges between parking lots and areas of single-family development. These buffer standards would therefore apply along the southern and eastern edges of the proposed parking lot because the parking area might be visible from existing single-family development to the southeast and east, and Hwy 217 if not adequately buffered and screened.

The applicant requests an exception to the parking area buffer and screening standards, as provided. The proposed landscape plans were prepared by David Haynes, PLA, a registered landscape architect. The plans propose that an alternative buffer be allowed to the standards of Section 18.745.050.E.1 to screen the parking lots. The parking area will be well separated from the existing neighboring single-family uses to the south and southeast for which buffering and screening is required. The neighboring single-family uses will be located over 400 feet away from the proposed parking area. As such, views of the parking area would be distant and there would be little, if any, discernible noise or odor effects from use of the parking area upon those neighboring properties. In addition, the proposed wetland area plantings of ash trees and the proposed dense planting of western red cedar trees at the base of the proposed retaining wall will provide much more screening of views of the parking area than would a buffer on the actual edge of the parking lot, with such a buffer designed to the relatively narrow width and plant density standards of Table 18.745.1. The western red cedar trees especially will provide adequate evergreen screening of views of the parking area.

In addition, to address concerns on the screening from the future pedestrian path near Ash Creek, it is proposed that fence fillers (slats, fabric, etc.) be provided along the southern edge of the proposed parking lot if the trail is constructed prior to tree growth providing the required landscape buffer/screening to the parking area from the trail. Fence fillers will be added to the chain-link fence on top of the retaining wall and adjacent to the southern edges of the parking area in order to supplement the screening provided by the cedar trees for up to five years, in order for tree growth to provide adequate screening.

FINDING: The applicant submitted an alternative landscape plan to the required parking lot screening, prepared by a registered landscape architect, that arguably attains the same level of buffering and screening or better with alternate materials and methods. Staff finds that the applicant has not considered views from Hwy 217 or the effects of headlight at night and therefore recommends the applicant provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south, as conditioned above.

c. On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:

i. What needs to be screened;
ii. The direction from which it is needed; and
iii. Whether the screening needs to be year-round.

The proposed apartments will include two trash and recycling enclosures within the project's parking area. These enclosures will be constructed of CMU walls with steel gates. Landscaping will be provided adjacent to these trash enclosures to provide near-view screening. Their locations relatively deep into the parking area and site will provide them with adequate screening from adjoining properties, as will the intervening landscaping outside of the parking area.
Mechanical equipment on the rooftops of the buildings will be screened from views from neighboring properties by parapets included on the buildings. This criterion is met.

3. Privacy and noise. Nonresidential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;

This is a residential development; therefore, this criterion does not apply.

4. Exterior elevations—Single-family attached and multiple-family structures. Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

a. Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
b. Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
c. Offsets or breaks in roof elevations of three or more feet in height.

The exterior elevation articulation standards of this section are superseded by Section 18.630.060.B. The standards of that section are addressed below.

5. Private outdoor area—Residential use:

a. Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;

b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and

c. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

As illustrated on the floor plans, Sheets A2.10 through A2.40, all ground level dwelling units will be provided with patios or decks. Minimum sizes of these decks or patios will be 48 square feet. Minimum dimensions of any of the decks or patios will be 6 feet of depth. As practical, decks are oriented to maximize solar exposure, but are designed to provide a reasonable degree of privacy. This criterion is met.

6. Shared outdoor recreation and open space facility areas—Residential use:

a. Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

i. Studio units up to and including two bedroom units, 200 square feet per unit;

ii. Three or more bedroom units, 300 square feet per unit.

b. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;

c. The required recreation space may be provided as follows:

i. Additional outdoor passive use open space facilities;

ii. Additional outdoor active use open space facilities;

iii. Indoor recreation center; or

iv. A combination of the above.

The proposed 215 residential units will all be studios, 1-bedroom, or 2-bedroom units. Therefore, the proposed development would be required to provide 43,000 square feet of shared usable outdoor recreation areas to satisfy subsection (a) of this standard. The proposed development plans provide for the following areas to be provided as shared usable outdoor recreation areas:

Open area north and west of Building A:	4,247 sq. ft.
Community gardens, plaza, and other areas south of Building B:	4,307 sq. ft.
Pool, pool deck, plaza, and barbecue pavilion south of Building C:	6,769 sq. ft.
Wetlands overlook plaza south of parking area:	1,478 sq. ft.
Other usable open space and plaza area:	2,478 sq. ft.
Total Usable Active Open Space provided	**19,280 sq. ft.**

In addition, 2,196 square feet of indoor recreation space is provided within Building C, including the following: an activity/media room (492 square feet); and exercise room (487 square feet); an activity/media room and kitchen (548 square feet); and a rooftop patio (669 square feet).

Total Indoor Recreation Space	**2,196 sq. ft.**

Passive recreation areas are provided including the upland areas adjacent to the wetlands and landscape beds throughout the site.

Total outdoor passive recreation space	**24,103 sq. ft.**
Total required recreation space	**45,579 sq. ft.**

As allowed by subsection 6.c.iv. above, the combined shared usable outdoor recreation areas, additional indoor recreation area, and passive use open space facilities totals 45,579 square feet of combined area, or 212 square feet per each dwelling unit. This exceeds the minimum standard of 200 square feet of shared outdoor recreation and open space facility per unit. This criterion is met.

All of the proposed usable outdoor recreation areas will be located in fairly open areas and should be readily observable from a number of dwelling units, the parking area, and the sidewalks and drive aisles within the development site. This criterion is met.

7. Access and circulation:

a. The number of required access points for a development shall be provided in Chapter 18.705;

b. All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and

c. Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

The proposed development is consistent with the minimum number of access points required by Chapter 18.705 (minimum of two access points required; three access points provided). The site plan has been designed to provide adequate access for emergency and service vehicles. The project development team met with a representative of the Tualatin Valley Fire and Rescue District during the development of the site plans. Modifications to the plans were made to accommodate the Fire District's concerns. The plans have also been provided to Pride Disposal, the trash and recycling service provider for the site area.

The plans provide for the dedication of a 20-foot wide public pedestrian easement along Ash Creek for future development of a pathway or boardwalk, as called for by the City of Tigard Parks System Master Plan which discusses a Washington Square Regional Center Trail looping around Washington Square, and following Ash Creek as its primary route. An easement for a connecting trail to SW Oak Street is also proposed to be provided. This criterion is met.

8. Landscaping and open space—Residential development. In addition to the buffering and screening requirements of paragraph 2 of this subsection D, and any minimal use open space facilities, a minimum of 20% of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation.

The proposed development plans (Sheet P2.4, Overall Open Space Analysis Plan) call for 48,367 square feet of landscaped area on the site, or 25 percent of the 193,406 square foot development site area. This total landscaped area does not include the minimal use areas below the proposed retaining wall, which also includes the trees and shrubs which have been proposed to provide the required screening and buffering for the parking area. The landscape plan was prepared by and under the direction of David Haynes, PLA, a registered landscape architect in the State of Oregon. This criterion is met.

9. Public transit:

a. Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:

i. The location of other transit facilities in the area; and

ii. The size and type of the proposed development.

b. The required facilities may include but are not necessarily limited to such facilities as:

i. A waiting shelter;

ii. A turn-out area for loading and unloading; and

iii. Hard surface paths connecting the development to the waiting area.

c. If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

The northeastern portion of the site is located within one-quarter mile of TriMet transit service bus stops at the intersection of SW Hall Boulevard and SW Locust Street, and portions of the northwestern portion of the proposed development site are slightly more than one quarter mile of TriMet transit stops on NW Greenburg Road. There currently is no transit service on SW Oak Street adjacent to the project site. Tri-Met provided a letter dated

December 4, 2014 at the City's request which outlines measures to improve access to transit from the subject site including improved sidewalk connectivity and lighting and obtaining an easement for placement of a transit shelter. The city shared TriMet's comments with the applicant who was amenable to considering the suggested improvements.

As conditioned above, the applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014. Therefore, this criterion is met.

10. **Parking:**
    a. All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;
    b. Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

The proposed parking areas within the multi-family development project have been designed consistent with the applicable design standards of Chapter 18.765, as reviewed in the findings to that chapter, below. This criterion is met.

11. **Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.**

The proposed storm drainage system within the apartment project has been designed consistent with the applicable standards of Chapter 18.810, as reviewed in the findings to that chapter, below. This criterion is met.

12. **Floodplain dedication. Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the city shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.**

The project site includes a substantial area which is within the 100-year floodplain of Ash Creek. The applicant is proposing to preserve the floodplain area on the site within a private open space area for long-term preservation. The plans note that the applicant is willing to provide a public pedestrian easement to the City of Tigard for the future development of a pedestrian path near Ash Creek, plus an easement for a pedestrian connection between that path and SW Oak Street. This criterion is met.

13. **Shared open space facilities. These requirements are applicable to residential planned developments only. The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:**
    a. Minimal use facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100-year floodplain).
    b. Passive use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
    c. Active use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
    d. The open space area shall be shown on the final plan and recorded on the final plat or covenants.

The Detailed Planned Development Plan for the A+O Apartments planned development provides 318,849 square feet of the total site area, over 67 percent of the 472,688 square foot site area (after deduction of additional SW Oak Street right-of-way only) as shared open space areas, whereas a minimum of 20 percent of the site or only 94,538 square feet would be the minimum shared open space required to be provided for this size planned development site. See Sheet P2.4, Overall Open Space Analysis Plan. The total open space areas to be provided will consist of the following:

- 273,270 square feet as minimal use facilities or 289 percent of the minimum required area as shared open space use facilities
- 24,103 square feet of passive use facilities or 25 percent of the minimum required open space area;
- 21,476 square feet of active use facilities or 22.3 percent of the minimum required open space area.

This criterion is met.

14. **Open space conveyance: Where a proposed park, playground or other public use shown in a plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.**
    Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:
    a. Public ownership. Open space proposed for dedication to the city must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of city acceptance shall be made in writing by the parks & facilities division manager prior to final approval. Dedications of open space may be eligible for systems development charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below.
    b. Private ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the city in a form acceptable by the city. The terms of the conservation easement must include provisions for the following:
    i. The continued use of such land for the intended purposes;
    ii. Continuity of property maintenance;
    iii. When appropriate, the availability of funds required for such maintenance;
    iv. Adequate insurance protection; and
    v. Recovery for loss sustained by casualty and condemnation or otherwise.

FINDING: The Washington Square Regional Center Implementation Plan (2001) includes the Greenbelt, Parks and Open Space System Concept Plan (Figure 7) which shows greenbelt co-terminus with the wetlands on the subject site. The Tigard Park System Master Plan (2009) Map 3: Park Concept Map shows the Washington Square Regional Trail in a general alignment across the subject property. The Tigard Greenways Trail System Master Plan shows two alternate routes across the subject property, through wetlands (2A) and along SW Oak Street (2B), which is shown as a low priority on the Prioritized Project List, Table 13.

The applicant does not propose open space conveyance, but a ped/bike easement instead. The City Parks Director has determined that a dedication will not be acceptable and that a blanket pedestrian/bike easement over the entirety of Wetland A will be an acceptable reservation. As conditioned, this standard is met.

CONCLUSION: Based on the analysis above, the Detailed Development Plan Approval Criteria are met or can be met, as conditioned.

18.810 STREET AND UTILITY IMPROVEMENTS STANDARDS:

18.810.030 Streets

A. Improvements.

1. **No development shall occur unless the development has frontage or approved access to a public street**
2. **No development shall occur unless streets within the development meet the standards of this chapter**
3. **No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.**

E. Minimum Rights-of-Way and Street Widths: Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Downtown District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1

The development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street include a 20-foot paved width, planter and a 12-foot wide separated bike path. No streets within the development are proposed. This standard is expected to be met.

Street Alignment and Connections:
Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

N. Grades and curves.

1. **Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet); and**
2. **Centerline radii of curves shall be as determined by the city engineer.**

The existing grades along the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

18.810.050 Easements

A. Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse.

B. Utility easements. A property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

18.810.070 Sidewalks

A. Sidewalks. All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.

B. Requirement of developers.

2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).

The Development Review engineer has determined there are no existing sidewalks on the same side of the street as the development within 300 feet of a development site in either direction. This standard is met.

18.810.090 Sanitary Sewers

A. Sewers required. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in *Design and Construction Standards for Sanitary and Surface Water Management* (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

B. Sewer plan approval. The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

C. Over-sizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

18.810.100 Storm Drainage

A. General provisions. The director and city engineer shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and

3. Surface water drainage patterns shall be shown on every development proposal plan.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

C. Accommodation of upstream drainage. A culvert or other drainage facility shall be large enough to

accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and the city engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

D. Effect on downstream drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the director and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

Site runoff will be directed to Ash Creek. This standard may be met by condition.

Bike lanes: Subsection 18.810.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

18.810.120 Utilities

A. Underground utilities. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
2. The city reserves the right to approve location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to undergrounding requirement.

1. The developer shall pay a fee in-lieu of undergrounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the

only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.

2. **An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay the fee in-lieu of undergrounding.**

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of $35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:

Fire and Life Safety:

The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:

Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

Grading and Erosion Control:

CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:

The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of $50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

SECTION VIII. IMPACT STUDY

SECTION 18.390.040.B.e requires that the applicant include an impact study. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication of real property interest, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

Section VI of the applicant's submittal includes Impact Assessment Reports on transportation, wetlands, geotechnical, waste and recycling, and storm drainage. Item F. Impact Assessment Report by Otak, Inc. summarizes the effect of the proposed development on general compatibility, noise, odors, lighting, signage, transit availability, transportation, and utilities.

The applicant has specifically concurred with and has proposed dedication of right-of-way and to make half-street improvements along SW Oak Street.

ROUGH PROPORTIONALITY ANALYSIS

The Transportation Development Tax (TDT) is a mitigation measure required for new development and will be paid at the time of building permits. Based on Washington County implementation figures for 2014/2015, TDTs are expected to recapture approximately 32 percent of the traffic impact of new development on the Collector and Arterial Street system. Based on the use and the size of the use proposed and upon completion of this development, the future builders of the residences will be required to pay TDTs of approximately $1,098,111 ($5,257 x 215 = $1,130,255 new apartment units - $32,144 for four existing single family dwellings).

Based on the estimate that total TDT fees cover 32 percent of the impact on major street improvements citywide, a fee that would cover 100 percent of this project's traffic impact is $3,431,596 ($1,098,111 ÷ 0.32). The difference between the TDT paid and the full impact, is considered as unmitigated impact.

Estimated Mitigation Value Assessment:		
Full Impact	($1,098,111 ÷ 0.32)	$3,431,596
Less TDT Assessment		- 1,098,111
Less mitigated values for off-site improvements (Lincoln Street row + full improvements)		-757,000
Estimate of unmitigated impacts		$1,576,485

FINDING: The applicant concurs with the dedication of right-of-way and improvement of SW Oak Street, a collector street, as shown in the Preliminary Site Plan (Sheet P2.0) and stated in the narrative. Any improvement to SW Lincoln Street, a collector may be TDT is creditable. Based on the analysis above, the net value of these dedications, assessments, and improvements is roughly proportional to the value of the full impact.

SECTION IX. OTHER STAFF COMMENTS

The City Police Department was notified and did not comment on the project.

The City Public Works Department was notified and commented that the wetland portion of the subject property should have a blanket public pedestrian/bike access easement for implementation of the Washington Square Loop Trail at some point in the future.

The City Development Review Engineer (Contact Greg Berry, 503-718-2468) has reviewed the proposal and provided comment in a Memorandum dated November 26, 2014, which can be found in the land use file and as an

attachment to this decision. The findings and conclusions in the Memorandum have been incorporated into this land use decision.

SECTION X. AGENCY COMMENTS

TriMet reviewed the proposal and provided a comment letter dated December4, 2014, including recommendations for sidewalk connectivity, lighting and transit station improvements on SW Greenburg.

Metro Planner Gerry Uba reviewed the proposal and commented that "Metro is confident that Clean Water Services will assist the City to implement the amendments appropriately."

Clean Water Services Jackie Sue Humphreys (503-681-3600) has reviewed this proposal and issued a letter dated November 18, 2014 stating conditions to be met in association with stormwater connection permit authorization, including compliance with the Service Provider Letter dated August 7, 2014 (File No. 14-001441).

Tualatin Valley Fire and Rescue John Wolff (503-259-1504) has reviewed the proposal and offered comments in a letter dated December 3, 2014, that endorses the proposal subject to TVF & R access hydrant location requirements.

Oregon Parks and Recreation Department, State Historic Preservation Office commented in a letter dated November 18, 2014 that in the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. A condition of approval will require notification procedures if cultural objects and/or human remains are found during site grading.

Oregon Division of State Lands provided a letter to the applicant dated June 13, 2014 concurring with the Pacific Habitat Services wetland and waterway boundaries for the subject site.

Frontier John Cousineau (503-643-0371) commented that the project site is within the CenturyLink territory.

Oregon Department of Land Conservation and Development (DLCD), ODOT (Region 1), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality, and the U.S. Army Corps of Engineers were mailed a copy of the proposal but provided no comment.

SECTION XI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

Limiting conflicting uses in Goal 5 protected wetlands (CPA)

The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center Plan District. Staff recommends limiting conflicting uses.

Planned Development (PDR)

Parking Exemption

The applicant's request for a parking exemption of 9.1% may adversely affect on-street parking in the neighborhood. Staff recommends the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership.

Funding future transportation

Developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. Staff recommends the applicant consider a range of improvements associated with SW Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement, and to construct improvements, subject to rough proportionality.

CONCLUSION

Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan, Sensitive Lands Reviews, and Planned Development are consistent or are conditioned to be consistent with applicable provisions of the Tigard Development Code Chapters:18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to City Council approval of the proposed comprehensive plan amendment, sensitive lands reviews, and planned development to City Council subject to the recommended conditions of approval and the result of any deliberations by the Planning Commission.

Exhibits:

Exhibit A	The City of Tigard Development Review Engineer Memo dated December 4, 2014
Exhibit B	TVF&R Letter dated December 3, 2014
Exhibit C	TriMet letter dated December 4, 2014
Exhibit D	Planned Development Concept Plan (Sheet P2.2)
Exhibit E	General Detailed Planned Development Plan (Sheet P2.3)

PREPARED BY: Gary Pagenstecher
Associate Planner

12-8-14
DATE

APPROVED BY: Tom McGuire
Assistant Community Development Director

12/8/14
DATE

EXHIBIT A

City of Tigard Memorandum

To: Gary Pagenstecher, Associate Planner

From: Greg Berry, Project Engineer

Re: SDR 2014-04; A+O Apartments

Date: November 26, 2014

Access Management (Section 18.705)

Section 18.705.030.B requires site plans be presented for approval showing how access requirements are to be fulfilled in accordance with this chapter.

The application includes a site and utility plan for a proposed 215 unit apartment complex.

Section 18.705.030.D states that all vehicular access and egress … shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.

A driveway directly connected to SW Oak St. will provide access to the site. This standard is met.

Section 18.705.F Required walkways

PLANNING

Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and/or AASHTO (depending on jurisdiction of facility).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. This standard is met.

Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

Section 18.705.030.I includes minimum access requirements for residential use. For multifamily use developments with 50 to 100 units, two accesses are required with a minimum paved width of 24 feet with curbs and a 5-foot sidewalk within a 30-foot width.

Standards for the proposed 215 units are not provided. The proposed three accesses with a 24-foot paved width and would provide a level of access similar to that required for the development sizes listed.. The standard is met.

Street And Utility Improvements Standards (Section 18.810):
Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

Streets:

Improvements:
Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.

Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.

Minimum Rights-of-Way and Street Widths: Section 18.810.030E requires minimum rights-of-way and street widths for streets adjacent to or within a development.

The development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street includes a 20-foot paved width, planter and a 12-foot wide separated bike path

No streets within the development are proposed.

This standard is expected to be met.

Street Alignment and Connections:
Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.

The existing grades along the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the right-of-way line except:

- **Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;**
- **For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.**
- **For non-residential blocks in which internal public circulation provides equivalent access.**

Additional connections in this area are precluded by surrounding wetlands and existing development.

Easements:
Section 18.810.050 states that easements for sewers, drainage, water mains, electric lines, or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a

stormwater easement or drainage right-of-way conforming substantially to the lines of the watercourse.

Section 18.810.050.B states that a property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for mainline easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

Sidewalks: Section 18.810.070.A requires that sidewalks be constructed to meet City design standards along at least one side of private and industrial streets.

No streets are proposed. This standard is met.

Section 18.810.070.B states that if there is an existing sidewalk on the same side of the street as the development within 300 feet in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality.

No additional sidewalks are required.

Bike lanes: Subsection 18.819.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

Sanitary Sewers:

Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

Sewer Plan approval: Section 18.810.090.B requires that the applicant obtain City Engineer approval of all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

Over-sizing: Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

Storm Drainage:

General Provisions: Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

Accommodation of Upstream Drainage: Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

Effect on Downstream Drainage: Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2007 and including any future revisions or amendments).

Site runoff will be directed to Ash Creek. This standard may be met by condition.

<u>Storm Water Quality:</u>
The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 07-20) which require the construction of on-site water quality facilities. The facilities shall be designed in accordance with the CWS Design and Construction Standards for Sanitary Sewer and Surface Water Management and shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces of more than 1,000 square feet provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention, but a fee-in-lieu would be required.

The applicant's engineer has submitted preliminary detention calculations for an underground system. This standard may be met by condition.

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- **The developer shall make all necessary arrangements with the serving utility to provide the underground services;**
- **The City reserves the right to approve location of all surface mounted facilities;**
- **All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and**
- **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of $35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

Fire and Life Safety:
The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:
Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

Grading and Erosion Control:
CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:
The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:
The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of $50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

Sensitive Lands (Section 18.775.070)

Section 18.775.070.B.2 requires that land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge.

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.3 requires that land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map.

Proposed land form alterations are confined to portions of the site designated as MUE-1.

Section 18.775.070.B.4 requires that where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.5 requires that land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan.

Dedication of a public pedestrian easement is proposed. Since there are no current plans for a pathway, an easement will be required over the entirety of the floodplain. An approved easement agreement is required before beginning work and must be recorded before final inspection.

Section 18.775.070.B.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained;

The applicant has submitted applications for these permits. Approved permits will be required before beginning any work

Section 18.775.070.B.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed. .

Section 18.775.070.D.2 requires that the extent and nature of the proposed land form alteration or development in a drainageway will not create site disturbances to the extent greater than that required for the use.

The disturbance will be limited to that required to replace the portion of the drainageway along the western side of the site with a public with a public storm drain. This requirement is expected to be met.

Section 18.775.070.D.3 requires that he proposed land form alteration or development within the drainageway will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property.

Relocating the drainageway to a storm drain and providing an adequate outfall is expected to prevent these adverse effects.

Section 18.775.070.D.4 requires that the water flow capacity of the drainageway is not decreased.

The storm drain receiving the flow from the drainageway will have adequate capacity. This requirement will be met.

Section 18.775.070.D.5 where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.

Restoration will be required at the southern end of the drainageway. This work is expected to be required by the permits of other agencies.

Section 18.775.070.D.6 requires that the drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan.

The public storm drain replacing the drainageway will be sized to have the required capacity.

Section 18.775.070.D.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands and CWS approvals shall be obtained for work within a drainageway.

U.S Army Corps of Engineers, Division of State Lands and CWS permit applications have been submitted. Approved permits will be required before any work begins.

Section 18.775.070.D.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed. .

Recommendations:

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ANY WORK ON SITE:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to any work on site, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

Prior to any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.

Prior to any work on site, the applicant shall obtain approval from the City Engineer for the street design which is anticipated to include a 20-foot paved half width plus an 8-foot planter and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to any work on site, the applicant shall obtain approval from the City Engineer of an design access report.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.

Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.

Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.

Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.

Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

Prior to any work on site, the applicant shall provide an approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.

Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.

Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance.

Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include a 20-foot paved half width plus an 8-foot planter with trees, lights, underground utilities and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.

Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.

Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.

Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

EXHIBIT B

Tualatin Valley Fire & Rescue

www.tvfr.com

December 3, 2014

City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

Re: A + O Apartments Planned Development

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

1) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

2) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)

3) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)

4) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) ***Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as your water purveyor. Fire flow calculation worksheets as well as instructions are available on our web site at www.tvfr.com.***

5) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. ***Determine number of hydrants required from fire flow calculations and distribute to meet minimum distance and spacing requirements. An additional hydrant may need to be installed on SW 95th to meet this requirement.***

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.

6) **PRIVATE FIRE HYDRANTS:** To distinguish private fire hydrants from public fire hydrants, private fire hydrants shall be painted red. (OFC 507.2.1, NFPA 24 & 291)

7) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)

8) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)

9) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

10) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)

11) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)

12) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)

13) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

ADDITIONAL COMMENTS: The above listed criteria are preliminary potential applicable conditions that MAY apply to this project.

If you have questions or need further clarification, please feel free to contact me at 503-259-1504.

Sincerely,

John Wolff

John Wolff
Deputy Fire Marshal

Copy: TVF&R FIle

EXHIBIT C

December 4, 2014

Gary Pagenstecher
Associate Planner
13125 SW Hall Blvd.
Tigard, OR 97223

RE: Case File Number, CPA 2014-2

Thank you for the opportunity to comment on the proposed development on SW Oak St. TriMet Bus Lines 76 & 78 serve the area with a bus stops located on SW Greenburg Rd at Washington Square Rd. These stops see an average of 80 people boarding and alighting on weekdays. In addition 4 lifts of riders in mobility devices occur on an average month at this location. Activity may increase with development.

TriMet is interested in maintaining this stop and hopes to safely encourage ridership through supportive development. The purpose of our recommendations is to minimize traffic impacts of new development and maximize ridership by encouraging patterns that are transit, bicycle, and pedestrian supportive.

TRIMET STAFF RECOMMENDATIONS

Ensure sidewalk connectivity: Presently the south side of Oak Street has gaps in the sidewalk infrastructure. Developer should ensure that there is a safe and comfortable pathway to walk to Greenburg Rd from the new development.

Consider sidewalk lighting: The nature of the streetscape is conducive to shadows. Proper lighting will ensure new residents feel comfortable walking to and from the bus.

Consider negotiating an easement with the owner of the property at 10250 SW Greenburg Rd for the purpose of a shelter: Shelter from the elements can make taking transit much more palatable. There is not sufficient public right-of-way for a shelter. This is the property adjacent to the bus stop where residents of this development would most likely board. If an easement were to be obtained and a 5' deep by 20' wide concrete pad were placed behind the right-of-way, TriMet could place and maintain a shelter for residents wishing to take the bus.

