

February 10, 2015

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VIA EMAIL

Mayor John L. Cook and Tigard City Council
Tigard Civic Center - City Hall
13125 SW Hall Blvd
Tigard, OR 97223

**Re: Land Use Applications for A + O Apartments
City Case Nos. CPA 2014-00002/PDR 2014-00003/SDR 2014-00004/SLR 2014-00002
Applicant's First Open Record Period Submittal**

Dear Mayor Cook and Members of the Tigard City Council:

This office represents DBG Oak Street, LLC ("DBG"), the applicant requesting approval of the land use applications for the A + O Apartments on SW Oak Street (City Case Nos. CPA 2014-00002/PDR 2014-00003/SDR 2014-00004/SLR 2014-00002) ("Applications"). This letter constitutes a portion of DBG's submittal during the first open record period, ending on February 10, 2015 at 5pm. Please consider this letter, together with the additional submittals from DBG's consultants, before making a final decision on the Applications.

This letter responds to specific legal allegations raised in written submittals by Dorothy Cofield. For the reasons explained below, the City Council should reject such allegations and support the Planning Commission's decision of approval.

1. DBG is not required to develop mixed uses within the development in order to meet the intent of the MUE-1 zoning district.

A portion of the Property is zoned MUE-1. The MUE-1 zone applies to mixed-use employment areas and allows a variety of uses:

"The MUE-1 and MUE-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."

Tigard Community Development Code (“TCDC”) 18.520.020.G. Household Living and Multifamily Units are permitted by right in the MUE-1 zone, subject to compliance with the requirements of the Washington Square Regional Center Plan. TCDC Table 18.520.1.

Although opponents contend that the City Council should deny the Applications because the proposed development does not include mixed uses, opponents’ contention lacks legal or policy merit. As Community Development staff correctly notes, nothing in the TCDC mandates that each development within the MUE-1 zone incorporate multiple use types or otherwise not be limited to a single use category. Further, no aspect of the TCDC prohibits development of multi-family residential uses that are not accompanied by other uses.

As noted, staff concurs with this conclusion and has further opined that the proposed development of the A + O Apartments is consistent with the intent of the zoning district because it creates horizontally mixed uses with commercial uses to the north in Lincoln Center. *See* February 3, 2015 staff memo, response to #23.

Therefore, the City Council should reject the opponents’ contention on this issue.

2. The City Council can find that DBG has conducted an adequate analysis of alternative sites to justify approval of the plan amendment.

TCDC 18.775.130.A.3. requires that, in order to approve the plan amendment removing Goal 5 protection from a portion of the wetlands on the subject property, the City Council must find that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use.

DBG’s consultant Otak has conducted a detailed analysis that meets the requirements of this code provision, first identifying the specific needs of the proposed use and then analyzing sites to determine that no other properties meet the specific needs of the use without requiring a plan amendment. *See* January 22, 2015 Otak memo at pp. 5-6.

Although opponents contend that it is “hard to believe that there is no other vacant land in the TPA that does not need to use a significant Goal 5 wetland to build these apartments,” January 5, 2015 Cofield Letter at p. 2, this contention is nothing more than speculation. Opponents do not specifically challenge DBG’s analysis of the sites it has identified, and opponents do not identify alternative sites that they contend could meet DBG’s criteria

without requiring a plan amendment. Therefore, the City Council should deny opponents' contentions on this issue.

3. The City Engineer has not committed any procedural error in approving an exception to the street standards for SW Oak Street.

TCDC 18.350.070.C.8 authorizes the City Engineer to grant an exception to street and utility standards within the context of a Detailed Development Plan if specific criteria are met. In this case, DBG requested approval of an exception to allow a substandard width minor collector street in order to eliminate the center left-turn lane of SW Oak Street. The City Engineer approved a modified version of the exception requested by DBG. *See Staff Report at pp. 25-26.*

Although opponents contend that the City Engineer's approval of the modified street exception constitutes an improper legislative action that can only be approved through a separate process, their characterization of the City Engineer's decision is legally inaccurate. Legislative actions "involve the creation, revision, or large-scale implementation of public policy." TCDC 18.390.020.B.4. The City Engineer's action did not amend the City's adopted street standards for all minor collectors or adopt a new, wide-ranging policy. Rather, the City Engineer reviewed the specific request for a street exception submitted by DBG as part of its Detailed Development Plan and approved a modified exception pursuant to a specific process authorized by the TCDC. As a result, the City Engineer's action was not a legislative action that required a separate process but was expressly authorized by TCDC 18.350.070.C.8. Further, it was subject to notice and multiple public hearings. Opponents do not contend that the approved street exception is inconsistent with any of the approval criteria of TCDC 18.350.070.C.8.

Therefore, the City Council should deny opponents' contention on this issue.

4. The City's rough proportionality analysis is valid and does not require additional exactions.

In order to impose a condition requiring dedication of real property or payment of money for transportation improvements as a condition of land use permit approval, a local government must demonstrate that: (1) there is an essential nexus between the mitigation measures and the government's interest; and (2) the scope of the mitigation measures is roughly proportional