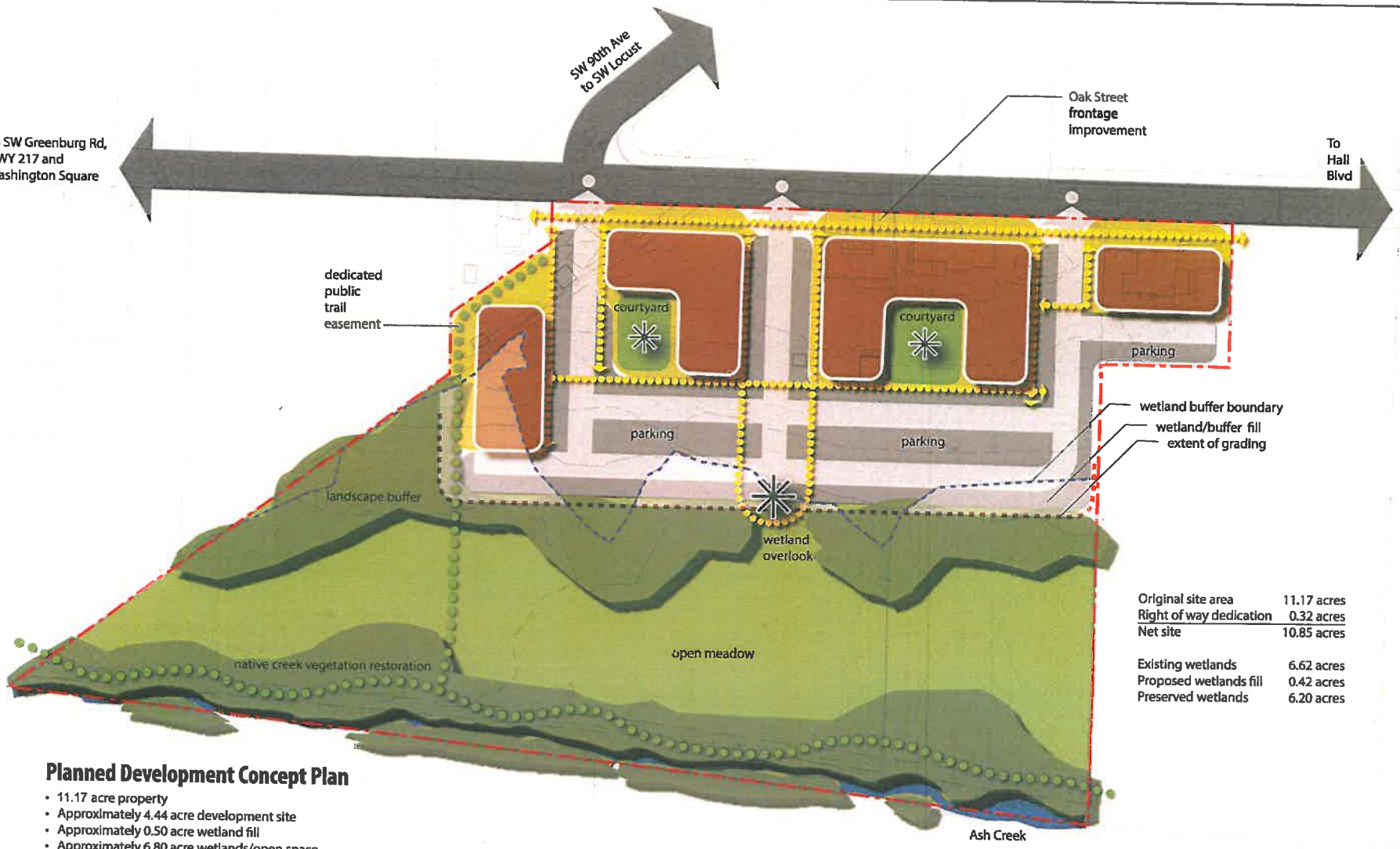
Again, thank you for your time and consideration. If you have any questions, please contact me at 503-962-6478.

Sincerely,

Grant O'Connell

Grant O'Connell, Planner II
Transit Development
Capital Projects

Exhibit D



Original site area	11.17 acres
Right of way dedication	0.32 acres
Net site	10.85 acres
Existing wetlands	6.62 acres
Proposed wetlands fill	0.42 acres
Preserved wetlands	6.20 acres

Planned Development Concept Plan

- 11.17 acre property
- Approximately 4.44 acre development site
- Approximately 0.50 acre wetland fill
- Approximately 6.80 acre wetlands/open space
- Multi-family buildings, 4 story
- 210-225 dwelling units total
- Density target 50-55 dwelling units/acre
- Pool and other recreation opportunities
- Enhanced wetland meadow
- Future trail easement to Ash Creek trail or boardwalk
- Oak Street frontage improvement

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

PLANNED DEVELOPMENT CONCEPT PLAN

DBG OAK STREET, LLC
2164 SW PARK PLACE
PORTLAND, OR 97204
(503) 244-2554

otak
Human/Global Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
Fax: (503) 415-2304
www.otak.com

17044 P17044P202
Project No. Drawing No.

P2.2
Sheet No.

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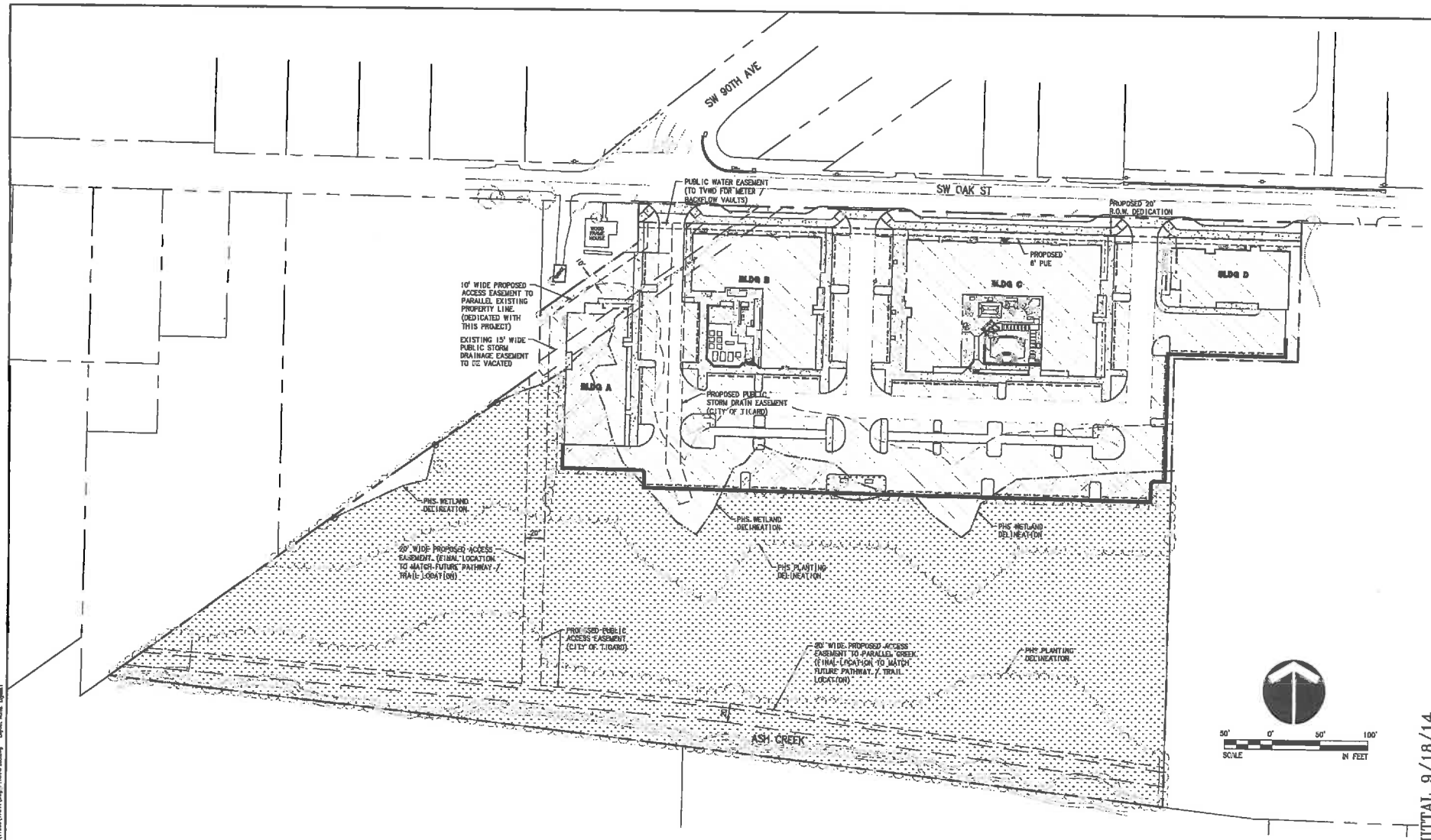
Exhibit E



DEVELOPMENT AREA:

ACTUAL DEVELOPMENT SITE: 4.44 AC

SOUTH OF RETAINING WALL: 6.41 AC

NET DEVELOPMENT SITE
(FOR DENSITY CALCULATION PURPOSES)

TOTAL SITE AREA: 11.17 AC
ROW DEDICATION: 0.32 AC
REMAINING WETLAND : 6.20 AC
PRIVATE STREETS (MAIN DRIVE AISLES): 0.60 AC

NET DEVELOPMENT AREA = 4.05 AC

SITE INFORMATION

TOTAL SITE AREA: 11.17 AC

EXISTING WETLANDS: 6.62 AC

PROPOSED WETLAND IMPACT AREA: 0.42 AC

REMAINING WETLAND AREA: 6.20 AC

PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
CITY OF TIGARD, OREGON

OVERALL DETAILED PLANNED DEVELOPMENT PLAN

DBG OAK STREET, LLC
2164 SW PARK PLACE
PORTLAND, OR 97204
(503) 244-2554

otak
Member Global Partner
808 SW 3rd Ave., Ste. 300
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Phone: (503) 287-6825
Fax: (503) 415-2384
www.otak.com

17044 P17044P203
Project No. Drawing No.
P2.3
Sheet No.
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Gary Pagenstecher

From: Brian <brian@tualatinriverkeepers.org>
Sent: Thursday, October 02, 2014 2:04 PM
To: Redon Charles
Cc: Gary Pagenstecher; Paul H. Whitney; Mike Skuja
Subject: Comments on Oak Street Estates wetland permits. Application APP0056389

Please accept these brief comments on the Oak Street Estates wetland permit application. Tualatin Riverkeepers met with the applicant's team on site.

1. Has avoidance been fully implemented? Increasing height on some of the buildings could reduce the footprint and be compatible with Tigard's regulations.
2. There are plenty of publicly owned places to mitigate in the Fanno - Ash Creek Watershed. That would be a better choice to mitigate local impacts than a mitigation bank near Hillsboro.
3. We appreciate the voluntary planting the developer has proposed for the floodplain.

Brian Wegener, Riverkeeper
Advocacy & Communications Manager
Tualatin Riverkeepers
11675 SW Hazelbrook Road
Tualatin, OR 97062
503-218-2580

Keep up on the public policy decisions that impact our creeks, wetlands and river.
Read and subscribe to TualatinWatch.

TUALATIN RIVERKEEPERS

www.tualatinriverkeepers.org

FOREIGN MISSION FOUNDATION
Dr. Gene Davis, President
10875 S.W. 89th Ave
Tigard, Oregon 97223 USA
Tel: 503 246-5862, fax: 503 977-9343
Email: fmf.india@yahoo.com

Gary Pagenstecher
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223

Date: 11.6.2014

Re: Case # CPA2014-00002, PDR2014-00003, SDR2014-00004, SLR2014-00002

Dear Gary,

I am very opposed to the circulation plan if I understand it correctly. Orland purchased Tax Lot 3300 and Tax Lot 3302 for the purpose of opening Lincoln Street extension to Oak Street which was a City requirement at the time. That connection is a minor collector on the City Master Plan and is necessary if an additional 215 multi-family dwelling units are going to be able to move in and out of our community, or any other development in the area. SW Oak Street certainly needs to be expanded from 40 ft. to 60 ft. without which there will be congestion that does not meet City development codes.

Beyond this, SW 90th is a residential street with parking on one side and without this street parking there isn't enough space for the residents to accommodate their vehicles. You might note that Orland owns a full 1 acre at the corner of 95th and Oak which they plan to put a hotel on. Plus they own .91 acres in Tax Lot 3300 that will be their next development.

This development more appropriately should be a plan use development with a Master Plan for the community, not piece meal. The Oak Street is planned for a 60ft. street and this development will not properly fit into the transportation Master Plan unless the 60 ft. width from Greenburg Road to Hall is required and put in at this time. Beyond that no parking along that 60ft. strip should be allowed in the overall Master Plan. When the rest of the properties are developed, will there be capacity for both parking and traffic circulation?

Thank you very much!

Dr. Gene Davis

RECEIVED

NOV 20 2014

CITY OF TIGARD
PLANNING/ENGINEERING

November 20, 2014

Jim Long, Chair
Citizen Participation Program-4M
10730 SW 72nd Avenue
Tigard, OR 97223

To: City Council & Planning Commission
c/o Gary Pagenstecher
City of Tigard
13125 SW Hall Blvd.
Tigard, Oregon 97223

Subject: Testimony re: Ash Creek and Oak Apartments (A+O Apartments)
Case ID Numbers: CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Mayor, City Council, and Planning Commission:

The Neighborhood Meeting about this application drew 55-60 concerned citizens last February.
The September CPO-4M meeting had 39 attendees concerned about this application.
Last night, the membership of CPO-4M voted unanimously to oppose portions of the application/s.

1) We oppose the requested amendment to remove/decrease any acreage or partial acreage (0.42 acres) of existing wetlands south of southwest Oak Street from the Comprehensive Plans map for

Most winters over at least four decades, CPO members have seen from viewpoints {on SW Oak Street, SW Spruce Street, Oregon Highway #217, and SW Greenburg Road) those lands covered

It appears that the combination of the proposed decrease in wetlands acreage and the proposed wall would increase the elevation of the surface water of the 100-year flood plain

Conflicting uses should be prohibited. Recent climate change has brought some extreme conditions elsewhere that don't suggest any modification of this 100-year flood plain is warranted at this time.

CPO-4M was involved in the lack of fulfillment of the proposed Washington Square Regional Center and the Presidential Parkway proposals in the late 1990s. CPO members thought the wetlands were protected.

2) [Code 18.765] We oppose the request for a variance for parking. Not enough parking spaces are provided for both the 1-bedroom and 2-bedroom units. Fifty-one vehicles without parking spaces will create a serious parking overflow.

3) [Goal 7 Hazards] Economic liabilities from building in the floodplain. The City of Tigard and its citizens have already experienced costly negative economic issues due to overbuilding on Bull Mountain.

4) [Code: 18.795] Visual clearance – Scenic viewpoints would be blocked by four 4-story buildings.

5) Why are the four applications in the above cases not considered separately?

Also, for the record, when asked at the Neighborhood Meeting if any of this complex will be affordable housing, the answer was, "No, it won't be affordable." Their minutes of that meeting clearly differ from our minutes.

Respectfully submitted,

Jim Long

November 20, 2014

RECEIVED
NOV 20 2014
CITY OF TIGARD
PLANNING/ENGINEERING

Dear Tigard Planning Commission,

I write in regard of the DGB Oak Street pending development on a wetland the City should cherish for its value to retain and filter stormwater. Yet a mindset seems to exist that wetlands without commercial development are not paying their way.

This proposal is as illadvised as plunking the Empire State Building into an available space in downtown Portland.

As wetlands go, it was a gem, still recoverable disspite the tons of fill that cover the site. On the Pacific Flyway, it it offered food and rest for migrators; it was redwing blackbird habitat and their song dominated the chorus of other birds nesting in its shelter. Frogs celebrated spring - goodbye to winter. We now live in an Age of Extinction, so preserving diverse habitats is important, in itself.

The City of Tigard, with its eye toward eventual commercial and multi-family development of land to the north and east of this site, should place a high value on acreage made for flood control, a top-value, totally free insurance policy.

Sincerely,
Nancy

Nancy Lou Tracy
7310 SW Pine St
Tigard, OR 97223

nltracy29@gmail.com

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NOV 20 2014
CITY OF TIGARD
PLANNING/ENGINEERING

11-20-14 1.

Attention: Gary Pagenstecher,

Case I.D # CPA 2014-0002
PDR 2014-0003
SDR 2014-0004
SLR 2014-0002

My name is Kristin Prince and I live at 10455 SW 90th Avenue Tigard OR 97223. I bought my property in 1997 and at that time I was informed about the Washington Square Regional Center Plan area and that my property Lot 3202. .36 acres, was part of that area. We were told if any development should happen in our neighborhood that the extension of Lincoln St. must happen to keep trafic off of 90th Ave which is residential street. There is a proposed development by Orland Properties to build 215 multi family units, south of Oak St in wetland area

It has come to my attention that the developer, Orland Properties, purchased tax Lot 3300 as well as 3302 with the intension of extending Lincoln St as a minor Collector. However now the have abandoned that route. If Lincoln St is not a minor collector it will force all traffic down 90th ave. This is a residential street with on street parking for Condos

90th avenue is not wide enough to support traffic in each direction when cars pass. The homeowners that only have on street parking we were told could loose parking if Lincoln St. is not extended.

Orland Properties purchased these vacant lots so Lincoln St could be extended. Last February at Metzger Elementary we were told this. For Orland Properties to abandon this route makes it very clear they are not in the best intrest of this community. My hope is that the city gives OK. for this development, but enforces the extension to be made by Orland Properties

Thank you for your time and consideration of this issue.

Kristin Prince
10455 SW 90 Ave
Tigard OR 97223
503-819-6168

CASE ID # CPA2014 - 00002
~~PR~~ PDR 2014 - 00003
SDR 2014 - 00004
SLR 2014 - 00002

TO: GARY PAGENSTECHER

FROM: DAVE FAHLMAN
9055 S.W. OAK ST.
TIGARD OR 97223

SUBJECT: DEVELOPMENT OF PROPERTIES 8900 - 9000 SW OAK ST.
~~TO~~ INTO 215 APARTMENTS

I LIVE RIGHT ACROSS THE STREET TO THE PROPOSED DEVELOPMENT AND AM OPPOSED TO THE TRAFFIC ISSUES IT WILL PRESENT. I COMMUTE DAILY TO 217 AND IT IS ~~AR~~ ALREADY NOT ~~AN~~ EASY TO USE 90TH BECAUSE IT IS SO NARROW. WITH OUT SOME OTHER WAY OF GETTING THE TRAFFIC IMPACT TO 217, THIS PROJECT WOULD HAVE POOR PLANNED TRAFFIC CONDITION.

SINCE THE OWNERS HAVE THE ABILITY TO COMPLETE THE LINCOLN STREET EXTENSION, THIS SHOULD BE A CONDITION OF DEVELOPMENT!

Dave Fahlman

~~CASE~~

RECEIVED

NOV 20 2014

CITY OF TIGARD
PLANNING/ENGINEERING

Jill Warren
9280 SW 80th Ave.
Portland, OR 97223
December 15, 2014

To: City of Tigard
Mayor John Cook
Marty Wine, City Manager
City Council
Planning Commnission
13125 SW Hall Blvd.
Tigard, OR 97223

CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Mayor Cook, City Manager
City Council and Planning Commission,

re: 215 unit apartment complex on Oak St.

The Washington Square Regional Center plan was conceived 15 years ago yet never reached fruition. There were unanswered questions about infrastructure costs, impacts of development in a sensitive lands area, property damage from flooding and questionable market success.

To piggy back high-density development and call it the regional center is erroneous. Is it fair to commit taxpayer dollars on a project that is high risk? There will have to be substantial taxpayer investment, i.e. urban renewal bonds for construction costs, infrastructure and potential legal issues.

Flooding/Mold/Insurance

Putting high-density development in a 100-year floodplain that has a history of flooding every 50 years will put people and property at risk. When people are harmed they need to be made whole. The jurisdictions that approved the zoning change will be culpable for litigation (City of Tigard, City of Beaverton, Metro and Washington County). Compound that with flooding impacts downstream and structural water damage (mold), it will be a costly disaster. Water will soak into the drywall and mold will ensue so the buildings will have to be gutted and completely rebuilt.

Flood insurance is prohibitively expensive. If there is a mortgage on the property flood insurance is mandatory. If the property is free and clear there is no mandate for flood insurance. If urban renewal bonds are used for construction costs and there won't be a mortgage on the property will flood insurance be available?

Removing Wetlands

The proposal includes removing 0.42 acres of dileneated wetlands on the site from the Comprehensive Plan's Wetlands and Stream Corridor map's Goal 5 Safe

Harbor/Significant Wetlands designation along with removal of the same area from the Significant Habitat areas map.

It is not proper to remove wetlands from what is currently on the books. If they have to do this to move forward it illustrates this is not the right site for this project.

Bull Mountain

When Bull Mountain was being developed the real estate community knew it was overbuilt. No developer in the private sector would heavily develop that site because they have to mitigate risk. Sure enough 15 years later City of Tigard had to purchase a house from erosion damage because it was "cheaper than being sued". Does the City of Tigard have the resources to purchase a 215 unit apartment complex and do repairs? Is it right for City of Tigard to use taxpayer dollars for investment and repairs and then commit to another high-risk project?

Conclusion

Before approving this proposal there needs to be more investigation from state agencies and risk management. The regional center was stalled for many reasons and we need to revisit questions that were raised 15 years ago. This proposal will change and modify the wetland/floodplain dramatically. There are many alterations in the plan that are extreme in order to pencil out, proving this is not the appropriate site for this project.

Respectfully submitted,

Joe Warren

Jill Tellez
9280 S.W. 80th Ave.
Tigard, OR 97223
JAN. 31, 2000

Brian Moore, Presiding Officer
TIGARD CITY COUNCIL
13125 S.W. Hall Blvd.
Tigard, OR 97223

RE: PROPOSED
WASHINGTON SQUARE REGIONAL CENTER PLAN
ISSUES OF NON-COMPLIANCE
TO METRO'S 2040 FUNCTIONAL PLAN

I would like this testimony to be submitted into the record to the Tigard City Council in reference to the Washington Square Regional Center proposed plan.

There are several aspects of this plan which do not conform to Metro's 2040 Functional Plan.

Excerpts taken from Oregon Department of Land Conservation and Development Commission Agenda Item 4, Sept. 23-24, 1999, LCDC Meeting. Following referenced goals are adopted State-wide LCDC Goals. The following italic text are observed deficiencies in the proposed plan which I wish to draw your attention to.

Metro's Urban Growth Report contains an analysis of key factors that influence regional urban form and the amount of land needed in the UGB and in future urban reserves. Examples of analysis included in the Growth Report include:

a. GIS land information research;
b. field investigations and expert testimony on infill and redevelopment activity levels;
c. evaluations of various "inefficiencies" (impacts from slope, soil conditions and existing development for example) that occur during the land development process.

<There have been no impact reports submitted by governmental agencies or private consultants concerning the risk of building high density inside a floodplain, or of the environmental impacts upon the Ash Creek wetland/floodplain.>

The proposed regional center plan conflicts with the following:

Goal 5-7 resources are made considerations for UGB expansions in Policy 1.7 and the Metro Code governing UGB amendments requires compliance with Goal 14, which included consideration of the environment. Policy 1.1 requires attention to providing access to nature as part of the regional urban form. Urban Form is defined as "the net results of efforts to preserve environmental quality, coordinate the development of jobs, housing, and public services and facilities, and inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another." *<The City of Beaverton is not being impacted by higher density up zones, yet the Nimbus area is still in the proposed plan>*. Thus, concern for environmental quality is a primary concern in creating the preferred urban form. The 2040 Growth Concept designates open spaces and trail corridors that include parks, stream and trail corridors, wetlands and floodplains, and largely undeveloped upland areas. *<The proposed high density up zoning is being concentrated in one small area (please refer to sub area "C" of proposed plan), a sensitive lands area, and not being absorbed by the other proposed sub areas.>*

Goal 8 Recreational is addressed both through the open spaces and trail corridors policies but also in a recommendation to cities and counties to set area to population ration for recreational facilities. *<There are no new recreational facilities employed in this high density plan.>*

The Goal 9 Economy expectation that an economic opportunity analysis be prepared is addressed in Metro's employment forecasts. Adequate land is included for economic development in designated Industrial Areas, Employment Areas and mixed-use design type areas. These designations have been identified for continuing review to determine whether the locations designated for jobs are dispersed appropriate for desirable sub-regional jobs to housing balance. *<This plan has not provided an analysis of jobs to housing balance.>*

Metro's Regional Urban Growth Goals and Objectives (RUGGO), objective 2.4.2, and with Metro Code governing UGB amendments, both cite to state statutes and the statewide Goals as being part of the Metro's standard for amending the UGB. "Type, mix and wages of existing and anticipated jobs" are not explicit standards found either in statutes or in the goals. While"type, mix and wages of...jobs" within an area may be preferable, there is no basis in statutes or Goals for allowing them to override explicit Goal values such as agricultural and forestry land protection. *<Compromising a sensitive lands area to accommodate growth targets violates this objective.>*

Growth Management

Growth management policy 1.6: "The management of the urban land supply shall occur in a manner consistent with state law that:

> Encourages the evolution of an efficient urban (growth) form.
> *<This plan has no prescribed stages of evolution .>*

There is no basis in state policy to permit the maintenance of distinct communities to override automatically other goals, for example the goal of protecting resource lands. *<Compromising a sensitive lands area to accommodate growth targets violates this objective.>*

Regional Centers

According to Metro: variation from the recommended design type densities may in the long run work for station communities, town centers and main streets. It is questionable, however, whether much if any leeway from design densities is workable in regional centers. Market and fiscal demands would appear likely to require close adherence to the regional center design type densities in both housing units and employment. *<Regional center designations cannot exist without inventing a new high density zoning designation. This aggressive growth concept has failed repeatedly and resulted in bankruptcy proceedings for Laguna West in Sacramento, CA, and The Beaverton Round, Beaverton, OR. A "regional center"is a gambling prospect at best with knowledge of possible failure.>*

The Department recommends inclusion of an update item in the Acknowledgment Order for Metro to research, monitor and evaluate whether the functions of Regional Centers are adequately implemented by current measures. *<There has been no research, monitoring or evaluation of this proposed regional center or if it will function properly.>*

Combining Natural and Built Environments

The 2040 Framework Plan exhibits a high degree of sensitivity to the opportunities for positive interaction between natural and built features of an urban environment. Policies supporting and fostering these interactions result in blending will the purposes of Goals 3 through 7 with those of

Goals 8 through 14. Included among these policies are:

Preserving access to nature,
Designating and protecting open spaces inside the UGB and in rural reserves,
Applying regional standards to designated water quality and flood management areas, and
Directing a region-wide Goal 5 riparian corridor protection plan.
<There is no Goal 5 riparian corridor protection plan in this plan>.

Comprehensive Plan Coordination With All Levels Of Government

" Goal 2 requires, in part, that comprehensive plans be "coordinated" with the plans of affected government units. Comprehensive plans are "coordinated" when the needs of all levels of government have been considered and accommodated as much as possible." ORS 197.015(5) *Brown v. Coos County*, 31 Or LUBA 142, 145(1996). Comprehensive plan coordination is a two step process, which requires:

1. The makers of the (comprehensive) plan engaged in an exchange of information between planning jurisdiction and affected governmental units, or at least invite such an exchange."

2. The jurisdiction used the information to balance the needs of all governmental units***in the plan formulation or revision". Brown, 31 Or LUBA at 146, citing *Rajneesh v. Wasco County*, 13 Or LUBA 202, 210 (1985).

3. A local government is not required to 'accede to every request that may be made by a state agency.' *Brown* at 146. It must, however, 'adopt findings responding to legitimate concerns.' *Id.*, citing *Waugh v. Coos County*, 26 Or LUBA 300, 314 (1993).

The essence of coordination must be a cooperative effort on the part of the governmental bodies involved. LUBA and the courts can require findings or other procedural devices to demonstrate that the necessary efforts have been undertaken. But in the last analysis, the participating bodies alone are responsible for undertaking the efforts. It is difficult to imagine a process that depends more for its success than this one on the participants' active desire and efforts to make it successful. The findings and other procedural trappings that LUBA and the courts may require can be nothing more than shadows if the parties are not committed to achieving any underlying substance for them to reflect." (State of Oregon Court of Appeals, 1000 Friends of Oregon v. Metro, Jan. 20, 20000).

<The concern of local conservation groups to preserve the Ash Creek wetland/floodplain has not been addressed. CPO-4M does not endorse this proposed plan in it's current form. Cohesive elements that are necessary for a succssful regional center are being compromised in this draft. The upzoning to high density in a sensitive lands area conflicts with the Metzger/Progress Community Plan drafted December 27, 1983, Washington County>.

The 1997 Urban Growth Report Update (by Metro), published in September, 1999, states:

"There is now no new up zone applied to neighborhoods and parks and open space lands".

I am respectfully requesting that these regional center elements be incorporated into this proposed plan. Therefore, prior to consideration of adoption of this proposal or any portion of this proposal, these elements should be incorporated to create an economically and environmentally balanced regional center plan. Thank you for your consideration.

Cordially,

Jim Tilly

Pat Whiting, Chair
CPO 4-M c/o
8122 S.W. Spruce
Tigard, Oregon 97223
February 1, 2000

Tigard City Council
c/o Brian Moore, Presiding Officer
13125 S.W. Hall Blvd.
Tigard, Oregon 97223

Re: Proposed Washington Square Regional Center Plan Boundary, Up-zoning and Infastructure

Dear Councilman Moore and City Council:

January 26, 2000, Citizen Participation Organization 4-M (CPO 4-M) adopted a resolution supporting Tigard's city-wide Policy 7.1.2 as pretains to mandatory infastructure facility preceding development and opposing staff-proposed Policy 11.8.3 which contains language that will allow develpment before proper water and drainage facilities are in place. Also, any proposed policies that seek to allow development before transportational infastructure is also opposed given the possible impacdts to the existing communilty and to any new community that may develop.

During the Task Force meetings a letter from the U.S. Dept. of the Interior, Fish and Wildlife Service dated July 28, 1999, and a second letter dated Agusut 23, 1999, noted that although the Service regularly assumes a regulatory role (Section 404 - permits, etc.), they "prefer to provide technical assistance in earlier planning stages when more options are typically available and natural resource problems can be avoided more easily and less expensively." (Please refer to attached letters).

The Task Force did not invite important agency personnel to our meetings to help shed light on the fuctions and values of floodplains, riparian zones, wetland and wildlife despite requests from some Task Force members and two letters dated July 19, 1999, from Tualatin Riverkeepers and from Crestwood Headwaters Group of Ash Creek.

Pat Whiting
1/1/2000

TCC:WSRC Proposal

During the Planning Commission public hearing on November 15, 1999, the staff for the regional center proposal were asked if employees of government agencies were asked to speak or participate in discussions regarding natural resources and the values of water quality, fish and habitat. The response seemed to be that there wasn't much response.

Attached for your review are the letters listing the agency employees of seven major areas who are experts in their fields and interact with jurisdictions in Washington County. Some are involved in Fanno Creek management. As of this writing three of the seven people listed in these letters who I called yesterday, January 31, 2000, had not been called or contacted. I've not heard back at this time from the remaining people listed.

Before the Council considers finalizing any portion of this regional center plan or the plan itself, we are requesting that you hold a City Council worksession with the state and federal agencies to discuss the issues at hand that impact floodplains, wetlands, wildlife and habitat as well as fish and air quality. Your deliberations and decisions should be predicated upon as much information as possible given the enormity of the proposal before you. It is requested that you opt for greater dialogue and resolve problems that face this proposal prior to adoption.

Therefore, it is requested that you consider giving this planning process more time to evolve and not make final decisions at your meeting of February 8th.

If you opt to not secure more factual dialogue with state and federal agencies regarding these issues, given the potential high-density development/redevelopment activity through proposed regional center up-zoning in a major sensitive lands area and

and an existing residential community, we request that the regional center plan boundary to the east be S.W. Greenburg Road. This would effectively eliminate most of the problems with the current proposal that are in conflict wilth the Up-dated 2040 Plan of September, 1999. Sensitive lands and existing residential communities are not to be subject to increased denisty provisions within a regional center.

Thank you for your consideration.

Respectfully submitted,

Pat Whiting

TUALATIN Riverkeepers

16340 SW Beef Bend Rd. Sherwood, OR 97140
(503) 590-5813 • fax: (503) 590-6702 • triverk@teleport.com
www.teleport.com/~triverk

July 19, 1999

Laurie Nicholson, Planner
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223

Dear Ms. Nicholson,

The Tualatin Riverkeepers are dedicated to protecting and preserving the natural systems of the Tualatin River and its tributaries. We feel that the best time to work at protecting these resources is early on in the land-use planning process. It is essential that those involved with land-use planning get the best advice possible on how to protect these resources. Thus far, the Washington Square Regional Center Task Force has not involved employees of government agencies who could best advise the task force on protecting wetlands and floodplain for the values of water quality, fish and wildlife habitat and flood prevention. The Tualatin Riverkeepers request that you invite the following agency representatives to participate in the next Task Force meeting:

Jan Stuart, U.S. Army Corps of Engineers
Jennifer Thompson, U.S. Fish and Wildlife Service
Jim Grimes, Oregon Department of Fish and Wildlife
Bill Parks, Oregon Division of State Lands
Tom Melville, Oregon Department of Environmental Quality
Jim Turner, National Marine Fisheries Service
Yvonne Vallette, Environmental Protection Agency

We believe that involving these agencies now will help protect wetland and floodplain resources, and will prevent costly plan revisions later in the development process.

Sincerely,

Brian Wegener

Brian Wegener
President, Tualatin Riverkeepers

c: Jim Nicoli, Mayor of Tigard
Elaine Cogan, Cogan Owens Cogan

From: Jere W. Retzer To: Laurie Nicholson

Crestwood Headwaters Group
5115 SW Alfred St
Portland, OR 97219

July 19, 1999

Elaine Cogan
Cogan Owens Cogan
8313 S.W. Alder Street
Portland, OR 97302

Laurie Nicholson/Planner
City of Tigard
13125 S.W. Hall Blvd.
Tigard, OR 97223

Dear Laurie and Elaine;

Please invite the following people to speak for a few minutes at Wednesday, July 28, 1999 Task Force for the Washington Square Regional Center. I believe it is very important that the task force have their perspective.

Jan Stuart
Army Corps of Engineers

Bill Parks
Division of State Lands

Tom Melville
Department of Environmental Quality

Jim Turner
National Marine Fisheries Service

Yvonne Vallette
Environmental Protection Agency

Jennifer Thompson
U.S. Fish and Wildlife Service

Jim Grimes
Oregon Dept. of Fish and Wildlife

Thank you for your consideration.

Sincerely,

Jere W. Retzer
Crestwood Headwaters Group

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon State Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195

Reply To: 6500.3001
File Name: WASQUAFE.WPD

July 28, 1999

Washington Square Regional Center Task Force
c/o Elaine Cogan
Cogan Owens Cogan
813 SW Alder
Portland, OR 97205

Dear Task Force Members:

The U.S. Fish and Wildlife Service (Service) is submitting this letter to urge the Task Force not to recommend upzoning of the wetlands and floodplains within the proposed Washington Square Regional Center development area. In particular, the Service is concerned about the wetlands and floodplains associated with Ash Creek that would be impacted if the area between Oak and Hwy 217 is upzoned to allow for a minimum of 50 units per acre. The Service encourages the conservation of these valuable and sensitive natural resources by maintaining the more protective zoning.

In addition to the numerous fish and wildlife species typically associated with wetland and floodplain habitats, Ash creek is known to support sensitive species such as cutthroat and the northern red-legged frog. In addition, Upper Willamette River steelhead, which are listed under the Endangered Species Act as threatened, occur downstream and may occur in Ash Creek. Unfortunately, Ash Creek is currently included on the Oregon Department of Environmental Quality's 303(d) List of Water Quality Limited Waterbodies for declining fish communities due to poor water quality, low dissolved oxygen, high summer temperatures, and fecal coliform.

The recovery and sustainability of fish and wildlife species requires conservation efforts that lead to improved watershed health. This is a challenging goal to achieve in an urban area, not only because of direct development pressures on sensitive areas, but also because of the intensive off-site and indirect impacts related to urbanization. Long-term planning and sound policy development are two of the most effective protection mechanisms available for minimizing both direct and indirect impacts to natural resources and their associated functions and values. Local conservation efforts can play a key role in complimenting, supporting, and expanding upon those at the regional, state and Federal levels. To ensure that local resources continue to provide benefits to fish, wildlife and people, and for consistency with regulations that will affect the site, the Service recommends that the Task Force work to protect Ash creek and associated riparian areas, floodplains, wetlands and buffers by supporting zoning and other conservation strategies that will prevent resource degradation.

The following is a list of some of the many functions that floodplains, riparian zones, and wetlands provide.

Fish and Wildlife Habitat:

- There are currently 54 Federally listed threatened, endangered, proposed, candidate, and special concern species within Multnomah, Washington, and Clackamas counties. Over 80% of these species depend on wetlands, riparian habitat, or the functions they provide for one or more stages in their life cycles. Riparian, floodplain and wetland area protection can benefit listed species, as well as prevent the future listing of other species.
- Healthy riparian areas provide connected, protected corridors for wildlife to travel between seasonal ranges and alternate habitats, allowing for species dispersal. This mobility facilitates genetic exchange and allows utilization of a wider range of potential habitat.
- Undisturbed riparian vegetation composed of a mosaic of various successional stages and plant communities equates to high habitat diversity necessary to support diverse communities and populations.
- Undisturbed riparian systems typically contain an assortment of habitat characteristics including multiple canopy layers, snags, woody debris, irregular edges (which provide a diverse interface between riparian areas and differing habitat types, furthering habitat diversity), undercut banks and overhanging vegetation. These complex characteristics provide the diverse habitat requirements necessary to support a wide range of naturally occurring fish and wildlife species.
- Although riparian and wetland areas cannot ameliorate all adverse upland impacts, they provide the greatest resources needed by fish and wildlife in the smallest area, and thus are a priority for protection.
- In developed and developing landscapes, riparian and wetland areas can provide critical refuge when adjacent habitat is lost or degraded.

Role of Floodplains and Riparian Zones During Flood Events:

- Floodplains naturally accumulate the appropriate type and balanced amount of organic matter and dissolved nutrients which are flushed into streams and rivers during runoff events. At natural levels, this material supplies fish and aquatic invertebrates with a rich source of food that can enhance production.
- Intact vegetation buffers the impact and erosive forces of rain as it hits the ground, and helps to slow and store water as it flows across the landscape. The greater the vegetative cover in a watershed, the greater the amount of water that can be slowed and held for gradual release. Riparian areas and floodplains moderate both high and low stream flows, providing more consistent flows throughout the year.
- Water moves from the active stream channel onto floodplains during storm events, providing natural areas for flood storage. Alterations to floodplains, such as the removal of vegetation or creation of impervious surfaces, reduces the flood storage capacity and infiltration of water over the floodplain. In turn, this results in increased and expedited flows moving downstream, leading to stream degradation and potential flooding problems that may affect life and property.

Water Quality:

- Riparian buffers which retain adequate vegetation and intact soils intercept, store, and biodegrade significant portions of pollutants.
- Riparian buffers filter and break down nutrients. By preventing nutrient loading and excessive aquatic plant and algal growth (which can ultimately cause oxygen depletion and excess ammonia), an increase in water acidity is avoided, which would otherwise

adversely impact fish and other wildlife by slowing fish growth and negatively impacting reproduction in some species.

- Plant roots help to stabilize the soil. Maintaining woody vegetation and limiting soil disturbance in riparian areas will prevent significant quantities of sediment from entering stream systems.

Efforts are needed not only to maintain, but to improve watershed health throughout the metropolitan region. Locally lead and supported efforts are needed more now than ever to recover species such as threatened and endangered salmon and steelhead. The opportunity is still available at the proposed Washington Square Regional Center to avoid impacts to natural resources, which is much more effective than fixing problems later both in terms of preventing irreplaceable resource losses, maintaining environmental health and preventing the unnecessary costs of repair, restoration, or attempting to recreate lost functions through artificial means.

Please ensure that all Task Force members receive a copy of this letter, and that it is included in the Task Force Record and in the Regional Center Plan Appendix for consideration by local jurisdictions. Feel free to contact Jennifer Thompson or Kumari Sivam of my staff at (503) 231-6179 if you would like to discuss these comments, or if we can provide you with any additional information. Thank you in advance for considering our input and keeping us informed of your decision regarding this issue.

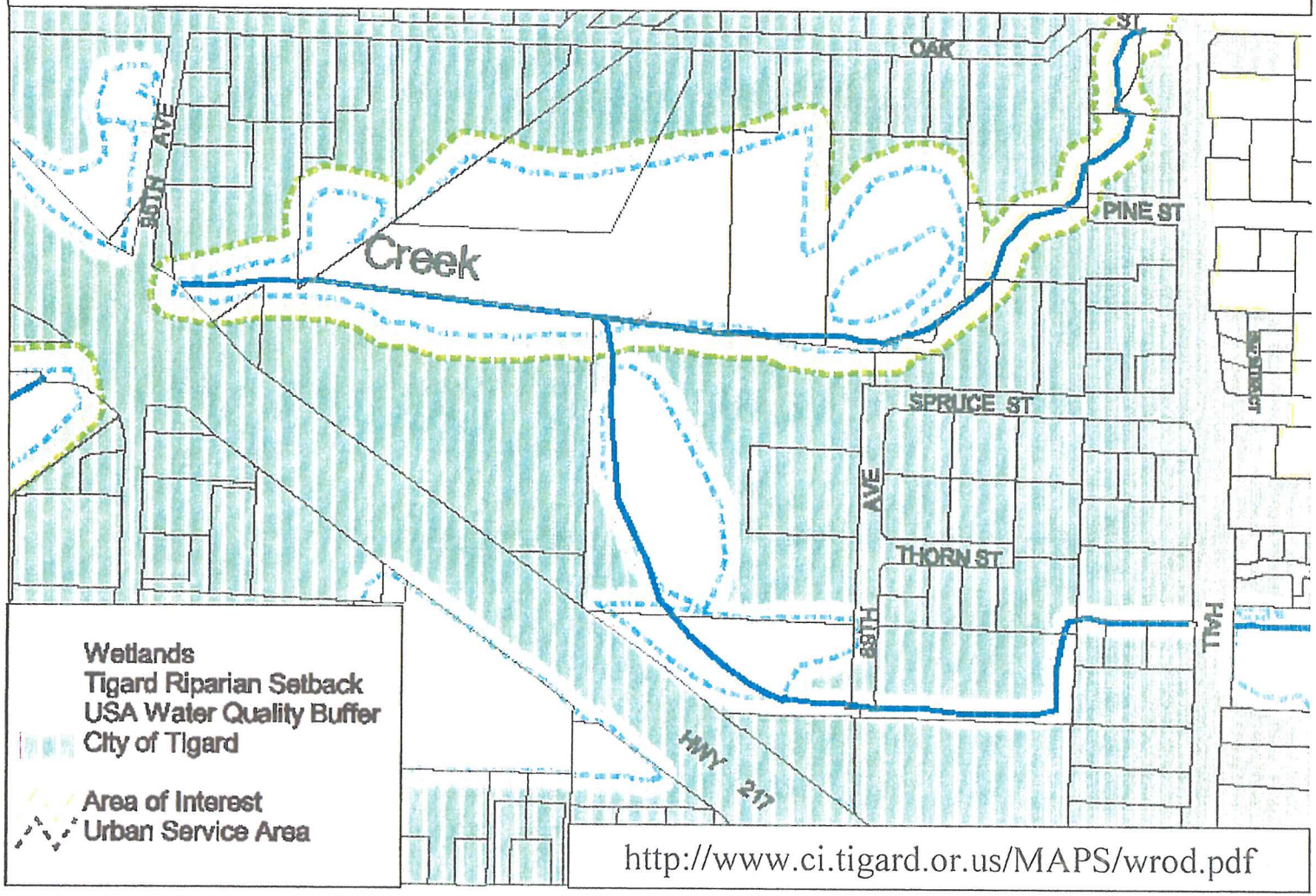
Sincerely,

FOR

State Supervisor

cc: Washington Square Regional Center Task Force Members
Tigard City Council
Tigard Planning Commission

Ash Creek Water Resources Overlay District from the City of Tigard Wetlands and Stream Corridors Map



http://www.ci.tigard.or.us/MAPS/wrod.pdf

October 5, 2005

TO: CCI/CPO Marketing Sub-Committee

From: Jill Warren, Chair and Pat Whiting, Vice-Chair
CPO 4-M

CITIZEN PARTICIPATION

Attendance and volunteer participation at the local level continues to fall since policy changes took place in late 1990's to present regarding local governing decisions that have not taken into consideration recommendations by local citizens and neighborhoods on policy development and planning changes. At issue is how and what was decided regarding density population goals and where the Washington Square Regional Center was located - superimposed on top of the Ash Creek Wetland/Floodplain and adjacent existing neighborhoods consisting of single-family residential and higher density residential and small businesses.

THe actual process that appeared to abide by LCDC Goal 1 recommendations of citizen participation appears on paper to have achieved out-reach and incorporation of public participation. What transpired was a lack of inclusion of citizen recommendations or even discussion of recommendations over a three year period. The data citizen groups developed and submitted was scientific based and very serious. The plan reflects no alternatives and CPO 4-M considers it flawed despite the repetitive statements by consultants to the local municipality that "There are no flaws in this plan."

Since the late 1990's local citizens from Tigard and from Metzger and from Portland when attending or testifying before the city council were treated rudely and sometimes yelled at with little provocation. Very elderly people who wanted to participate and testify were so frightened at times that they would tremble and could not proceed to actively

testify. Why am I referencing these occurances? Because they have to do with what is part of the problem of citizen participation today.

For decades I witnessed citizens in Tigard, Metzger & Progress interact, participate and volunteer. we have witnessed a falling ~~following~~ off of participation and a lack of confidence in some of the governing processes in the City of Tigard which impacts Metzger.

Having volunteered to be on the Washington Square Regional Center Task Force and witnessing the process that was consultant/ staff driven and how and what was decided and then unable to vote in favor of the final plan which contains many problems, as an individual and as a member of CPO 4-M I then volunteered and participated in the City of Tigard's Visioning Process.

The Visioning Process consisted of excellent city staff/ citizen interaction and sharing of ideas and recommendation formulation. The futuristic plan is a very good one and I am proud to have participated. However, the previous experience of the adoption of the WSRC by the City of Tigard has had great impact on active citizen participation.

Interacting with Washington County staff, agencies and elected officials continues to be positive with a "two-way street" interaction, sophisticated processes of governance and respect of citizens in county meetings. However, high-impact local city processes have made it difficult to convince a lot of previously active people to continue participating.

Over time this can be overcome. That is why we continue to exist and to develop the agenda items we have brought to the public. There are many new people coming to the area. Hopefully we can increase participation in the future.

Pat Whiting, Vice-Chair

Oct. 5, 2005

The Ash Creek Wetland/Floodplain has been up-zoned to 50+ units per acre (up from 4.5 upa).

This floodplain/wetland is an important feature in the Metzger/ Tigard area and is part of the Fanno Creek Watershed.

CPO 4-M opposed up-zoning this important natural resource and the testimony submitted by Jill Tellez in 2000 sites Oregon Land Use Planning excerpts and portions of the WSRC plan contents that do not reflect impact reports, compromises sensitive lands area violating Statewide Goal 9.

The WSRC up-zones neighborhoods and open-space lands. Yet the 1997 Urban Growth Report Update by Metro, Sept.1999, states:

> "There is now no new up zone applied toneighborhoods and parks and open space lands."

Pat Whiting

Attached: J.T.1/31/2000 letter and picture of Ash Creek area upzoned to 50+ units per acre.

From: "Jere W. Retzer" <jere@teleport.com>
To: jandjay@ix12.ix.netcom.com
Date: Thu, 3 Jun 1999 20:31:48 -0700
MIME-Version: 1.0
Subject: Re: Followup on Ash Creek Article
Priority: normal
X-MIME-Autoconverted: from Quoted-printable to 8bit by ixmail5.ix.netcom.com id UAA29887

Here is the attachment pasted as good old text (looks like a great letter):

DRAFT

June 1, 1999

Ms. Elaine Cogan
Cogan, Owens, Cogan
8313 SW Alder Street
Portland, Oregon 97302
Lloyd Lindley and Lloyd Lindley - promoting development
Dear Ms. Cogan:

The Department of Land Conservation and Development (DLCD) serves as the state,s floodplain management agency under an agreement with the Federal Emergency Management Agency. The department supports the need for Regional and Town Centers such as the proposed Washington Square Regional Center. However, we are concerned about the particulars of this proposed development which would impact lands in the Ash Creek watershed protected by other statewide planning goals (Goal 5 - riparian areas and Goal 7 - floodplains and other natural hazards). As the State,s floodplain manager, I am most concerned about the impacts of this development on the Ash Creek floodplain.

Under federal floodplain management regulations (44 CFR section 60.20) communities that participate in the National Flood Insurance Program, including the City of Tigard, shall evaluate a number of standards in considering proposals for floodplain development. One standard is that the community shall consider the adverse effects of floodplain development on existing development (44 CFR 60.22(c)(4)). In addition, the community shall also consider diverting development to areas safe from flooding in light of the need to reduce flood damages and in light of the need to prevent environmentally incompatible flood plain use (44 CFR section 60.22(c)(2)). Therefore, the City of Tigard must thoroughly evaluate the consequences of developing Ash Creek,s floodplain before issuing a permit. Also, it appears in this situation that there is acreage in the proposed development where higher density development could be diverted to protect the floodplain and wetlands area. The City of Tigard, as a requirement of participating in the national flood insurance program, needs to fully evaluate the consequences of this development.

If you have any questions, please contact me at 503-373-0050 (ext. 255).

Sincerely,

Ann Beier
State Floodplain Program Manager

cc: Mark Eberlein, Federal Emergency Management Agency
Meg Fernekees, Oregon Department of Land Conservation & Development

~~Jim Nicoli~~
Laurie Nicholson taskforce title
*Ward Rader copy to us
Lloyd
John Spenser filter

Sq. Reg. Center need copy of final letter

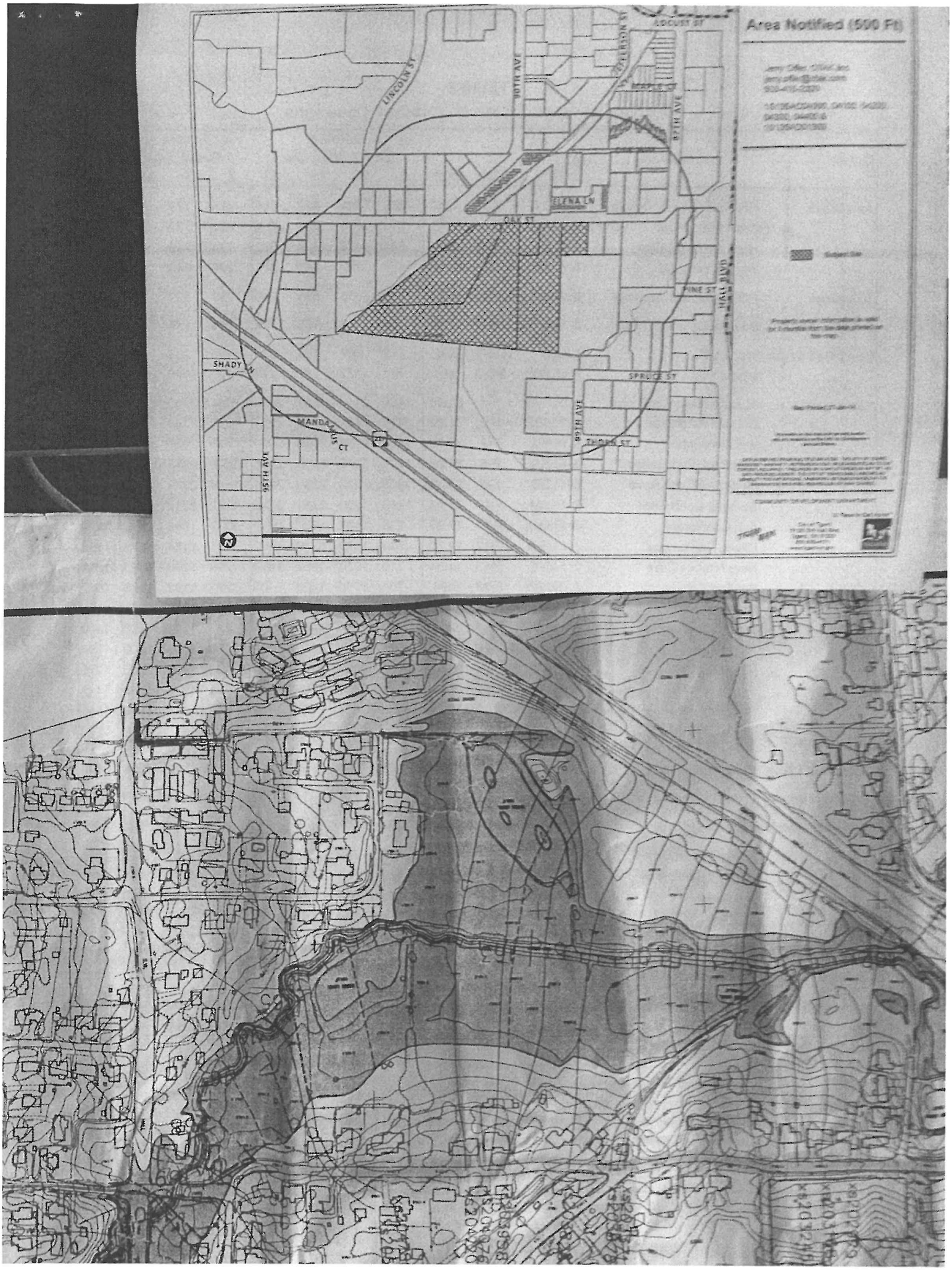

Area Notified (500 Ft)
LOCUST ST
LINCOLN ST
90TH AVE
87TH AVE
ELENA LN
OAK ST
PINE ST
HALL BLVD
SHADY LN
SPRUCE ST
MANDALUS CT
THORN ST
95TH AVE

Table 6
Watershed Peak Flows at Selected Locations

Creek	Location	ID #	Rch	Mi2	Existing Event Year, Cfs 2	10	25	100	Future 2040 Event Year, Cfs 2	10	25	100
Ash Creek	RR tracks near N Dakota	& AS1T	A-1	4.28	322	491	574	685	485	738	861	1028
	End of Spruce St	& AS4E	A-2	3.53	316	476	553	655	496	732	845	995
	Hemlock & Hall Blvd	& AS7T	A-3	2.80	285	426	492	582	514	748	857	1002
	Taylors Ferry Rd	& AS8E	A-6	1.34	124	187	217	257	240	348	400	470
Ball Creek	RR tracks near 74th Ave	& BL1	B-1	2.38	381	555	638	749	437	629	720	841
Bel Aire Creek	Bel-Aire Dr	& FM5W1	BA-1	0.38	62	91	105	124	76	111	127	148
Derry Dell Creek	Walnut St	& DD1	DD-1	0.82	112	167	193	228	160	233	268	315
	Morgen Ct	& DD3W	DD-3	0.61	85	127	147	173	120	176	202	236
Fanno Creek	Tualatin River Confluence	... TOTAL	F-1	32.06	1438	2147	2501	2989	1565	2350	2744	3269
	Durham Rd Bridge	& FL3SE	F-1	31.29	1418	2117	2468	2958	1550	2330	2711	3224
	Ball Confluence	& FLBL	F-2	30.50	1435	2192	2563	3063	1615	2427	2829	3391
	Red Rock Confluence	& FLRR	F-5	27.08	1339	2048	2393	2856	1508	2275	2660	3176
	Derry Dell Confluence	& FLDD	F-9	24.32	1309	2012	2365	2824	1549	2329	2726	3276
	Summer Confluence	& FLSM	F-10	23.44	1264	1939	2281	2722	1472	2217	2591	3091
	Ash Confluence	& FMAS	F-11	17.20	936	1427	1667	1987	1037	1552	1808	2149
	Hiteon Confluence	& FMHN	F-12	12.70	713	1070	1249	1492	791	1184	1375	1630
	Near Nimbus Drive	& FM4T	F-13	11.54	713	1078	1257	1499	799	1200	1395	1657
	Bel Aire Confluence	& FM5W	F-13	9.99	701	1050	1223	1455	793	1182	1375	1632
	Bohmann Parkway	& FMBS	F-17	8.47	783	1173	1361	1614	897	1338	1551	1835
	Woods Confluence	& FMWD	F-19	8.16	765	1154	1340	1591	876	1313	1523	1803
	Nicol Rd	& FMD	F-20	6.68	685	1032	1198	1419	808	1208	1400	1653
	Vermont Confluence	& FMVT	F-21	6.42	735	1099	1272	1504	877	1301	1505	1775
	Pendleton Confluence	& FUPN	F-22	4.85	603	895	1035	1221	728	1071	1233	1445
	Sylvan Confluence	& FUSV	F-22	4.46	552	821	948	1118	669	986	1136	1331
Hiteon Creek	Hart Pond	& HN1	H-1	0.77	121	179	206	243	144	209	239	280
Pendleton Creek	Chinese Resturant	... PN1		0.39	55	81	93	109	63	92	106	124
Progress Creek	Garden Home Rd	... FM9S	P-1	0.14	10	14	17	20	31	44	50	59
Red Rock Creek	RR tracks at Wall St	& RR1	RR-1	1.62	277	401	459	538	317	455	521	607
Summer Creek	Fowler Middle School	& SM1	S-1	6.13	508	762	881	1050	648	951	1103	1308
	Kreuger Confluence	& SMKR	S-1	5.65	555	821	941	1112	749	1072	1251	1485
	Summer lake	- SM4LK	S-3	4.67	465	684	780	923	645	915	1078	1293
	Katherine St	& KR1	S-2	0.83	95	144	167	197	142	209	241	282
Sylvan Creek	Scholls Ferry	& SV1	SV-1	1.20	111	169	196	233	196	288	331	389
Vermont Creek	Oleson Rd	... VT1	V-1	1.24	172	254	292	344	197	289	332	390
Woods Creek	Portland Golf Club	& WD1	W-1	1.37	171	253	292	344	253	369	424	497
		& WD3	W-1	0.99	145	214	247	291	185	268	307	360

ID	*Location (Node) in HEC-1 model where subbasin flow is combined*
Rch	*Reach code reference (for Natural Resources elements)*
QS#	*Four-digit METRO/USA quarter-section ID#*
Mi2	*Subbasin Area (square miles)*
Existing	*Land use modeled using METRO zone coverage, with vacant and public open lands deleted*
Future 2040	*Land use modeled using 2040 coverage obtained from METRO*
Event Year	*These are the design events modeled (the 2-, 5-, 10-, 25-, 50-, and 100-year events)*

Clean Water Services
Our commitment is clear.

Service Provider Letter

CWS File Number
14-001441

This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 07-20).

Jurisdiction: Tigard

Review Type: Tier 2 Analysis

Site Address / Location: 9000 SW Oak ST, Tigard, OR 97223

SPL Issue Date: August 07, 2014

SPL Expiration Date: August 06, 2016

Applicant Information:

Name:

Company: PACIFIC HABITAT SERVICES

Address: 9450 SW COMMERCE CIR, WILSONVILLE OR 97070, SUITE 180

Phone/Fax: (503) 570-0800

E-mail:

Owner Information:

Name: NAWZAD OTHMAN

Company:

Address: 215 SW WASHINGTON STREET, SUITE 202, PORTLAND, OR 97204

Phone/Fax:

E-mail:

Tax lot ID

1S135AD01303, 1S135AC04000, 04100, 04200, 04300, 04400

Development Activity

A+O Apartments

Pre-Development Site Conditions:

Sensitive Area Present: [X] On-Site [X] Off-Site

Vegetated Corridor Width: 50

Vegetated Corridor Condition:

Post Development Site Conditions:

Sensitive Area Present: [X] On-Site [X] Off-Site

Vegetated Corridor Width: 20

Enhancement of Remaining Vegetated Corridor Required: [X]

Square Footage to be enhanced: 3,933

Encroachments into Pre-Development Vegetated Corridor:

Type and location of Encroachment:	Square Footage:
Parking/Building (Permanent Encroachment; Mitigation Required)	44,295

Mitigation Requirements:

Type/Location	Sq. Ft./Ratio/Cost
On-site; Per Section 3.08.1.b, Enhancement of the existing Sensitive Area has been proposed through a Tier 2 Alternative Analysis	139,480/ 3.2:1

[X] Conditions Attached [X] Development Figures Attached (9) [ ] Planting Plan Attached [ ] Geotech Report Required

This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.

The encroachment into the vegetated corridor meets the following criteria, as required under a Tier I analysis:

1. The proposed encroachment area is mitigated in accordance with Section3.08.

As discussed above, mitigation for permanent impacts to the vegetated corridor will be achieved through the enhancement of Wetland A with native trees and shrubs. Section 3.08.1.b. allows for enhancement of the existing Sensitive Area for mitigation. This project is proposing wetland enhancement at a ratio of 3.2:1 (3.6 acres). Two acres of the enhancement area are proposed for required mitigation; the additional 1.6 acres of enhancement is proposed for public benefit to water quality. The enhancement of Wetland A meets CWS' requirements for mitigation and public benefit as described below.

The existing vegetated corridor, north of Wetland A, is in degraded corridor condition. Vegetation consists of non-native grasses, and Himalayan blackberry; no trees are present. The existing corridor provides little in the way of creek or wetland protection or habitat function. The riparian area-adjacent to Ash Creek is narrow, and is dominated by Himalayan blackberry; water quality and wildlife habitat functions and values within the creek and within Wetland A are low. Enhancement of approximately 139,480 acres of Wetland A will more than compensate for the encroachment of the degraded vegetated corridors north of Wetland A.

The southern area of enhancement will elevate many functions and values within Ash Creek. Trees and shrubs will provide shade to protect and improve water quality; native trees and shrubs will improve wildlife habitat; a wider forested riparian buffer will reduce human and domestic animal disturbance within the creek.

The northern area of enhancement, adjacent to the new development, will also provide several important functions. This area is wetland, and native trees and shrubs will increase the wetland's functions for wildlife habitat. This area will act as a buffer, reducing the likelihood that area residents will use the wetland in inappropriate ways.

Planting in the northern and southern mitigation enhancement areas will occur at 100 percent of CWS densities for trees and shrubs. As such, 1,395 trees (139,480 x 0.01) and 6,974 shrubs (139,480 x 0.05) will be planted within Wetland A. Planting in the central enhancement areas will occur at a density that achieves 100% areal coverage; as such, 7,419 plugs will be planted within Wetland A.

2. The replacement mitigation protects the functions and values of the Vegetated Corridor and Sensitive Area.

Currently, the southern portion of Wetland A within the project area provides some water storage and delay functions. Planted native woody vegetation along the banks will slow floodwaters during flood events, which may alleviate downstream flooding. Water quality is expected to increase because of the native trees and shrubs that will be planted along Ash Creek. The native trees and shrubs will provide shade, cooling summertime water temperatures.

As discussed above, the vegetated corridor to be impacted is in degraded corridor condition, and is not forested. The vegetated corridor provides very little in the way of protecting the functions and values of the wetland or of Ash Creek. The enhancement of Wetland A as mitigation will occur at a ratio of 3.2 to 1. This large ratio ensures that the functions and values lost through vegetated corridor encroachment will be more than adequately recovered through the enhancement mitigation process.

3. Enhancement of the replacement area, if not already in Good Corridor Condition, and either the remaining Vegetated Corridor on the site or the first 50 feet of width closest to the resource, whichever is less, to a Good Corridor Condition.

The wetland enhancement area will be planted to CWS densities for trees and shrubs. The southern enhancement area will occur within the 50 feet closest to Ash Creek, with widths ranging from 50 to 110-feet from Ash Creek. The northern enhancement area will occur south of the development area. The remaining VC will be planted to good corridor condition, at CWS' densities for trees and shrubs.

4. A District Stormwater Connection Permit is likely to be issued based on proposed plans.

The applicant reasonably expects to obtain a District Stormwater Connection Permit based on proposed plans for the project.

5. Location of development and site planning minimizes incursion into the Vegetated Corridor.

The proposed development plan is located in the northern portion of the site. Retaining walls were used to minimize impacts to wetlands and the vegetated corridor. Permanent impacts are necessary to meet the housing goals and density of the Washington Square Regional Plan Center, minimum parking requirements (assuming the 10% parking reduction variance is approved), neighborhood compatibility with building heights, as well as stormwater treatment outfalls.

Encroachment into the adjacent vegetated corridor has been minimized to the maximum extent practicable. Vegetated corridor encroachments are limited to those necessary for construction of the plan as proposed, to accommodate buildings, parking areas, stormwater treatment outfall, and garbage/recycling dumpster areas. The overall development has sought to maximize the developable area on the northern portion of the site because the southern portion is encumbered by the remaining portion of Wetland A and its vegetated corridor. The encroachment is required to adequately site the proposed buildings, drive aisles (access and emergency vehicles), and parking areas within the developable northern portion of the site. The multi-family residential "product" proposed on-site is dimensioned to meet the market demands of this specific housing type and address the neighborhood compatibility concerns of the nearby property owners. Any decrease to the unit count may impact the marketability of this development. As such, the proposed encroachment is limited to the greatest practical extent to make this project economically feasible.

A site alternatives analysis is provided (see SPL Attachment 2) that shows a matrix of development alternatives (A-D) that were considered, and a qualitative comparison of impacts, as well as comments regarding building type, parking, stormwater treatment, and site design options.

6. No practicable alternative to the location of the development exists that will not disturb the Sensitive Area or Vegetated Corridor.

Alternative site designs were considered, and the current design (Alternative D) was chosen due to site constraints. There are multiple benefits of locating the development at the proposed site, which would be negated if the development were moved off of this site. The site will be a residential development, which is in keeping with adjoining land uses. The project site is located within District C (Lincoln Center-Ash Creek) one of five districts within the *Washington Square Regional Center Plan.* The Regional Center

Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. The sites location is within walking distance from public transportation, and is centrally located among commercial and retail development, public schools, public parks, as well as many commercial businesses that provide employment opportunities for future tenants.

7. The proposed encroachment provides public benefits.

The public benefit of vegetated corridor encroachment includes supporting City and Regional Goals for "smart growth" via affordable housing. The site is located near the Washington Square Mall, which will provide close-in access to retail, restaurant, office, and service businesses, much of it within walking distance of the site.

Water quality is expected to increase because of native trees and shrubs that will be planted along Ash Creek. The native trees and shrubs will provide shade, cooling summertime water temperatures. The enhancement of Wetland A at a ratio of 3.2: 1 will elevate the functions and values within Wetland A and Ash Creek, providing water quality improvements for public benefit.

The proposed development will have an overlook along the southern edge of the parking lot. The overlook can be used by residents of the apartment complex for wildlife and native plant viewing. A future trail may be proposed along Ash Creek; if this regional trail is constructed, recreation and educational opportunities will increase.

In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 07-20, Chapter 3.
2. **Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 07-20, Section 3.06.1 and per approved plans.**
3. **Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. **Prior to ground disturbance an erosion control permit is required through the City. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.**
6. **Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.**
7. Activities located within the 100-year floodplain shall comply with R&O 07-20, Section 5.10.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

SPECIAL CONDITIONS

10. **For Vegetated Corridors up to 50 feet wide, the applicant shall enhance the entire Vegetated Corridor to meet or exceed good corridor condition as defined in R&O 07-20, Section 3.14.2, Table 3-3.**
11. **Prior to any site clearing, grading or construction, the applicant shall provide the City or Clean Water Services with a Sensitive Area and Vegetated Corridor enhancement/restoration plan. Enhancement/restoration of the Vegetated Corridor shall be provided in accordance with R&O 07-20, Appendix A, and shall include planting specifications for all Vegetated Corridor, including any cleared areas larger than 25 square feet in Vegetated Corridor rated ""good.""**
12. Prior to installation of plant materials, all invasive vegetation within the Vegetated Corridor shall be removed per methods described in Clean Water Services' Integrated Pest Management Plan. During removal of invasive vegetation care shall be taken to minimize impacts to existing native tree and shrub species.
13. The City or Clean Water Services shall be notified 72 hours prior to the start and completion of enhancement/restoration activities. Enhancement/restoration activities shall comply with the guidelines provided in Landscape Requirements (R&0 07-20, Appendix A).
14. **Maintenance and monitoring requirements shall comply with R&O 07-20, Section 2.11.2. If at any time during the warranty period the landscaping falls below the 80% survival level, the owner shall reinstall all deficient planting at the next appropriate planting**

opportunity and the two-year maintenance period shall begin again from the date of replanting.

15. **Performance assurances for the Vegetated Corridor shall comply with R&O 07-20, Section 2.06.2.**
16. **Clean Water Services shall require an easement over the Sensitive Area and Vegetated Corridor conveying storm and surface water management to Clean Water Services or the City that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.**

FINAL PLANS

17. **Final construction plans shall include landscape plans.** In the details section of the plans, a description of the methods for removal and control of exotic species, location, distribution, condition and size of plantings, existing plants and trees to be preserved, and installation methods for plant materials is required. Plantings shall be tagged for dormant season identification and shall remain on plant material after planting for monitoring purposes.
18. **A Maintenance Plan shall be included on final plans** including methods, responsible party contact information, and dates (minimum two times per year, by June 1 and September 30).
19. **Final construction plans shall clearly depict the location and dimensions of the sensitive area and the Vegetated Corridor** (indicating good, marginal, or degraded condition). Sensitive area boundaries shall be marked in the field.
20. Protection of the Vegetated Corridors and associated sensitive areas shall be provided by the installation of permanent fencing and signage between the development and the outer limits of the Vegetated Corridors. **Fencing and signage details to be included on final construction plans.**

This Service Provider Letter is not valid unless CWS-approved site plan is attached.

Please call (503) 681-3653 with any questions.

Amber Wierck
Environmental Plan Review

Attachments (9)

Economic, Social, Environmental, and Energy (ESEE) Analysis for the A+O Apartments in Tigard, Oregon

(Township 1 South, Range 1 West, Section 35AC, Tax Lots 4000, 4100, 4200, 4300, and 4400 and Township 1 South, Range 13 West, Section 35AD, Tax Lot 1303)

Prepared for

Attn: DBG Oak Street, LLC
Walter O. Grodahl, Manager
2164 SW Park Place
Portland, OR 97204

Prepared by

John van Staveren
Tricia Sears
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070
(503) 570-0800
(503) 570-0855 FAX

PHS Project Number: 5341

December 8, 2014

TABLE OF CONTENTS

Page

1.0 INTRODUCTION.....1

2.0 ESEE ANALYSIS.....1

2.1 Identification of Impact Area.....2

2.1.1 Overview of Existing Local Land Uses.....2

2.1.2 Overview of Local Natural Features.....3

2.1.3 Natural Resources within the Development Property.....3

2.1.4 Identification of Impact Area.....4

2.2 Potential Conflicting Uses within the Impact Area.....4

2.3 Site Specific ESEE Analysis.....7

2.3.1 Environmental Consequences.....7

2.3.2 Economic Consequences.....10

2.3.3 Social Consequences.....11

2.3.4 Energy Consequences.....11

3.0 COMPARISON WITH OTHER COMPARABLE SITES WITHIN THE TIGARD PLANNING AREA.....12

4.0 ESEE DECISION.....13

APPENDIX A: Figures

1.0 INTRODUCTION

DBG Oak Street, LLC proposes to develop 215 multi-family residential dwelling units within four, 4-story multi-family residential buildings on 11.17 acres south of SW Oak Street in Tigard. The property encompasses tax lots 1303, 4000, 4100, 4200, 4300, and 4400. A wetland delineation conducted in February 2014 by Pacific Habitat Services, Inc. (PHS) identified 6.62 acres of wetland within the proposed development site, plus Ash Creek, which flows to the west at the site's southern boundary.

The wetland is designated as "significant" (i.e. a Statewide Planning Goal 5 resource) on the City of Tigard's "Wetlands and Streams Corridors Map" and is protected. The City does not allow any land form alterations or developments within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130. As described in Section 18.775.130 Plan Amendment, the City allows applicants to impact significant wetlands if one of two options can be demonstrated. The first option is to conduct an Economic, Social, Environmental, and Energy (ESEE) Analysis that shall consider the consequences of allowing the proposed conflicting use. The second option is to demonstrate the wetland's "insignificance." PHS reviewed the significance thresholds included as an addendum to the City of Tigard's Local Wetlands Inventory and determined that even though the quality of the wetland, its connection to Ash Creek still ensures it would be regarded as significant. As such, the applicant is submitting an ESEE analysis for a quasi-judicial comprehensive plan amendment under a Type IV procedure.

This document focuses on the significant wetland and does not include a significant habitat evaluation. It is understood the significant habitat evaluation is an incentive based, non-regulatory element within the City's regulatory frame work.

2.0 ESEE ANALYSIS

The applicant has prepared an ESEE consequences analysis in accordance with OAR 660-23-040. The ESEE analysis is used to determine whether a jurisdiction will allow, limit or prohibit a use that may conflict with preservation of the significant natural resource. For the proposed development on SW Oak Street, the subject properties include a Goal 5 resource considered significant (i.e. the wetland that borders Ash Creek).

The Goal 5 ESEE analysis involves evaluating the tradeoffs associated with different levels of natural resource protection. As required by the Goal 5 rule, the evaluation process involves identifying the consequences of allowing, limiting or prohibiting conflicting uses in areas containing significant natural resources. Specifically, the rule requires the following steps:

- ***Identify conflicting uses*** – A conflicting use is "any current or potentially allowed land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource." [OAR 660-23-010(1)]
- ***Determine impact area*** – The impact area represents the extent to which land uses or activities in areas adjacent to natural resources could negatively impact those resources. The impact area identifies the geographic limits within which to conduct the ESEE analysis.

- ***Analyze the ESEE consequences*** – The ESEE analysis considers the consequences of a decision to either fully protect natural resources; fully allow conflicting uses; or limit the conflicting uses. The analysis looks at the consequences of these options for both development and natural resources.
- ***Develop a program*** – The results of the ESEE analysis are used to generate recommendations or an "ESEE decision." The ESEE decision sets the direction for how and under what circumstances the local program will protect significant natural resources.

The site of the proposed development has been evaluated in a prior ESEE Analysis. The ESEE Analysis (*Tualatin Basin Goal 5/ Natural Resources ESEE* Analysis) was prepared in March 2005 by the Tualatin Basin Partners for Natural Places and by Angelo Eaton & Associates. It addressed Riparian Corridors (OAR 660-023-0090); Wildlife Habitat (OAR 660-023-0110); and Inner and Outer Impact Areas. The report divided their study area into sixty nine "streamsheds". The proposed project is located within the Ash Creek Streamshed (Local site #2) (Figure 1). The ESEE analysis also included information from Metro. For its Goal 5 inventory, Metro divided the entire region into twenty-seven "Regional Sites". The Metro "Regional Sites" were developed using 5th and 6th field watershed mapping. The proposed project is located in Regional Site #12 (Figure 2).

2.1 IDENTIFICATION OF IMPACT AREA

Under the Goal 5 rule, "local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified natural resource" (OAR 660-23-040(3)).

2.1.1 Overview of Existing Local Land Uses

As stated above, the proposed project is located within the Ash Creek Streamshed (Local site #2). Land uses within the streamshed primarily include low density single family residential and high density commercial and mixed use located along major roads. The streamshed is largely developed, with only 40 acres (4%) of the streamshed identified in the City buildable lands inventory (BLI) as vacant or redevelopable. Within the resource areas, 17 acres are designated as buildable. Tigard's BLI includes vacant sites, consisting of individual or combinations of parcels, ¼ acre or larger. It excludes all Title 3 protected areas (floodplain, wetlands, and buffers). The 17 acres in question are designated for either light or moderate protection. The resource type involved is upland wildlife habitat.

Located within the streamshed are the Washington Square Mall, Lincoln Center, and other commercial developments. While the amount of vacant land within this streamshed is small, the potential for redevelopment is relatively large because a major portion of the area falls within the *Washington Square Regional Center Plan* area. The Washington Square Plan calls for higher density urban development. This higher density includes mixed use developments within the plan area. Other uses in the streamshed include single family attached and detached structures, multi-family developments, Metzger Park, a public golf course, Metzger Elementary School, offices, retail establishments, and eating and drinking establishments. Also present is the subject property and the adjacent pasture located south of Ash Creek and north of Highway 217.

According to Clean Water Services (CWS), the amount of overall effective impervious area (EIA) within the regional site is 21%. The EIA is a very high 42-70% in the area of the Washington Square Mall and a high 23-41% in the other commercially developed areas. In contrast, the EIA within the residentially developed areas is a low 1-13%.

2.1.2 Overview of Local Natural Features

According to Metro's *Regionally Significant Riparian and Wildlife Inventory*, Regional Site #12 (2,693.5 acres) contains streams that generally have a medium gradient. Anadromous fish are present in 7 of the 46 stream miles located within the regional site. The *Natural Resource Assessment Technical Report* for the *Washington Square Regional Center Implementation Plan* indicates that Ash Creek offers poor habitat for fish. This is because important habitat elements such as large woody debris, cold water temperatures, pool and riffle complexity, and quality spawning gravel areas are largely absent from the area's stream system.

The *Tualatin Basin Existing Environmental Health Report* (EEHR) rates the overall health of the Regional Site as fair. In terms of the individual components used to assess health, wildlife habitat is rated as fair, water quality as poor and riparian vegetation as fair.

Conifer and hardwood forests are identified as the predominant habitat types within the resource site, with wetlands accounting for 13% of the site's wildlife habitat. The regional site accounts for nearly 4% of the regional wetlands and ranks 6th among the 27 resource sites in terms of wetland acreage. The site is characterized as having relatively small habitat patches with little forest interior, but reasonably good connectivity and very good water resources.

The City's local Goal 5 inventory, conducted in 1994, indicates that water quality is excellent in the stream's upstream reach (including the south fork of Ash Creek). Water quality deteriorates as the stream flows downstream through residential areas and receives stormwater run-off from these areas. This conclusion is consistent with the finding of the EEHR and the *Natural Resource Technical Assessment Report*, prepared for the *Washington Square Regional Center Implementation Plan*.

2.1.3 Natural Resources within the Development Property

Land use adjacent to the proposed development includes residential, commercial, and open space. The proposed development consists of six tax lots with four houses. The houses are located in the northern portion of the study area along SW Oak Street and include paved driveways, accessory buildings, and existing landscape vegetation. One of the houses is vacant; the other three are currently occupied. Within the study area, PHS identified one large wetland (designated as Wetland A), a stormwater ditch, and Ash Creek. PHS conducted the wetland delineation in February, 2014 (Figure 3).

Wetland A: Wetland A is located in the southern half of the study area, and is approximately 288,490 square feet (6.62 acres). The Cowardin class is palustrine, emergent, seasonally flooded (PEMC) and the HGM class is Slope. The wetland slopes gently from north to south, and

continues to the edge of Ash Creek. Vegetation within the wetland consists of pasture grasses; meadow foxtail (*Alopecurus pratensis*), tall fescue (*Festuca arundinacea*), creeping bentgrass (*Agrostis stolonifera*), and velvet grass (*Holcus lanatus*, FAC). Reed canarygrass (*Phalaris arundinacea*) is present in the western portion of the wetland. Other facultative pasture grasses are likely present, but due to the time of year, identification was not possible. Vegetation in the adjacent upland consists of the same pasture grasses as in the wetland, however Canada thistle (*Cirsium arvense*) and Himalayan blackberry (*Rubus armeniacus*) are also present.

Soils within the wetland meet the definition for redox dark surface (F6), and are considered hydric. The soils within Wetland A were generally not saturated; hydrology was satisfied using the oxidized rhizospheres indicator, or secondary indicators, including raised ant mounds and geomorphic position. Wetland A continues east, west, and south outside of the study area.

A 48,228 sq. ft. (1.11 acre) vegetated corridor regulated by Clean Water Services exists adjacent to the wetland to the north. Due to past disturbance, the quality of the vegetated corridors is considered to be degraded.

Stormwater Ditch: A stormwater ditch is located in the northwestern portion of the study area. It covers approximately 471 square feet (0.01 acre) within the study area. The ditch carries stormwater from SW Oak Street, as well as from the existing condominium complex located north of SW Oak Street, and empties into Wetland A.

Ash Creek: Ash Creek provides rearing and migration habitat for Lower Columbia River winter steelhead trout to river mile 1.53 (including the reach adjacent to the project site). Ash Creek is a straightened channel within the project area, with a degraded riparian area.

2.1.4 Identification of Impact Area

The Impact Area for the ESEE is defined as the 11.17 acres south of SW Oak Street in Tigard, which includes tax lots 1303, 4000, 4100, 4200, 4300, and 4400, all of Wetland A, the stormwater ditch, the vegetated corridor, and Ash Creek.

2.2 Potential Conflicting Uses within the Impact Area

The proposed development is located within District C (Lincoln Center-Ash Creek), one of five districts within the *Washington Square Regional Center Plan*. The Regional Center Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. One important component of developing within the property is adherence to the plan's vision of maintaining the functions of Ash Creek and adjacent sensitive areas. As described in the plan: "plantings, setbacks and other mitigation and enhancement techniques will buffer Ash Creek and adjacent sensitive areas from disturbance." As will be described in detail below, the proposed

development achieves a high residential density, while preserving and enhancing Ash Creek and adjacent sensitive areas.

Within the property, 0.33 acres of right-of-way will be dedicated for the widening of SW Oak Street across the site's frontage leaving a potential development area of 10.84 acres; however, the property includes 6.62 acres of jurisdictional wetland and Ash Creek, which flows to the west along the southern property boundary. The project proposes to unavoidably impact 0.42 acres of this lower quality wetland closer to Oak Street, but will preserve 6.2-acres of remaining wetland, which will be protected in perpetuity (Figure 4). There are also 1.02 acres of vegetated corridor impacts and the preservation and enhancement of 0.09 acres. Of the 6.2 acres, 3.2 acres will be enhanced with native tree and shrubs plantings, leaving 3 acres unplanted to create habitat diversity within the floodplain of Ash Creek. The 3.2 acres of enhancement is a voluntary action by the applicant and is not proposed as required mitigation (credits from a local wetland mitigation bank will be purchased to satisfy the Department of State Lands and US Army Corps of Engineers' mitigation requirements).

The density of the project will be 51.8 units per net acre on the development portion of the site, and 19 dwelling units per acre for the entire site. The project site includes six existing parcels, which will be consolidated into a single parcel prior to site development. If a separate tract is required to be created for the open space area, a property line adjustment application will be submitted and the parcels will be reconfigured to create a development parcel and a tract prior to or concurrent with consolidation of the parcels. All existing buildings and site improvements will be removed from the site with initial site grading.

Four, 4-story buildings are proposed and will be between 47-feet and 53-feet tall when viewed from SW Oak Street. All together, the proposed buildings will contain 64 studio units of less than 500 square feet in size, 98 one-bedroom units, and 53 two-bedroom units. The apartment buildings will have similar appearances. Variations amongst the buildings will be provided by their varied sizes and by different paint schemes and minor variations in trim packages. The development will include a landscaped plaza with benches, community gardens for the use of residents, landscape beds, and a bicycle parking pavilion. A 20-foot wide public pedestrian easement will be provided along the western edge of the site and into the wetlands area to the south for future development of a public pedestrian trail to connect with a future east-to-west public trail near Ash Creek. The east-to-west trail is described in the City of Tigard's Parks Master plan as a portion of a planned Washington Square Regional Center Trail. The applicant will work with the City on the provision of and the final locations for these public pedestrian easements.

A total of 278 on-site parking spaces will be provided. Partially below-ground level parking garages will provide covered parking spaces for 37 vehicles. A surface parking lot will be located to the south of the buildings. A total of 241 surface parking spaces will be provided. The applicant will work with a car share provider to encourage project residents to utilize shared vehicles in order to reduce the demand for on-site parking. Information on a car share program(s) will be provided to residents. A small number of conveniently located parking spaces may be reserved for car share vehicles.

The application to the City of Tigard requests a 9.15 percent reduction in the number of required onsite parking spaces due to anticipated less than normal demand for parking spaces by project residents, and in order to not increase the amount of proposed wetland impact to create additional parking spaces. Less than normal demand is anticipated for parking due to the relatively small size of the units providing housing for fewer residents (prevalence of studios and 1-bedroom units compared to typical suburban apartment complexes); the availability of car share vehicles, the availability of nearby transit; and the proximity to nearby shopping and employment opportunities.

Construction of the proposed project will result in the placement of fill within 0.42 acres of the wetland and 1.02 acres of the vegetated corridor. Mitigation for the wetland impacts are described below, but will include the purchase of credits from the Tualatin Valley Environmental Bank. The planting of 3.2 acres within the wetland and riparian area of Ash Creek is not regarded as wetland mitigation, but is being voluntarily proposed by the applicant.

Numerous development plans have been proposed for the property since at least 1996. All of the previous proposals would have resulted in greater than the proposed 0.42 acres of wetland impact proposed in this application. Figures 5A-5C show previous development proposals.

Alternative 1: This alternative shows development of the entire site, from SW Oak Street all the way to the banks of Ash Creek (Figure 5A). This scenario would have proposed impacts to almost the entire 6.62 acres of wetlands and would have impacted the riparian area of Ash Creek.

Alternative 2: This alternative shows development of the central and northern portions of the site (Figure 5B). Although impacts to the wetland are less than Alternatives 1 or 3, impacts to Wetland A are still significant.

Alternative 3: This alternative shows development of the entire site, from SW Oak Street all the way to the banks of Ash Creek (Figure 5C). Again, this scenario would have proposed impacts to almost the entire 6.62 acres of wetlands and would have impacted the riparian area of Ash Creek. In addition, this scenario shows a portion of Wetland A excavated to create a pond.

The Applicant also considered an alternative site plan that completely avoided Wetland A. This alternative results in no impact to any jurisdictional wetlands; however, because of the City of Tigard's requirements for density and parking, this alternative reduces the amount of developable area and does not meet project specific criteria as well as the preferred alternative.

For this proposal, the impact to the wetland is lessened significantly from prior proposals. The project proposes to unavoidably impact 0.42 acres of this lower quality wetland closer to SW Oak Street, but will preserve the 6.2 acres of remaining wetland, which will be protected in perpetuity as described earlier. Of the 6.2 acres, 3.2 acres will be enhanced with native tree and shrubs plantings, leaving 3.0 acres unplanted to create habitat diversity within the floodplain of Ash Creek (Figures 6-6A).

The proposed design minimizes impacts by proposing underground parking, increasing the building heights, and reducing the proposed number of units. The proposed development is

clustered together. The proposed residential density is well below that desired by Metro for the property.

Ash Creek provides rearing and migration habitat for steelhead trout, which is listed as Threatened under the Federal Endangered Species Act. There will be no direct effects to steelhead from the proposed development plan. The project includes a buffer of between approximately 260 to 300 feet from the creek to the southern edge of the proposed development. The list of trees and shrubs to be planted in the wetland and the riparian area is included below.

Wetland Enhancement – 3.2 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
Alnus rubra	Red alder	5-6’	10’	139
Crataegus douglasii	Douglas hawthorn	5-6’	10’	349
Fraxinus latifolia	Oregon ash	5-6’	10’	446
Salix lasiandra	Pacific willow	5-6’	10’	349
Thuja plicata	Western red cedar	5-6’	10’	112
			Total	**1,395**
Shrubs/Small Trees				
Cornus alba	Red osier dogwood	2-3’	5’	2,092
Spiraea douglasii	Douglas spiraea	2-3’	5’	1,744
Lonicera involucrata	Twinberry	2-3’	5’	1,394
Physocarpus capitatus	Ninebark	2-3’	5’	1,744
			Total	**6,974**

In addition to the buffer and the proposed plantings, all stormwater will be treated to that required by the National Marine Fisheries Service’s Standard Local Operating Procedures for Endangered Species (SLOPES) V. As such, there will be minimal impact to Ash Creek and the majority of the wetland. Storm drainage runoff will be collected by building laterals and catch basins for onsite runoff. Runoff will be treated using mechanical treatment devices such as StormFilter catch basins and storm drain splitter manholes and StormFilter manholes. The private storm drainage system will discharge to riprap pads above the wetlands in four locations south of the parking area and retaining wall. Stormwater from these discharge points ultimately will flow to Ash Creek through the intervening wetlands. It is anticipated that no on-site storm water detention will be necessary. A Storm Drainage Report for the project is included as an attachment to this application. Stormwater management will comply with SLOPES V, as described in the Stormwater Management Plan prepared by Otak.

A discussion of alternatives for impacts to the vegetated corridor is included in Appendix B.

2.3 Site Specific ESEE Analysis

This section considers the economic, social, environmental and energy consequences of the following:

a. Prohibit conflicting uses providing full protection of the resource site.
b. Limit conflicting uses offering limited protection of the resource site (balance development and conservation objectives).
c. Allow conflicting uses fully with no local protection for the resource site.

2.3.1 Environmental Consequences

Prohibit Conflicting Uses: If all conflicting uses are prohibited, then the wetland in its current condition would be conserved. The wetland is privately owned and the property owner has no plans to enhance the property should all conflicting uses be prohibited. Any proposed development would likely be restricted to the redevelopment of the existing houses on SW Oak Street and the wetland in its current condition would remain intact.

The wetland provides functions and values, but these are degraded due to past disturbance to the site. Ash Creek likely flowed freely through the property prior to human settlement of the area, but it was straightened decades ago and now forms the southern property boundary. The wetland was grazed for many years and as a result many of the trees and shrubs that dominated the wetland, such as Oregon ash and western red cedar, have been replaced by non-native pasture grasses.

Even with the impacts from past human use, however, the wetland still provides important functions and values. Water quality treatment is provided due to the fact that the stormwater ditch discharges into the wetland before reaching Ash Creek. As such, the non-native grasses within the wetland filters the stormwater flowing untreated from impervious surfaces upstream. Wildlife habitat is provided by the open space adjacent to the creek and by the proximity of the creek itself. The property likely serves as a travel corridor for a variety of common urban wildlife species, but also for more uncommon species such as coyotes and deer. The property is partially within the 100-year floodplain. Although the property does not detain flood flows for any appreciable time, it likely provides temporary habitat for steelhead when water levels rise above the top of the bank. The wetland also provides a visual buffer from the adjacent developed areas.

Limit Conflicting Uses: If conflicting uses are limited, there will be a balance of development and conservation objectives. The proposed development will unavoidably impact 0.42 acres of the wetland, but will conserve 6.2 acres. As such, only approximately 6% of the wetland is proposed for impact and approximately 94% of the wetland will be preserved in perpetuity (the property owner will record a conservation easement on the undeveloped portion of the property).

There are short term construction-related impacts, which would occur when preparing land for and constructing the proposed development. Construction activity will result in the excavation

and removal of vegetation, or "ground disturbing activities." However, these disturbances can be restored through native plantings and a strictly enforced erosion control plan will ensure that impacts are limited to the footprint of the proposed development. Construction noise can have a detrimental impact on wildlife, especially during nesting periods.

The proposed development will impact a small portion of the total wetland on the site, but it will have little effect on the overall functions and values that the wetland currently provides. It can be argued that allowing the conflicting use will actually enhance the wetland by ensuring the remaining portion of the wetland is enhanced. Limiting conflicting uses would ensure that the remainder of the wetland is enhanced through the planting of native trees and shrubs. A total of 1,395 trees and 6,974 shrubs will be planted within 3.2 acres of the wetland. The remaining 3 acres will remain open to ensure there is a diversity of habitats within the remaining wetland. Open wet meadows surrounded by dense woody vegetation provide an important niche for many species of wildlife and can be uncommon in urban settings. The plantings will be focused on the riparian area on the north side of Ash Creek, which will moderate water temperatures and enhance the quality of instream habitat for salmonids by providing a source of food. The enhancement will also be focused within the northern portion of the wetland adjacent to the proposed development. The dense woody plant community adjacent to the development will provide both a visual and a sound buffer between the wetland and the proposed development.

The proposed development will impact a small portion of the 100-year floodplain, but there will be no net rise in floodplain elevation. The addition of 8,369 trees and shrubs to the wetland and the floodplain will, over time, attenuate flood flows, ensuring water is released downstream slower than under current conditions.

The proposed development will result in increased impervious surfaces. The proposed 11.28 acre residential development project will consist of 4.39 acres of impervious surface, of which 3.93 acres will be new impervious surface. Allowing conflicting uses, however, will not degrade the quality of the remaining wetland or Ash Creek. The applicant proposes to manage stormwater through the use of proprietary water quality treatment filters, Low Impact Development Approach (LIDA) planters, and underground detention chambers. The A+O Apartments site will be divided into public and private stormwater management systems. Most of the private runoff will be collected and conveyed to a proprietary water quality treatment filter facility and then to an underground detention facility at the south side of the site. Runoff from two small private areas at the eastern and western sides of the site will be treated with proprietary water quality treatment filters and discharged directly to the Ash Creek floodplain without detention. The new impervious area within the SW Oak Street public right-of way frontage will be treated by LIDA treatment facilities (infiltration planters and/or swales). These structures will also provide detention for smaller storm events. All onsite stormwater treatment facilities will be designed to treat the water quality design storm event, which SLOPES V has identified as 50% of the 2-year, 24-hour storm event. Runoff water quality treatment standards will be met using proprietary filter cartridges for the private basins and LIDA facilities for the public impervious areas. The water quality storm event generates 4,010 cubic feet of runoff from the onsite basin under proposed conditions. As the proprietary treatment filters are a flow-based system, a design flow of 1.04 cubic feet per second will be used for sizing the private water quality facilities. New impervious surfaces within the public right-of-way will be treated using LIDA facilities sized to meet CWS design standards.

LIDA swales and infiltration planters function by collecting runoff generated by the water quality event and filtering it through 18-inches of water quality mix material, which is comprised of topsoil, sand, and compost. Beneath the water quality mix layer is a section of open-graded rock surrounding a perforated pipe. What stormwater does not infiltrate into the native soil is collected and conveyed to the storm sewer system.

Allow Conflicting Uses: If conflicting uses are allowed, then theoretically a much larger proportion of the wetland could be impacted by development. Obviously any impacts to the wetland will need to be reviewed and approved by the Oregon Department of State Lands and the US Army Corps of Engineers.

Allowing conflicting uses will result in the removal of vegetative cover and habitat for a variety of wildlife. Lost habitat would include feeding places for birds, and loss of feeding and refuge areas for mammals, reptiles, amphibians, and insects. Existing habitat may be replaced with lawns and ornamental, non-native vegetation. Impervious surfaces may permanently replace native habitats. The wildlife migration corridor that the property currently provides will likely be lost or severely impacted depending on the level of wetland filled. The property currently provides habitat connectivity along Ash Creek. Fences and other development can form barriers to wildlife migration. As the range of habitat for indigenous wildlife becomes restricted and isolated, opportunities for recruitment from other areas are limited and wildlife populations become vulnerable to disease, predation and local extinction.

Increased impervious surface and vegetation loss can lead to increased storm runoff and peak flows in streams, resulting in erosion, bank failure, flooding, and significant loss of fish and aquatic habitat function. It is assumed, however, that the development resulting from allowing conflicting uses will still need to adhere to the water quality and detention standards set by the National Marine Fisheries Service and CWS.

The increase in impervious surface and storm runoff also leads to reduced groundwater recharge and altered volumes of water in wetlands and streams contributed by groundwater. This can alter an area's hydrology by lowering surface water levels or groundwater tables and removing a local source of water essential to the survival of fish, amphibians and aquatic organisms as well as terrestrial animals. Clearing and grading activities can reduce the capacity of soil to support vegetation and absorb groundwater by reducing soil fertility, microorganisms, and damaging soil structure.

As with allowing limited conflicting uses, there are short term construction-related impacts, which occur when preparing land for and constructing the proposed development. Construction activity results in the excavation and removal of vegetation, or "ground disturbing activities." However, these disturbances can be restored through native plantings and a strictly enforced erosion control plan will ensure that impacts are limited to the footprint of the proposed development. Construction noise can have a detrimental impact on wildlife, especially during nesting periods.

2.3.2 Economic Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would keep the wetland intact and likely limit the footprint of the proposed development activity to the existing houses on SW Oak Street. The houses would be remodeled or torn down and replaced by new houses. As there will be no change in density, prohibiting conflicting uses would impact the potential densities planned for (and required) in the *Washington Square Regional Center Implementation Plan*. The economic benefits for local businesses from developing a high density apartment complex would not be realized. The applicant would also realize far less economic benefit from remodeling or replacing the four houses.

There will be a loss in short term construction jobs required when the apartment complex is developed. There are many studies that state living next to an open space increases property values. As such, prohibiting conflicting uses could benefit property values on SW Oak Street in the long term.

Limit Conflicting Uses: Balancing development and conservation goals for the property will result in an economic gain for local businesses, while ensuring that adjacent properties benefit from an enhanced and largely intact open space. The applicant's proposed development of 215 multi-family residential dwelling units will economically benefit businesses in the area, such as Washington Square and Lincoln Center. The applicant will also receive income generated by the proposed development. There will be a gain in construction jobs generated by the construction of the apartment complex.

Allow Conflicting Uses: Allowing conflicting uses would increase the population of people residing in the apartment complex and would thus be expected to increase the economic gains of local businesses. There would be more short term construction jobs required to construct the larger complex.

Adjacent properties could be negatively impacted by the loss of open space and the increased footprint of the apartment complex, which (at least temporarily) would not be in keeping with adjacent developments.

2.3.3 Social Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would result in the redevelopment of the area of the houses along SW Oak Street, with the wetland remaining in its current degraded condition. The wetland and the creek would remain in private property and would not be accessible for educational purposes. As such, there would not be any benefit from passive recreation (e.g. bird watching); however, the social benefits afforded from living adjacent to an open space would remain intact.

Limit Conflicting Uses: Limiting conflicting uses would allow the development of the 215 unit apartment complex and the enhancement of the wetland. The enhanced wetland and its proximity to a relatively large population would establish new connections for people to the outdoors.

Although access to the enhanced wetland will be restricted by the home owners association, the proximity of the enhanced resource will benefit passive recreation, such as bird watching.

By increasing the amount of buildable land inside the Urban Growth Boundary (UGB), expansion of the UGB onto farm and grazing land could be slightly delayed.

Allow Conflicting Uses: Allowing conflicting uses would result in the loss of open space and views, which could negatively affect adjacent properties and the local area as a whole. The property is partly visible from Highway 217, so the visual impact of a large development, with no associated enhancement, could have a negative social effect.

Wetlands provide educational opportunities for those living near them, which would be lost if conflicting uses are allowed. Wetlands also provide opportunities for urban quiet and solitude, the lack of which has adverse social consequences.

2.3.4 Energy Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would result in the redevelopment of the houses on SW Oak Street. This would increase the pressure to expand the UGB in the long term, which could result in people needing to travel farther to work, school, and to shop, which would increase energy consumption. This could also result in the need for new roads and infrastructure further from population centers.

Limit Conflicting Uses: Limiting conflicting uses would result in the proposed enhancement of the wetland and the addition of over 8,000 trees and shrubs to the wetland. Trees provide shade that cools buildings in the summer and serve as a windbreak in the winter. Plants absorb sunlight and transpire during the growing season, which can slightly reduce ambient air temperatures. Trees help capture carbon dioxide, a contributing factor to global warming. Trees also reflect and absorb solar radiation before it heats the ground, buildings, or pavement. Trees planted to the south of a building, as will be the case with the proposed development, can reduce air conditioning costs by blocking the sun during the summer.

Although access to the enhanced wetland will be limited, it can still provide local recreational opportunities, thus reducing the need to drive for outdoor experiences (i.e. passive recreation such as bird watching).

The applicant has asked the City of Tigard for permission to install less than the normally required amounts of on-site parking so as to avoid additional impacts to the wetland. The understanding is that fewer people will rely on owning their own vehicles. The development property has excellent access to transportation corridors for public transportation, pedestrian and bike routes, and local shopping areas, which will reduce energy consumption.

Allow Conflicting Uses: Allowing conflicting uses would increase the footprint and the density of the proposed development. This would diminish the need to expand the UGB and ensure that people were more centrally located to businesses, jobs and schools. The need for new infrastructure to support the increase in population would be less. However, the loss of over

8,000 trees and shrubs, which are proposed to be planted could negatively impact local climate conditions. The larger property may not be buffered from the south by shade, which could increase energy costs during the summer and winter.

3.0 COMPARISON WITH OTHER COMPARABLE SITES WITHIN THE TIGARD PLANNING AREA AND ALTERNATIVE SITE PLANS

DBG Oak Street, LLC conducted a thorough analysis of other comparable sites within the Tigard planning area and concluded that none are available. Two potentially available properties were identified as comparable to the proposed development site. Both properties are zoned MUR-1 (no maximum density; 50 units per acre minimum density). Despite the lack of a maximum density requirement, the small size of these parcels and the surrounding pattern of development (detached single-family homes and 2-story multi-family development) make the likelihood of developing this site with over 75 units very unlikely.

The first site, known as the Davis property, is located on several parcels to the east, west, and south of the proposed development site. The LWI maps large wetland areas within these parcels, including Ash Creek and a large pond. The applicant expects that these parcels contain at least as much wetland, if not more, than the proposed development site. Although these parcels together total an acreage large enough for the proposed development, the landowner was unwilling to sell the property when the proposed development was being designed.

The second site potentially available to the applicant is the Hunziker Road site. This site is located approximately 1.5 miles southeast of the proposed development, west of Highway 217. Although only encumbered by 1.25 acres of wetland (WD2011-0270), this parcel is steeply sloped. As such, creating a relatively flat area for the development of high density housing would require a large amount of earthwork. Because of the location of the wetland in the west-central portion of the site, it is likely that the entire wetland would need to be filled to create a flat, developable area.

The Hunziker Road property is zoned I-P industrial park, which does not allow for multi-family development. This parcel is the largest remaining industrial site within the City of Tigard, and the applicant inquired about the potential for a zoning change. Initial conversations with City staff indicated that they are not supportive of a zoning change. The site abuts a low density residential development, which could make it difficult and controversial for adjacent high-density residential development.

Lastly, the presence of Highway 217 and Highway 99W between the Hunziker Road site and the Washington Square Regional Center and the associated traffic congestion in that area functionally disconnects these properties from the Regional Center. It is unlikely that the City of Tigard would allow enough roadway improvements (i.e. sidewalks and bike lanes) to make this area attractive for non-vehicular traffic. The lack of readily available sites of sufficient size and zoning led the applicant to choose the proposed development site as the preferred development site.

4.0 ESEE DECISION

Prohibiting conflicting uses within the impact area would preserve the existing wetland, but will remove the opportunities to enhance the resource. The property could not be developed with a higher density, so the pressure to expand the UGB could be slightly increased. Local businesses would not benefit from the larger population base. Construction jobs will be fewer. The open space would be preserved in its current condition, which will preserve property values for adjacent property owners.

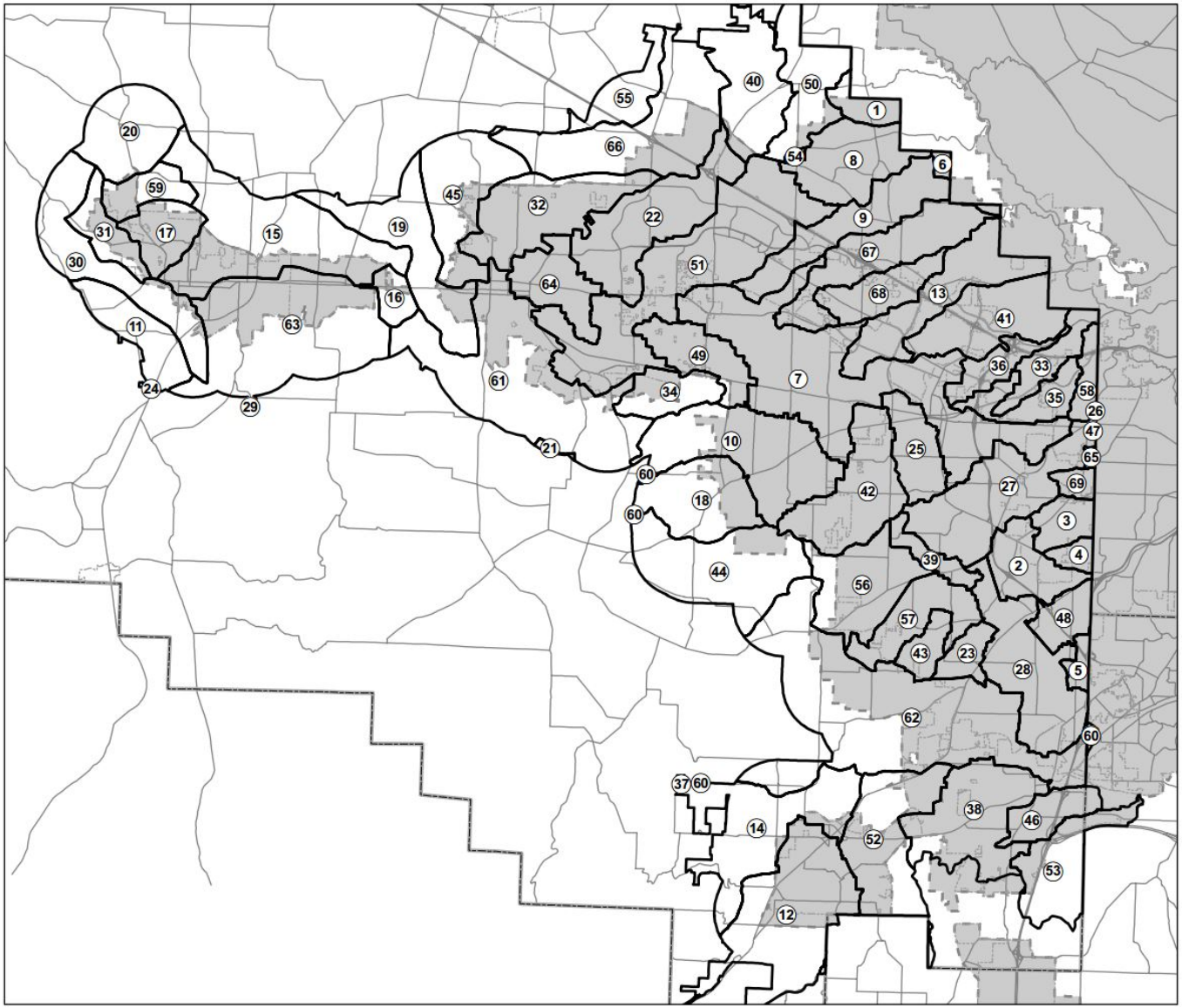
Limiting conflicting uses would allow for the development of 215 dwelling units and the planting of greater than 8,000 trees and shrubs in the adjacent wetland. The goals of the *Washington Square Regional Center Implementation Plan*, which calls for higher densities closer to urban centers, would be realized. The enhancement to the resource would ensure that wildlife habitat is improved and the travel corridor along Ash Creek is preserved. When mature, the trees and shrubs will attenuate flood flows. The trees will also moderate air temperatures during the summer, which will decrease energy costs. The increased population density and the focus on mass transit and car share programs will decrease energy reliance.

Allowing conflicting uses within the impact area will increase the population density and ensure that local businesses receive the maximum economic gains. Short term construction jobs will be increased. The loss of the open space would negatively impact wildlife habitat (e.g. travel corridor) and wetland functions, such as groundwater recharge, water quality treatment, and hydrologic enhancement. Impacts from increased development in the floodplain could negatively impact adjacent properties. The loss of a visual buffer and open space could negatively impact adjacent property values and investment values. The loss of the open space could diminish recreational opportunities, such as bird watching. The lack of trees to the south of the proposed development could decrease shading and increase energy costs during the summer.

Decision: The analysis concludes that **limiting conflicting uses** would result in the most positive consequences of the three decision options. A limit decision will avoid many of the negative consequences attributed to either allowing or prohibiting all conflicting uses. Through the application of site design and development standards to conflicting uses, the impacts on the significant wetland can be minimized (only 6% will be impacted) and the remaining resource can be enhanced. There will be a relatively high level of economic, social, environmental and energy benefits achieved. Limiting conflicting uses offers the most benefit to the wetland (through its enhancement) and to the community, and strikes a balance between conflicting uses and planning goals. The recommendation is to limit conflicting uses within the significant wetland.

Appendix A

Figures

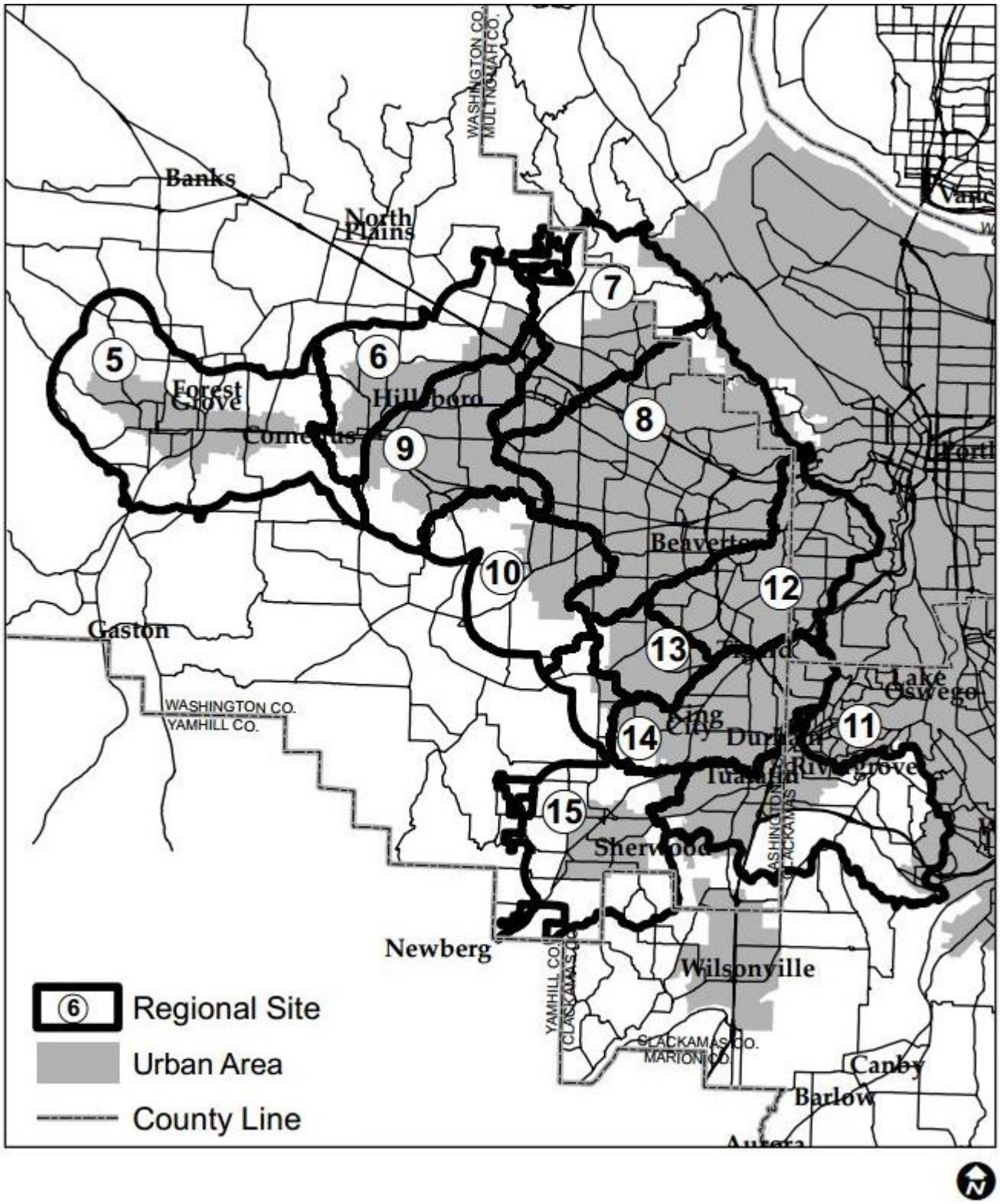


5341
5/21/14

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Tualatin Basin Goal 5/ Natural Resources ESEE Analysis - Streamshed Boundaries
A+O Apartments, Tigard, Oregon
Tualatin Basin Partners for Natural Places and by Angelo Eaton & Associates, 2005

FIGURE
1



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5/21/14

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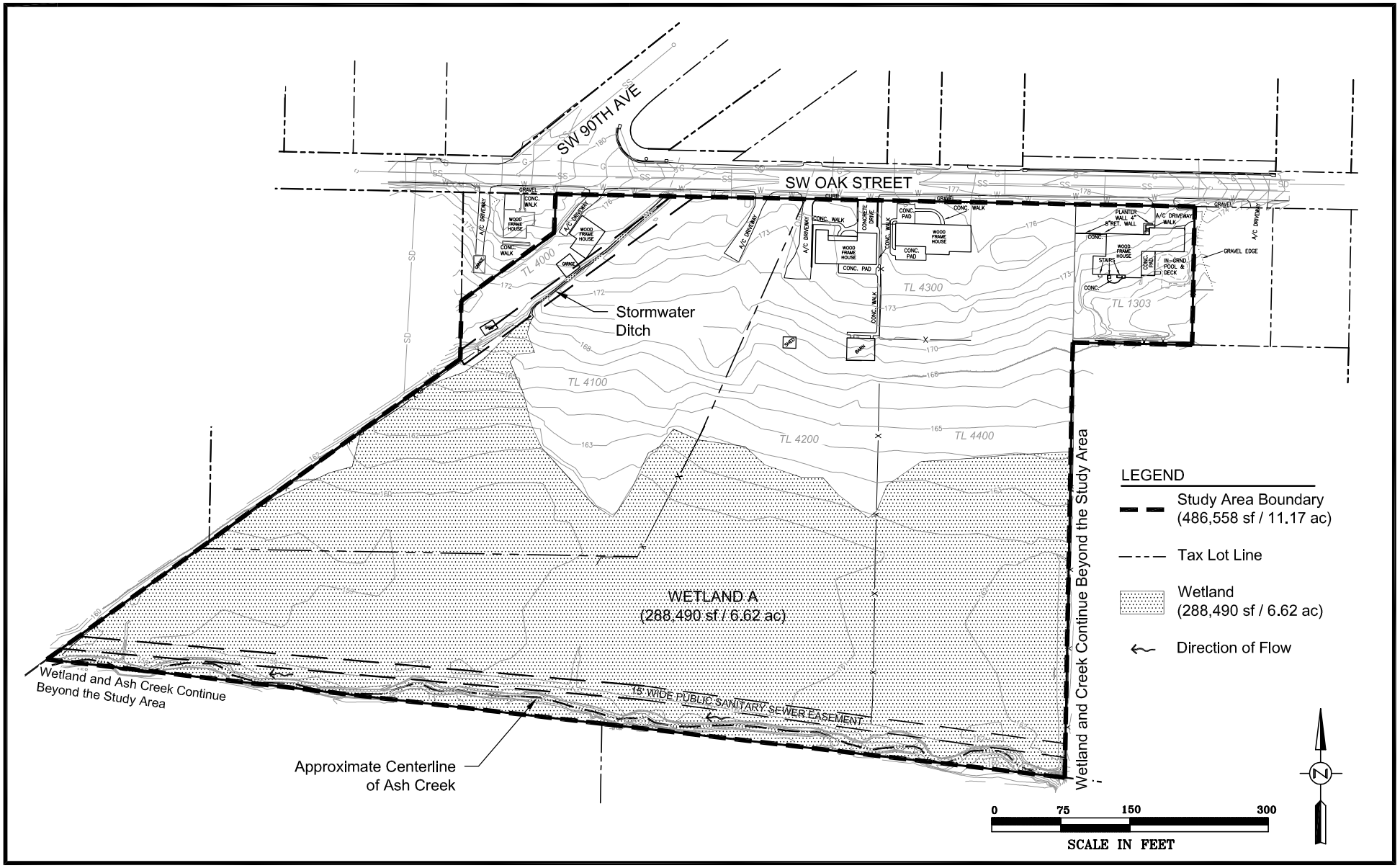
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Metro's Goal 5 Inventory Regional Sites
A+O Apartments, Tigard, Oregon
Metro,

FIGURE
2



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9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by Otak, Inc.

Existing Conditions

A+O APARTMENTS - Tigard, Oregon

FIGURE 3

5-14-2014

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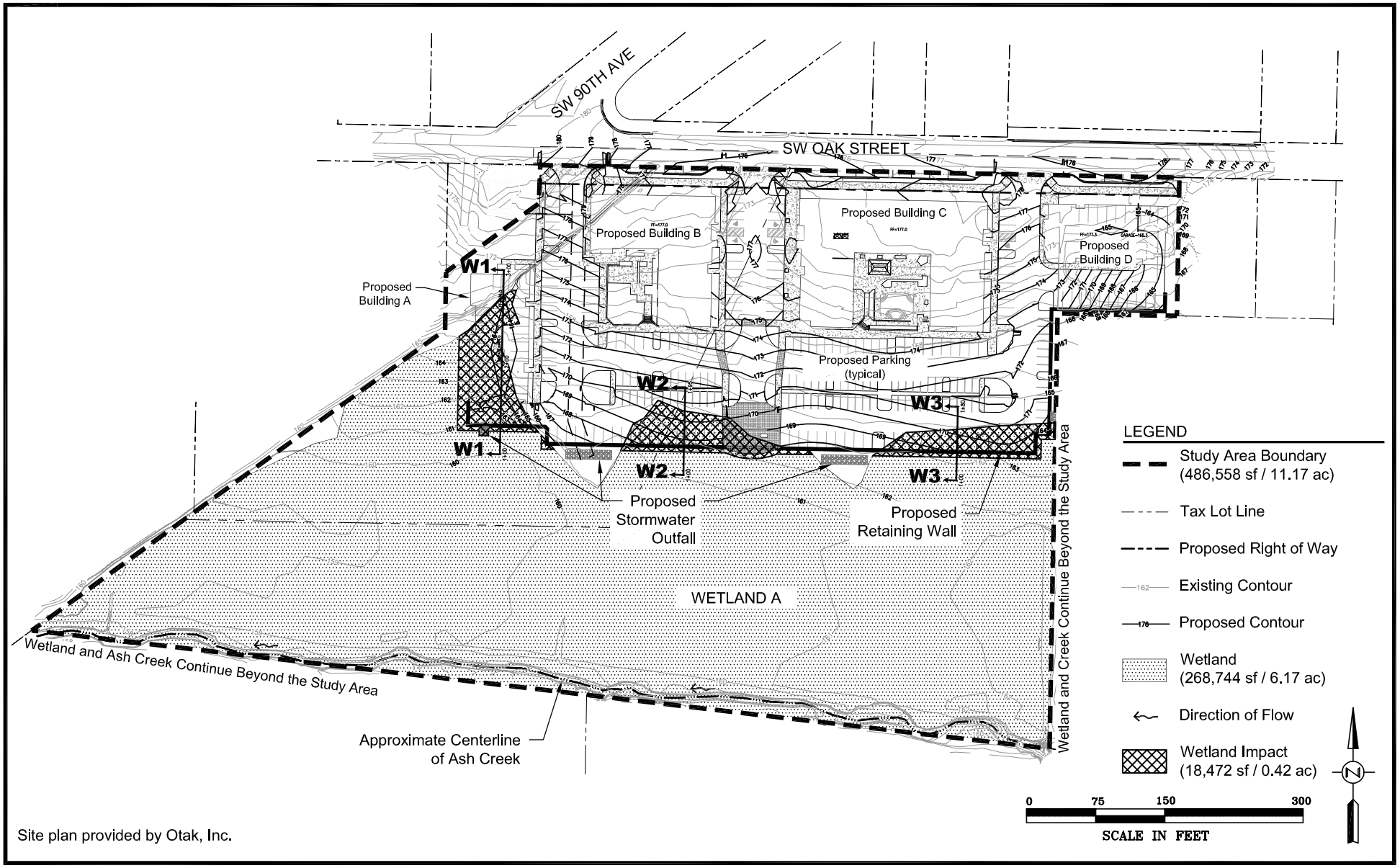


Site plan provided by Otak, Inc.

PHS
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Proposed Site Plan, Wetland Impacts and Cross-Section Locations

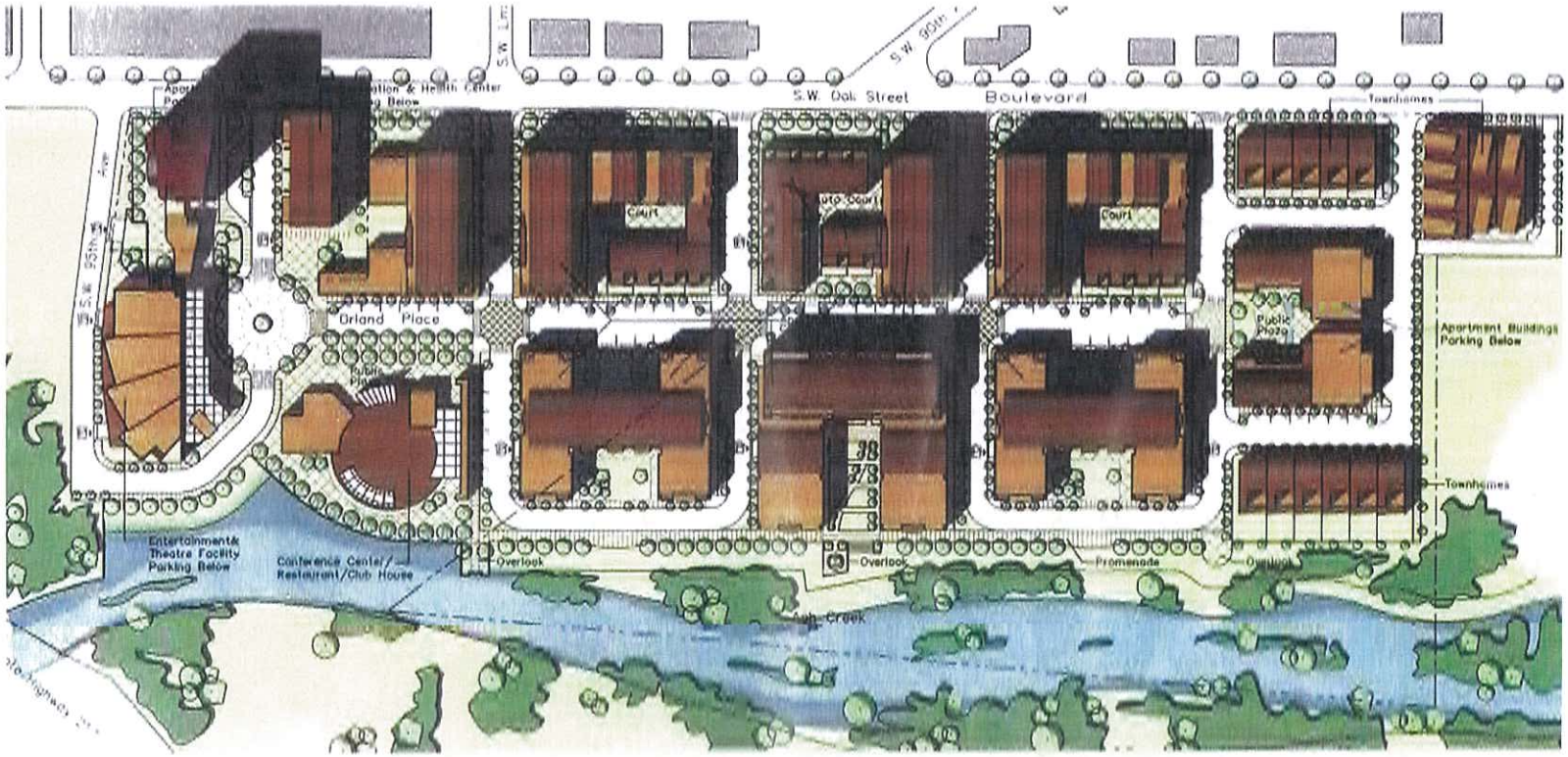
A+O APARTMENTS - Tigard, Oregon

FIGURE 4

5-14-2014

X:\Project Directories\5300\5341 Oak Street\AutoCAD\Plot Dwgs\ESEE\Fig4-SitePlan.dwg, 5/21/2014 1:11:38 PM

1996 Urban Mixed Use apprx. 100 d.u./acre



otak

8

OVERALL SITE PLAN

MASTER PLAN

Alternative Plan Provided by OTAK, Inc.

Alternative Site Plan (Alternative 8)

A+O APARTMENTS - Tigard, Oregon

FIGURE 5A

05-14-2014

PHS
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9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

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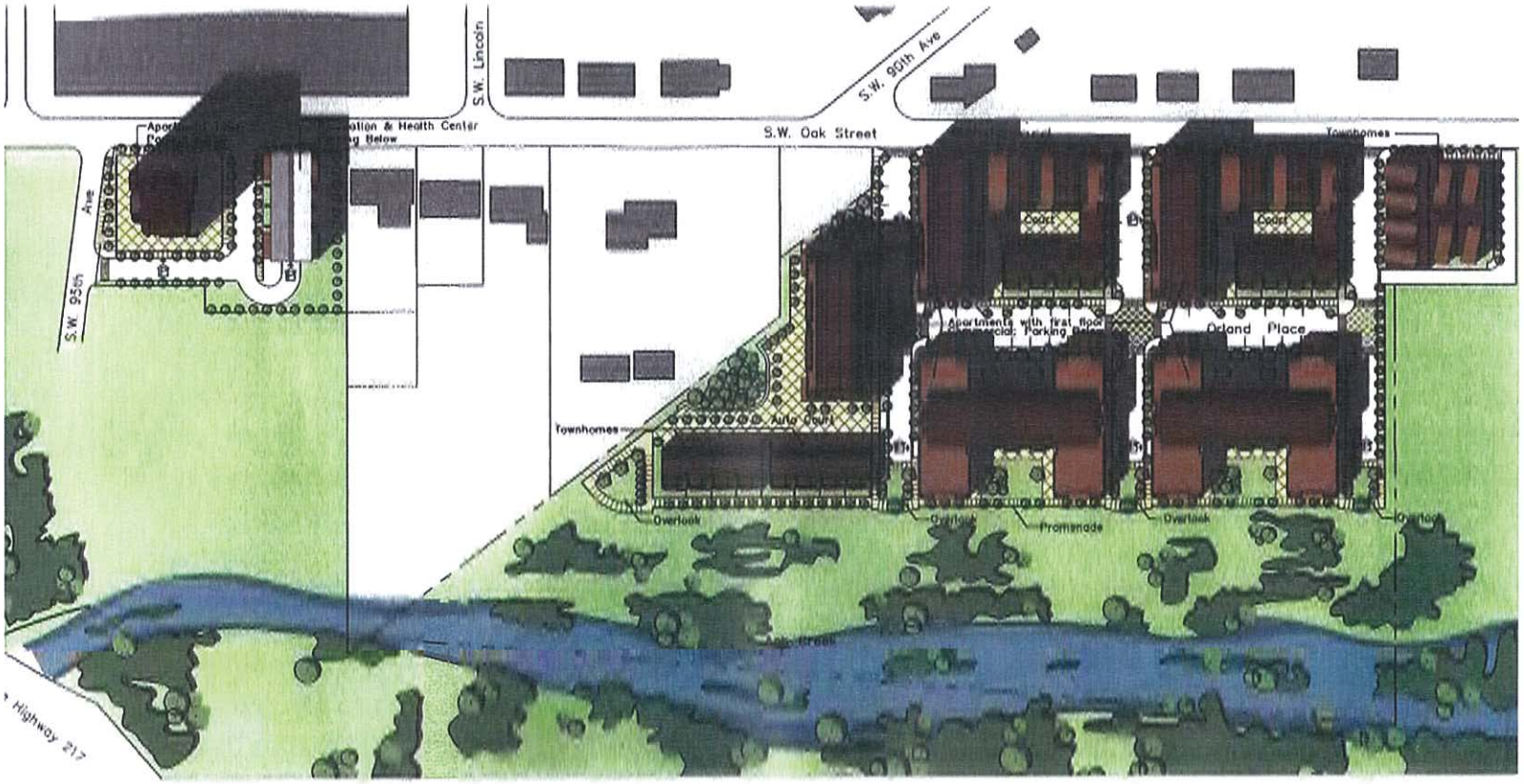
1996 - Orland Property Only



otak

12

ALTERNATIVE PLAN

MASTER PLAN

PHS

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Alternative Plan Provided by OTAK, Inc.

Alternative Site Plan (Alternative 12)
A+O APARTMENTS - Tigard, Oregon

FIGURE
5B

05-14-2014

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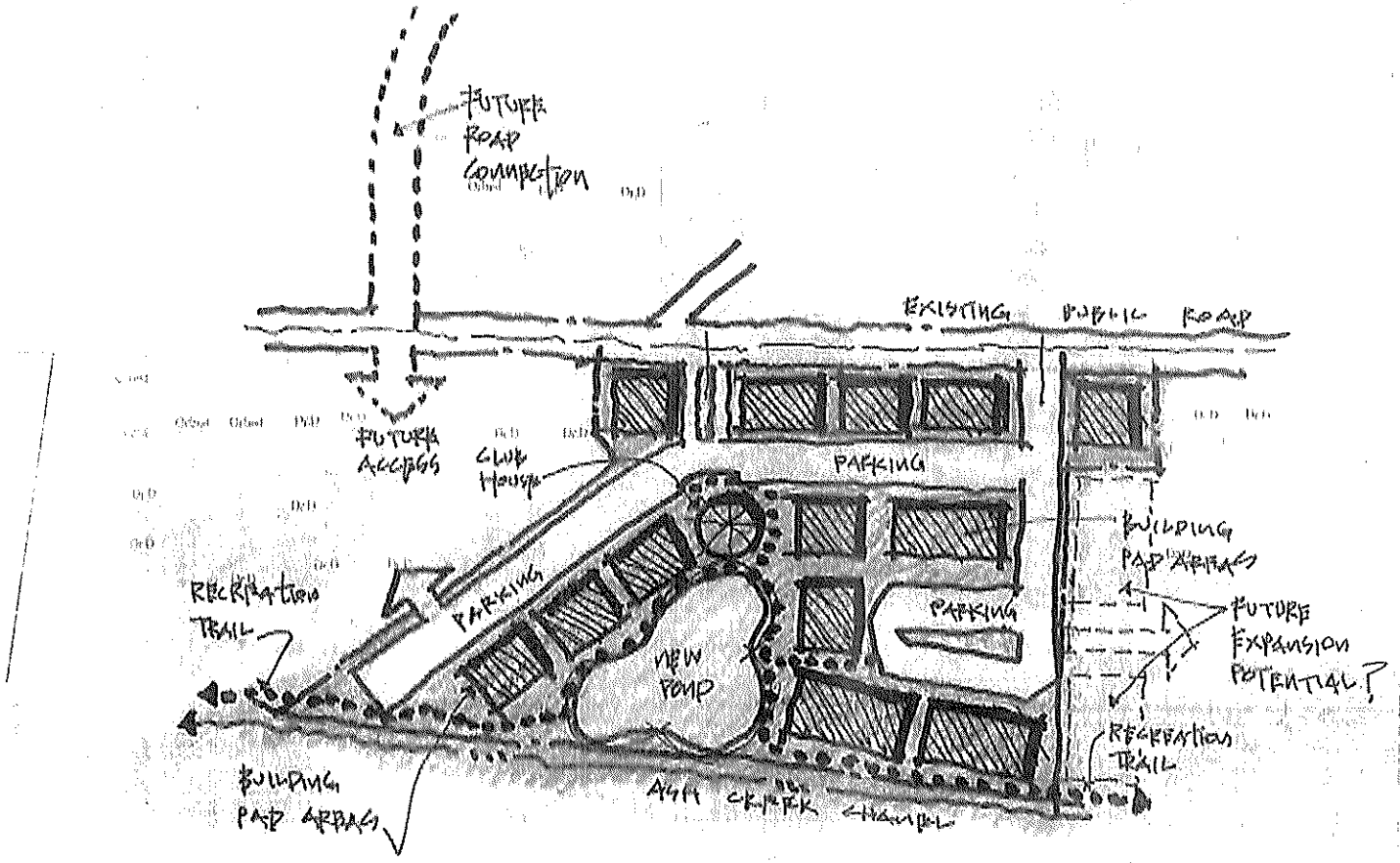
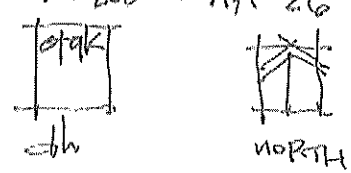


SITE DIAGRAM

DBG DEVELOPMENT

1" = 200' · SEPT 26 '13



Alternative Plan Provided by OTAK, Inc.

Alternative Site Plan (Diagram)

A+O APARTMENTS - Tigard, Oregon

FIGURE 5C

05-14-2014

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Phone: (503) 570-0800 Fax (503) 570-0855

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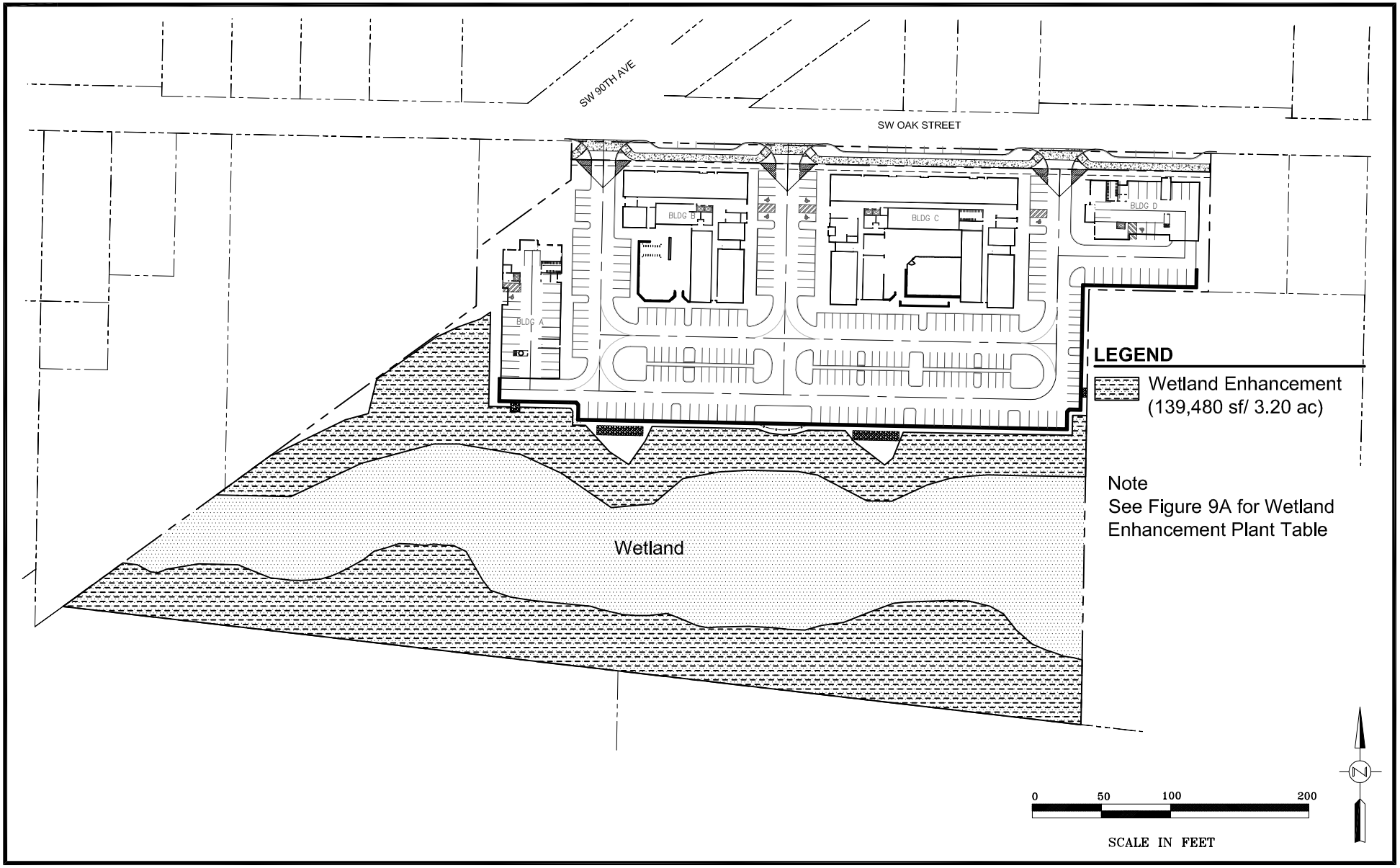

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Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by Otak, Inc.

Wetland Enhancement Planting Plan

A+O APARTMENTS - Tigard, Oregon

FIGURE
6

5-14-2014

X:\Project Directories\5300\5341 Oak Street\AutoCAD\Plot Dwgs\ESEE\Fig6-EnhancementPlanting.dwg, 5/21/2014 1:14:17 PM

Appendix B

Vegetated Corridor Alternatives Analysis Memorandum

PACIFIC HABITAT SERVICES, INC

9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

(800) 871-9333 ● (503) 570-0800 ● Fax (503)570-085

June 27, 2014

Damon Reische and Amber Wierck
Clean Water Services - Environmental Review
2550 Southwest Hillsboro Highway
Hillsboro, Oregon 97123

Re: A+O Apartments; CWS File No. 14-001441

PHS Number: 5341

Damon and Amber:

Pacific Habitat Services, Inc. (PHS) has prepared this memorandum to address the mitigation requirements pursuant to the development of the proposed A+O Apartments in Tigard, OR (Figures 1 and 2). As discussed in the Natural Resources Assessment (NRA), the project proposes to construct 215 multi-family residential dwelling units within four, 4-story buildings.

Plant Community A (48,228 square feet) encompasses the corridor adjacent to the northern and western boundary of Wetland A. Approximately 44,295 square feet of permanent vegetated corridor encroachment will result from the construction of the parking areas and stormwater treatment outfalls (Figure 3). Mitigation for this encroachment will be accomplished through the enhancement of Wetland A.

Mitigation for the encroachment will be accomplished through the enhancement of Wetland A. Wetland enhancement (Figure 4) will consist of two areas planted to CWS' densities for native trees and shrubs. The southern planting area is located along Ash Creek, within the southern portion of Wetland A. Under current conditions, the riparian area adjacent to Ash Creek is narrow, and dominated by Oregon ash (*Fraxinus latifolia*), one-seed hawthorn (*Crataegus monogyna*), and Himalayan blackberry (*Rubus armeniacus*). The northern planting area is located along the northern portion of Wetland A, in an area dominated by non-native grasses, including reed canarygrass (*Phalaris arundinacea*), meadow foxtail (*Alopecurus pratensis*), tall fescue (*Festuca arundinacea*), and creeping bentgrass (*Agrostis stolonifera*).

A central planting area, located in the central portion of Wetland A, will consist of three smaller areas that will be planted with native herbaceous species. This area of Wetland A is dominated by non-native grasses, very similar to the northern planting area. Small areas will be cleared, and plugs of native herbaceous species will be planted within the mixed grasses.

The following table shows the proposed planting densities.

Wetland Enhancement for Northern and Southern Areas – 3.20 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
Alnus rubra	Red alder	5-6’	10’	139
Crataegus douglasii	Douglas hawthorn	5-6’	10’	349
Fraxinus latifolia	Oregon ash	5-6’	10’	446
Salix lasiandra	Pacific willow	5-6’	10’	349
Thuja plicata	Western redcedar	5-6’	10’	112
			Total	**1,395**
Shrubs/Small Trees				
Cornus alba	Red osier dogwood	2-3’	5’	2,092
Spiraea douglasii	Douglas spiraea	2-3’	5’	1,744
Lonicera involucrata	Twinberry	2-3’	5’	1,394
Physocarpus capitatus	Ninebark	2-3’	5’	1,744
			Total	**6,974**

Wetland Enhancement for Central Area – 0.38 acre (16,670 SF)

Botanical Name	Common Name	Minimum rooting size	Planting density (on center)	Quantity
Herbs				
Juncus effusus	Soft rush	4” plugs	Cluster	3,000
Scirpus microcarpus	Small-fruited bulrush	4” plugs	Cluster	2,500
Juncus patens	Spreading rush	4” plugs	Cluster	1,919
			Total	**7,419**

The encroachment into the vegetated corridor meets the following criteria, as required under a Tier II analysis:

1. The proposed encroachment area is mitigated in accordance with Section 3.08.

As discussed above, mitigation for permanent impacts to the vegetated corridor will be achieved through the enhancement of Wetland A with native trees and shrubs. Section 3.08.4 allows for enhancement of the existing vegetated corridor as mitigation, at a ratio of no less than 2:1. This project is proposing wetland enhancement at a ratio of 3.5:1 (3.6 acres). Two acres of the enhancement area is proposed for required mitigation; the additional 1.6 acres of enhancement is proposed for public benefit to water quality. The enhancement of Wetland A meets CWS’ requirements for mitigation and public benefit as described below.

Wider, forested riparian buffers, with densely planted native trees and shrubs, prevent and reduce pollutants, garbage, and human/domestic animal disturbance within wetlands and creeks. Forested riparian areas also provide habitat functions for a variety of wildlife.

The existing vegetated corridor, north of Wetland A, is in degraded corridor condition. Vegetation consists of non-native grasses, and Himalayan blackberry; no trees are present. The existing corridor provides little in the way of creek or wetland protection or habitat function. The riparian area adjacent to Ash Creek is narrow, and is dominated by Himalayan blackberry; water quality and wildlife habitat functions and values within the creek and within Wetland A are low. Enhancement of approximately 139,480 acres of Wetland A will more than compensate for the encroachment of the degraded vegetated corridors north of Wetland A.

The southern area of enhancement will elevate many functions and values within Ash Creek. Trees and shrubs will provide shade to protect and improve water quality; native trees and shrubs will improve wildlife habitat; a wider forested riparian buffer will reduce human and domestic animal disturbance within the creek.

The northern area of enhancement, adjacent to the new development, will also provide several important functions. This area is wetland, and native trees and shrubs will increase the wetland's functions for wildlife habitat. This area will act as a buffer, reducing the likelihood that area residents will use the wetland in inappropriate ways.

Planting in the northern and southern mitigation enhancement areas will occur at 100 percent of CWS densities for trees and shrubs. As such, 1,395 trees (139,480 x 0.01) and 6,974 shrubs (139,480 x 0.05) will be planted within Wetland A. Planting in the central enhancement areas will occur at a density that achieves 100% areal coverage; as such, 7,419 plugs will be planted within Wetland A.

2. The replacement mitigation protects the functions and values of the Vegetated Corridor and Sensitive Area.

As discussed above, the vegetated corridor to be impacted is in degraded corridor condition, and is not forested. The vegetated corridor provides very little in the way of protecting the functions and values of the wetland or of Ash Creek. The enhancement of Wetland A as mitigation will occur at a ratio of 3.5 to 1. This large ratio ensures that the functions and values lost through vegetated corridor encroachment will be more than adequately recovered through the enhancement mitigation process. Increasing the width of the riparian corridors adjacent to Ash Creek will greatly improve the functions and values of this area. Native trees and shrubs will provide shade, protecting water quality. A wider, forested riparian area along Ash Creek will reduce human/domestic animal disturbance in the area. Native plantings in the northern enhancement area will increase the wetland's overall functions and values, as well as provide elevated wildlife habitat.

3. Enhancement of the replacement area, if not already in Good Corridor Condition, and either the remaining Vegetated Corridor on the site or the first 50 feet of width closest to the resource, whichever is less, to a Good Corridor Condition.

The wetland enhancement area will be planted to CWS densities for trees and shrubs. The southern enhancement area will occur within the 50 feet closest to Ash Creek, with widths ranging from 50- to 110-feet from Ash Creek. The northern enhancement area will occur south of the development area. The remaining VC will be planted to good corridor condition, at CWS' densities for trees and shrubs.

4. A District Stormwater Connection Permit is likely to be issued based on proposed plans.

The applicant reasonably expects to obtain a District Stormwater Connection Permit based on proposed plans for the project.

5. Location of development and site planning minimizes incursion into the Vegetated Corridor.

The proposed development plan is located in the northern portion of the site. Retaining walls were used to minimize impacts to wetlands and the vegetated corridor. Permanent impacts are necessary to meet the housing goals and density of the Washington Square Regional Plan Center, minimum parking requirements (assuming the 10% parking reduction variance is approved), neighborhood compatibility with building heights, as well as stormwater treatment outfalls.

Encroachment into the adjacent vegetated corridor has been minimized to the maximum extent practicable. Vegetated corridor encroachments are limited to those necessary for construction of the plan as proposed, to accommodate buildings, parking areas, stormwater treatment outfall, and garbage/recycling dumpster areas. The overall development has sought to maximize the developable area on the northern portion of the site because the southern portion is encumbered by the remaining portion of Wetland A and its vegetated corridor. The encroachment is required to adequately site the proposed buildings, drive aisles (access and emergency vehicles), and parking areas within the developable northern portion of the site. The multi-family residential "product" proposed on-site is dimensioned to meet the market demands of this specific housing type and address the neighborhood compatibility concerns of the nearby property owners. Any decrease to the unit count may impact the marketability of this development. As such, the proposed encroachment is limited to the greatest practical extent to make this project economically feasible.

A site alternatives analysis is provided (see Attachment 1) that shows a matrix of development alternatives (A-D) that were considered, and a qualitative comparison of impacts, as well as comments regarding building type, parking, stormwater treatment, and site design options.

6. No practicable alternative to the location of the development exists that will not disturb the Sensitive Area or Vegetated Corridor.

Alternative site designs were considered, and the current design was chosen due to site constraints. There are multiple benefits of locating the development at the proposed site, which would be negated if the development were moved off of this site. The site will be a residential development, which is in keeping with adjoining land uses. The project site is located within District C (Lincoln Center-Ash Creek) one of five districts within the *Washington Square Regional Center Plan*. The Regional Center Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. The sites location is within walking distance from public transportation, and is centrally located among commercial and retail development, public schools, public parks, as well as many commercial businesses that provide employment opportunities for future tenants.

7. The proposed encroachment provides public benefits.

The public benefit of vegetated corridor encroachment includes supporting City and Regional Goals for "smart growth" via affordable housing. The site is located near the Washington Square Mall, which will provide close-in access to retail, restaurant, office, and service businesses, much of it within walking distance of the site.

The general objectives in proposing the Planned Development Combined Concept Plan and Detailed Development Plan for the A+O Apartments and the open space protection for a large portion of the site are to:

- Help meet the need for multi-family housing in Tigard;
- Provide market rate multi-family housing within a reasonable distance from the Washington Square Shopping Center, Lincoln Center, and other nearby commercial uses in a location that is (or is planned to be) well connected to those areas by pedestrian and bicycle pathways, public transit, and roads;
- Provide an attractive living environment for project residents;
- Border the apartment project with preserved open space to the south in order to provide a buffer between the apartments and Highway 217, as well as between the apartments and a developed neighborhood of detached single-family homes to the southeast;
- Preserve and enhance valuable open space areas while utilizing portions of the overall site which are not significantly constrained by floodplain, wetlands, riparian areas, or significant vegetation for residential purposes;
- Provide adequate parking for the needs of residents and visitors; avoid parking overflow into nearby neighborhoods.

Allowing encroachment into the vegetated corridor allows for maximum build out of the site and for the greatest developmental density. Maintaining the high density as proposed reduces the need for development of larger tracts of land and reduces the need for automobile travel. These are not only financial, social, and commercial benefits realized by the public, but are also an overall air and water quality benefit because it requires less disturbance of land, the development of less impervious surface, and the generation of fewer pollutants associated with auto travel.

As discussed above, the enhancement of Wetland A at a ratio of 3.5:1 will elevate the functions and values within Wetland A and Ash Creek, providing water quality improvements for public benefit.

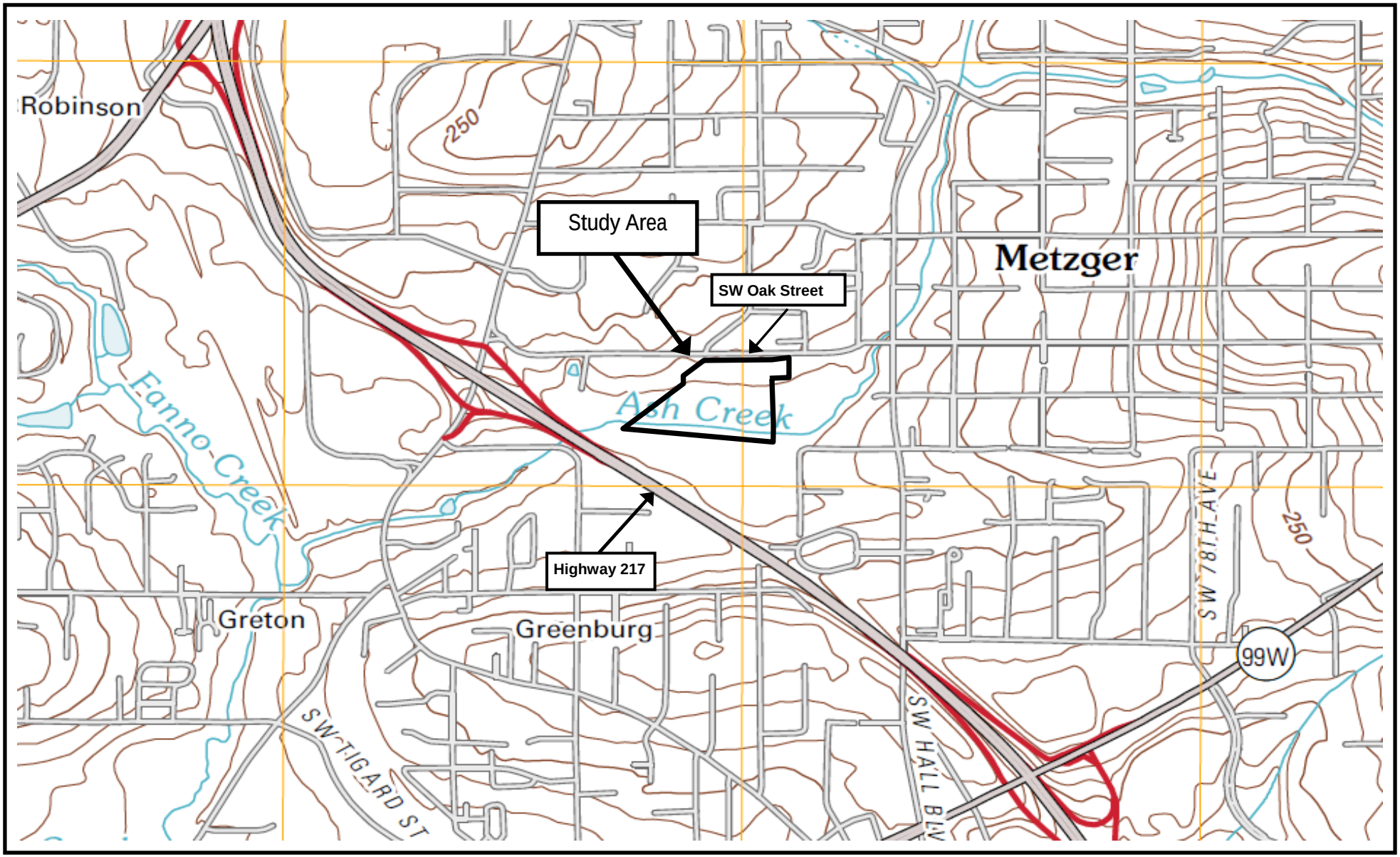
If you have any questions, please feel free to call.

Sincerely,

Amy Hawkins

Amy Hawkins, PWS
Project Manager

Attachments:
Figures 1-4
Alternatives Analysis Matrix and Exhibits

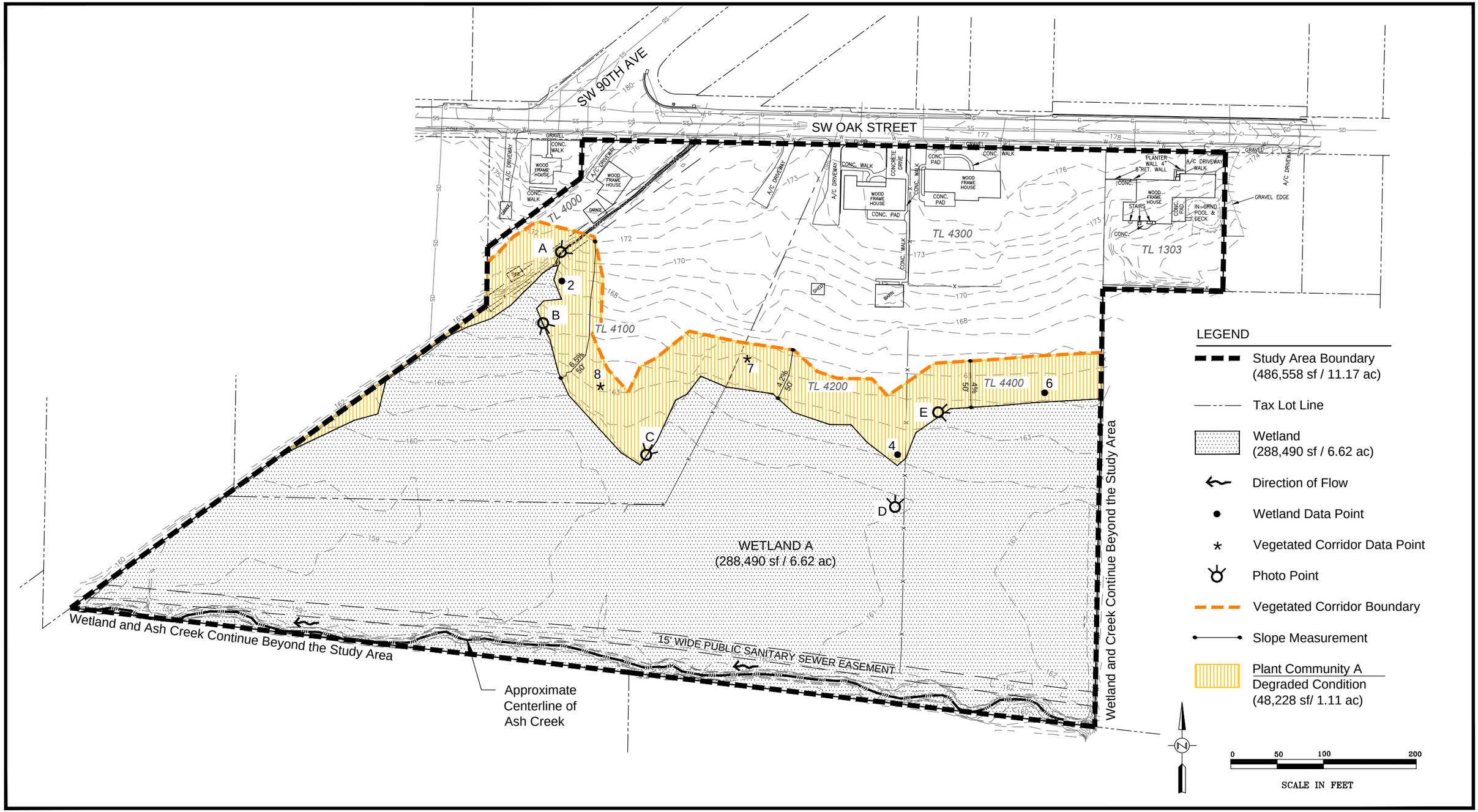


5341
01/21/2014

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

General Location and Topography
SW Oak Street Development Site - Tigard, Oregon
(USGS Beaverton, Oregon Quadrangle, 2011)

FIGURE
1



Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by OTAK Inc.

Existing Conditions
A+O APARTMENTS - Tigard, Oregon

FIGURE 2

5-16-2014

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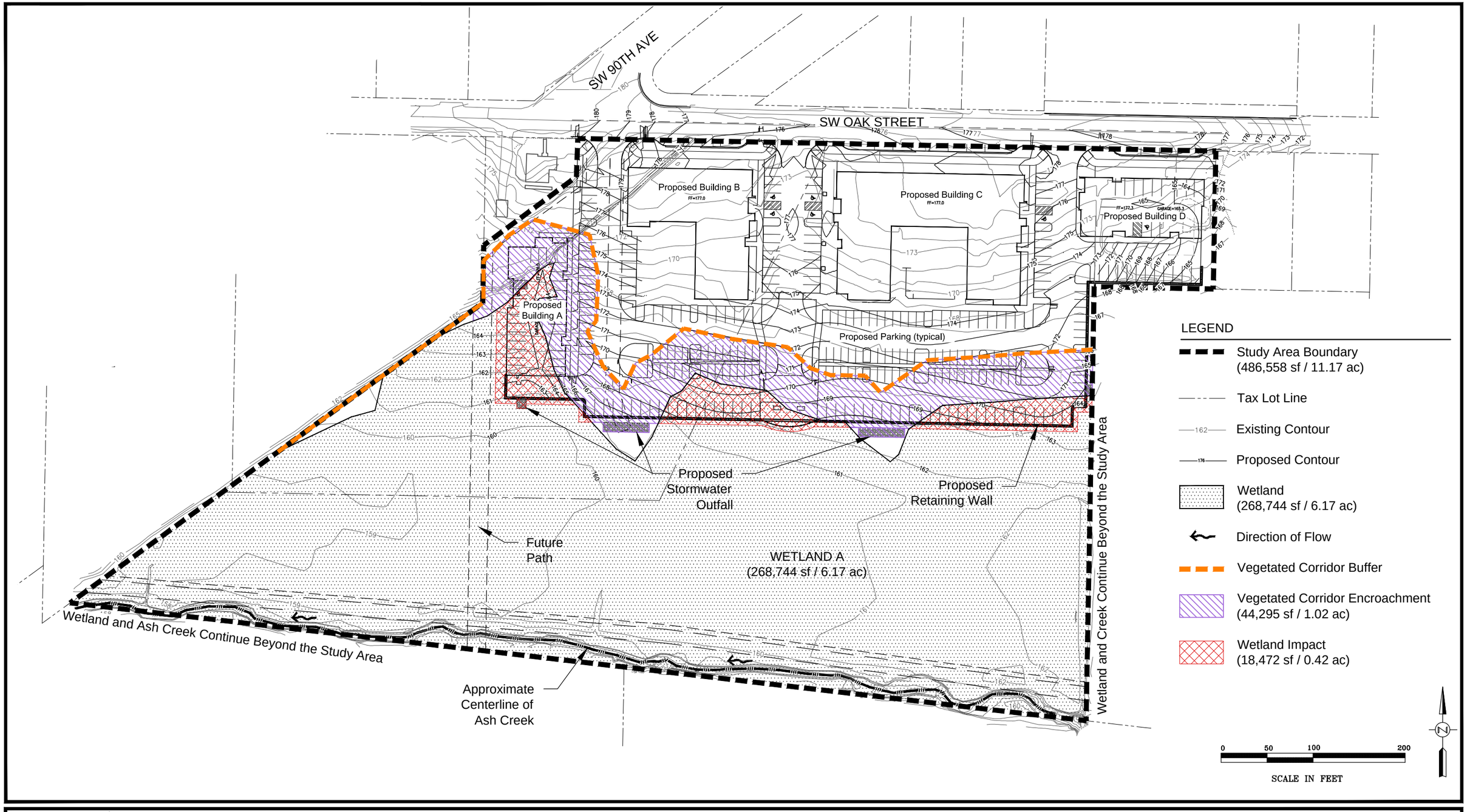

Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by OTAK Inc.

Site Plan and Wetland/Vegetated Corridor Impacts
A+O APARTMENTS - Tigard, Oregon

FIGURE 3

5-19-2014

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Wetland Enhancement for Northern and Southern Areas – 3.20 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
Alnus rubra	Red alder	5-6'	10'	139
Crataegus douglasii	Douglas hawthorn	5-6'	10'	349
Fraxinus latifolia	Oregon ash	5-6'	10'	446
Salix lasiandra	Pacific willow	5-6'	10'	349
Thuja plicata	Western redcedar	5-6'	10'	112
			Total	**1,395**
Shrubs/Small Trees				
Cornus alba	Red osier dogwood	2-3'	5'	2,092
Spiraea douglasii	Douglas spiraea	2-3'	5'	1,744
Lonicera involucrata	Twinberry	2-3'	5'	1,394
Physocarpus capitatus	Ninebark	2-3'	5'	1,744
			Total	**6,974**

Wetland Enhancement for Central Area – 0.38 acre (16,670 SF)

Botanical Name	Common Name	Minimum rooting size	Planting density (on center)	Quantity
Herbs				
Juncus effusus	Soft rush	4" plugs	Cluster	3,000
Scirpus microcarpus	Small-fruited bulrush	4" plugs	Cluster	2,500
Juncus patens	Spreading rush	4" plugs	Cluster	1,919
			Total	**7,419**

PHS
Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Site plan provided by OTAK Inc.

On-Site Wetland and Riparian Planting Plan
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FIGURE 4

5-19-2014

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A+O Apartments (Orland Property) - Site Alternatives Analysis

Otak #17044
6/25/14

Alternative	Description Comments	Approx. Net Developable Site Area (ac)	Minimum Density (50 units/acre)	Buildings	Units	Parking Types	Minimum Parking Required	Parking Provided	% below Minimum Parking	Total Vegetated Corridor (sf)	Vegetated Corridor Encroachment (sf) (around existing drainage easement/expanded wetland area)	"Remaining" Vegetated Corridor (sf)	Undisturbed Vegetated Corridor (sf)	Vegetated Corridor Encroachment "Remaining" VC (sf)	Vegetated Corridor Encroachment Total (sf)
Existing		n/a	n/a	n/a	n/a	n/a	n/a	n/a		48,228					
Alternative A	Residential (apartments). Buildings adjacent to Oak Street. 9-story and 4-story buildings over 2-parking levels. Surface and structured parking. Very dense layout. "High-rise" buildings. Not compatible with existing neighboring properties. (assumes 200 unit as reasonable number to meet Wash Square plan goals/objective for housing). Building/structured parking is financially infeasible.	2.8	140	2	200	surface, structured	300	300	0.0%	48,228	-	48,228	48,228	0% of remain VC -	0% of total VC -
Alternative B	Residential (apartments). Building adjacent to Oak Street. 3 story buildings. Surface parking, tuck under parking and tandem parking. Lower unit count does not meet goals of Wash Sq plan, parking well below minimum required. Tandem parking reduces footprint,.but not practical parking for unit mix.	3.1	155	4	170	surface, tuck-under, tandem	299	207	30.8%	48,228	11,304	36,924	31,058	16% of remain VC 5,866	36% of total VC 17,170
Alternative C	Residential (apartments). Building adjacent to Oak Street. Surface parking. 3 and 4 story buildings. Increased studio/one bdrm units to condense building layout. Lower unit count does not meet goals of Wash Sq plan, minimum parking not met but close to 10% veariance threshold.Tandem parking removed since not practical with increased studio/one bedroom units. Plan incorporates surface landscape areas for stormwater treatment (swales, rain gardens)	4.2	212	4	230	surface	324	289	10.8%	48,228	11,304	36,924	4,670	87% of remain VC 32,254	90% of total VC 43,558
Alternative D	Residential (apartments). Buildings adjacent to Oak Street. 4 story buildings. Surface parking and added structured parking. Reduce site/surface area allocated for storm water treatment, go to underground filter vaults.Provides enough area to meet City's active/passive open space requirements. Maximize use of compact spaces to reduce parking limits. Parking under smaller buildings. Minimum parking not met, but within target 10% variance threshold.	3.9	196	4	215	surface, structured under bldg, maximizes compact spaces	306	278	9.2%	48,228	11,304	36,924	3,933	89% of remain VC 32,991	92% of total VC 44,295
Alternative D-1	Same as Alternative D, but reduces VC encroachment at south boundary of parking area, reduces parking count. Not efficient preservation of vegetated cooridor, creates "pockets" of VC at base of wall, requires irregular shaped wall construction. Reduces parking below 10% variance threshold.	3.8	192	4	215	surface, structured under bldg, maximizes compact spaces	306	258	15.7%	48,228	11,304	36,924	7,633	79% of remain VC 29,291	84% of total VC 40,595

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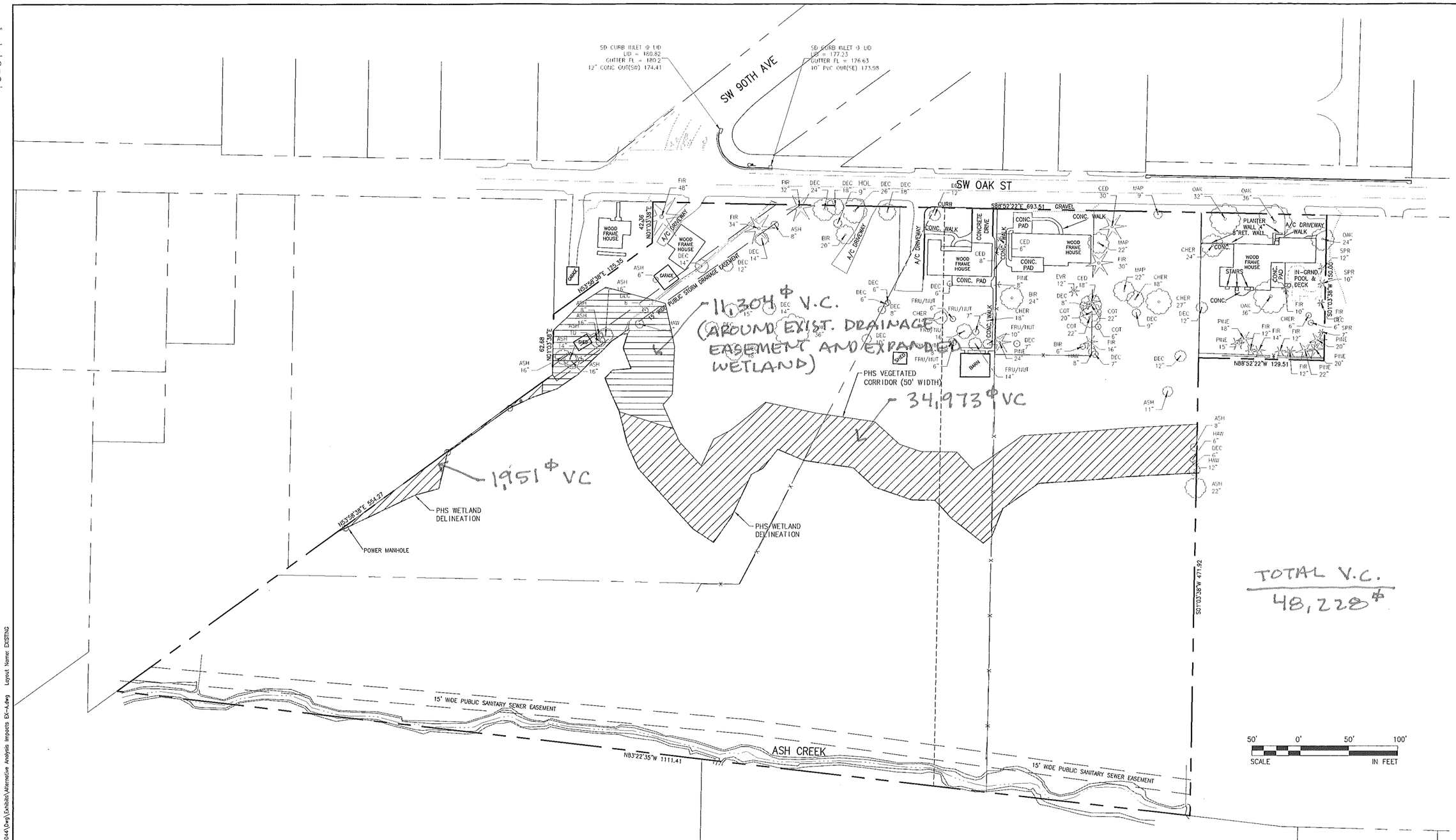

EXISTING CONDITIONS

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PORTLAND, OR 97204
(503) 244-2554

A+O APARTMENTS
CITY OF TIGARD, OREGON
ALTERNATIVES ANALYSIS IMPACT AREAS

otak
HanmiGlobal Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
Fax: (503) 415-2304
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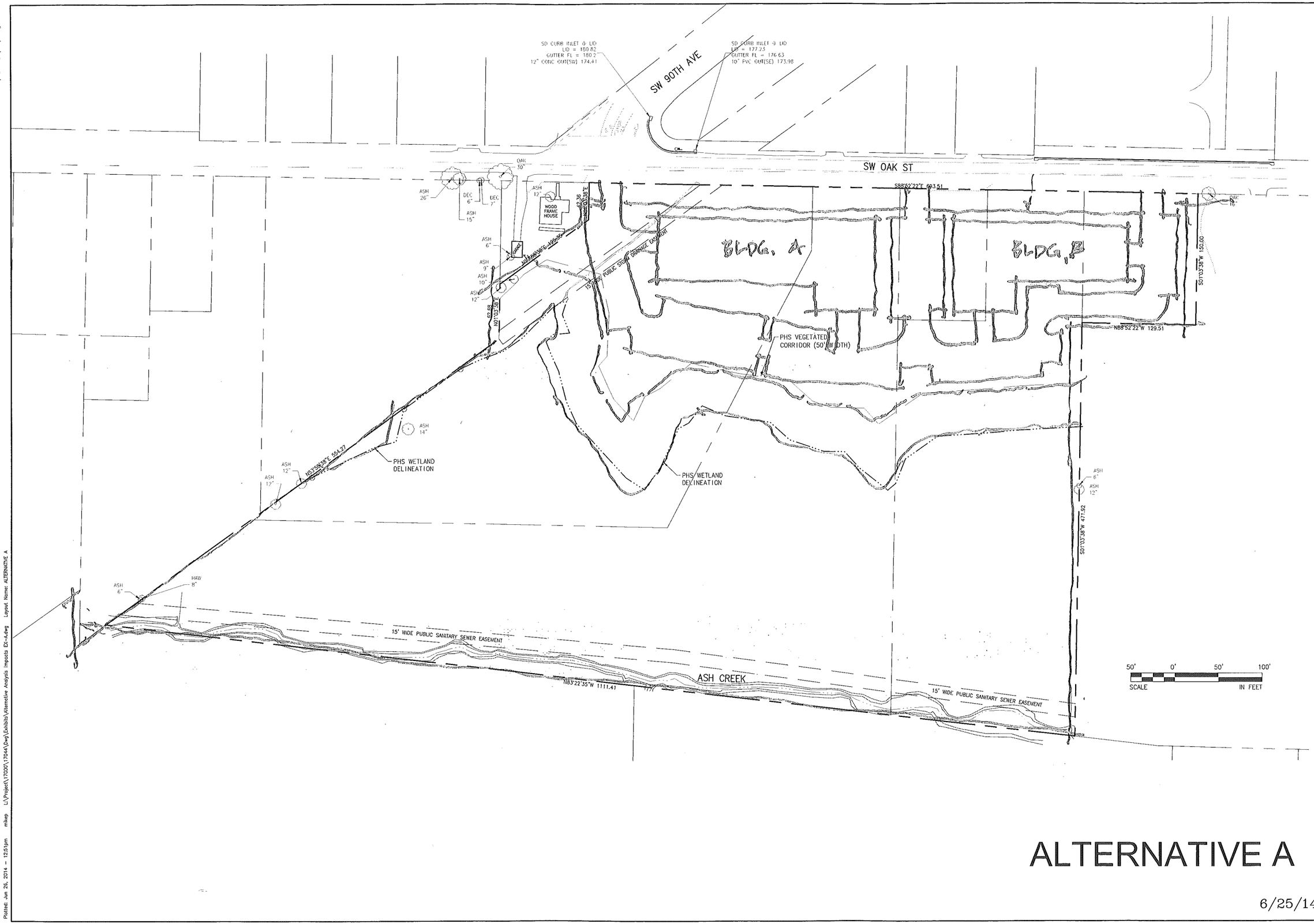

ALTERNATIVE A

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otak
HanmiGlobal Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
Fax: (503) 415-2304
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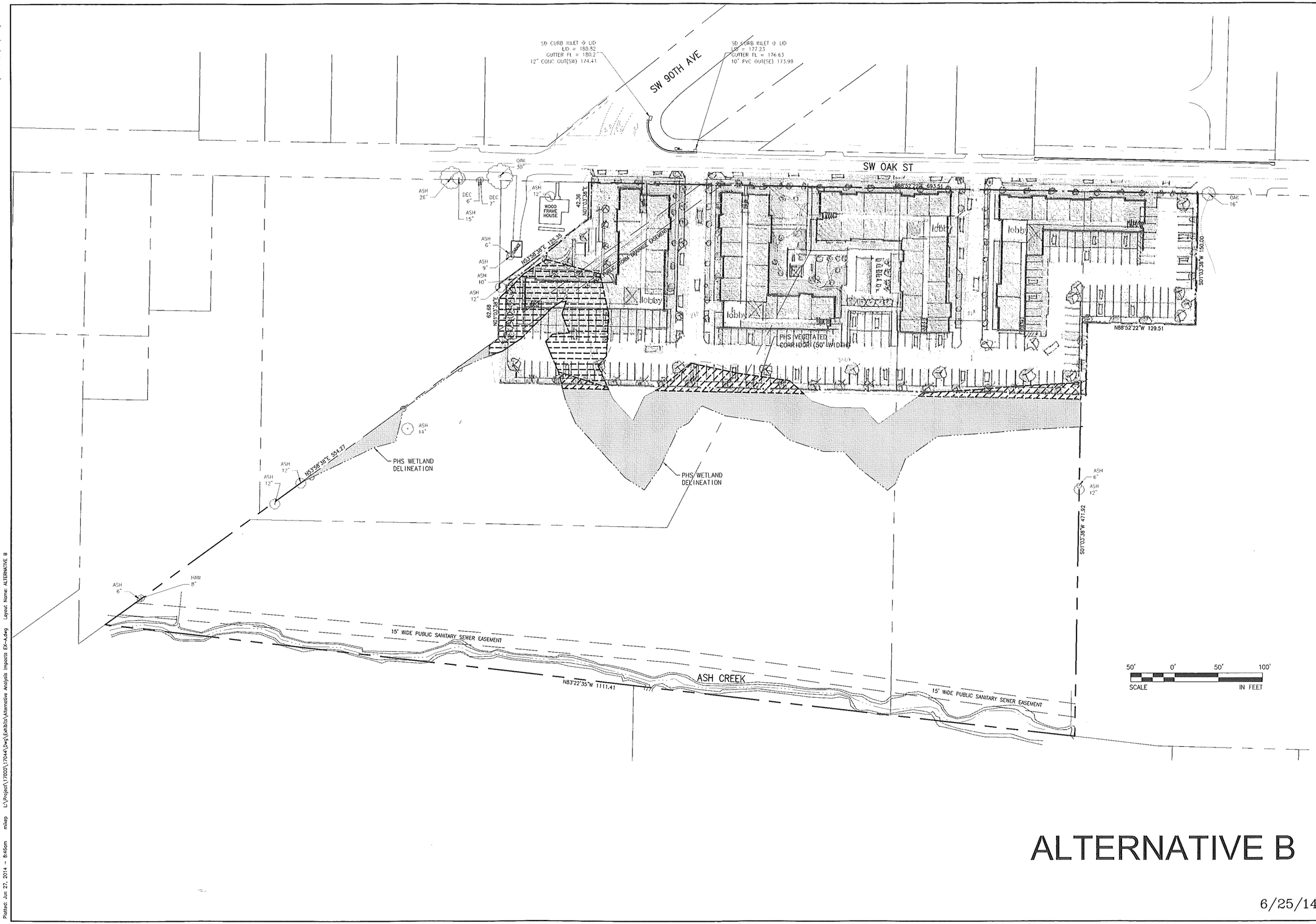

ALTERNATIVE B

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otak
HanmiGlobal Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
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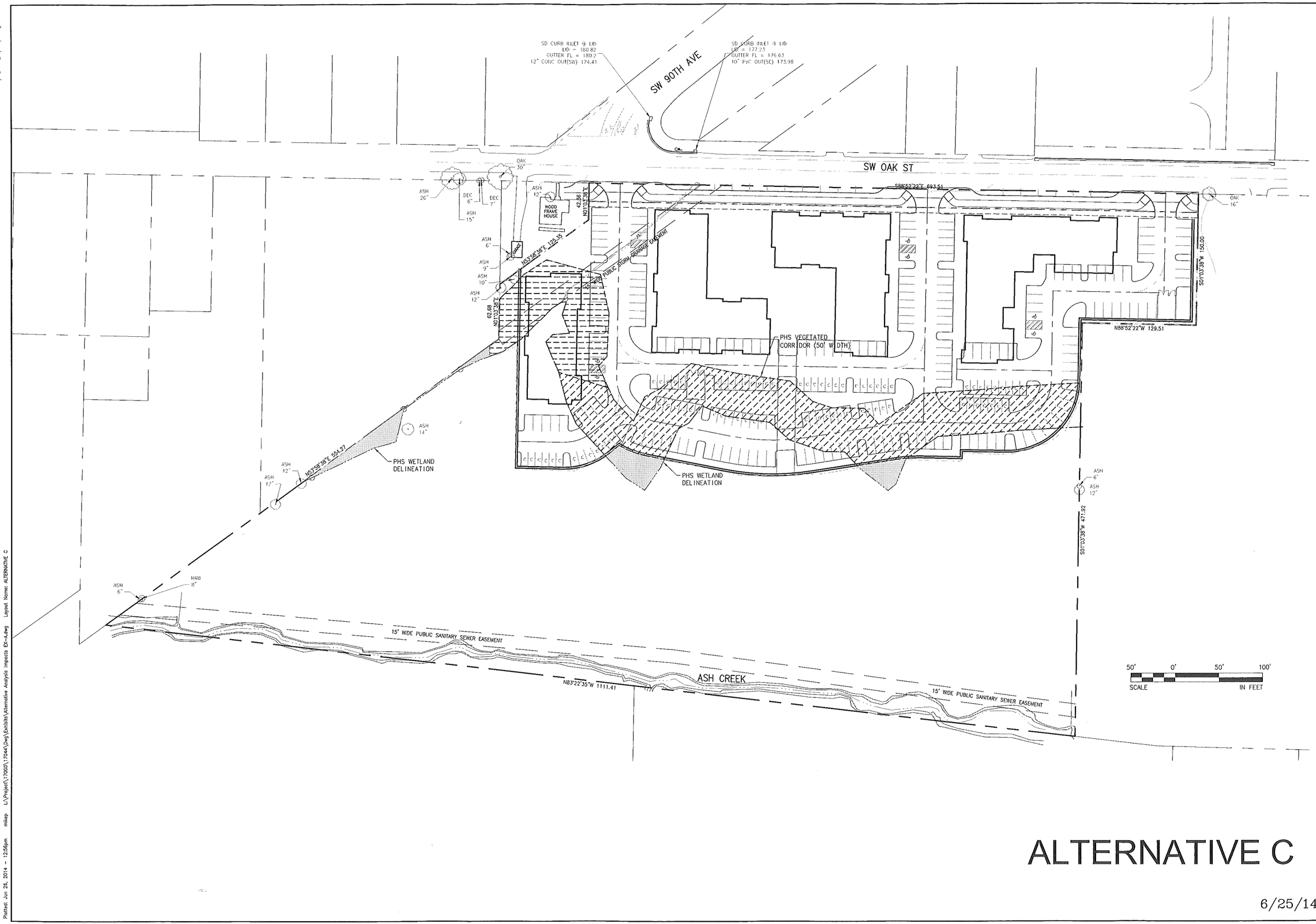

ALTERNATIVE C

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otak
HanmiGlobal Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
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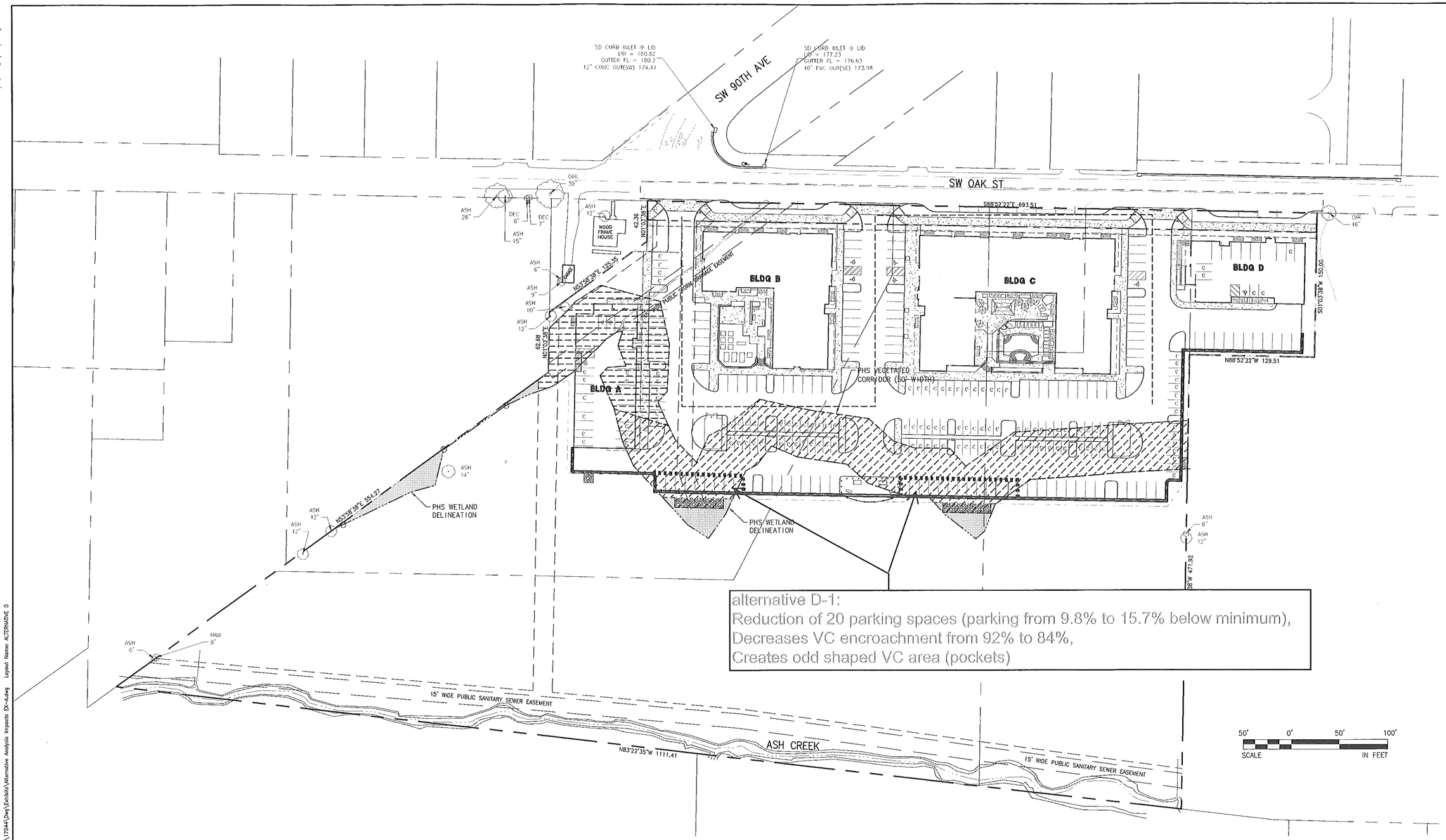

alternative D-1:
Reduction of 20 parking spaces (parking from 9.8% to 15.7% below minimum),
Decreases VC encroachment from 92% to 84%,
Creates odd shaped VC area (pockets)

ALTERNATIVE D (and D-1)

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otak
HanmiGlobal Partner
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
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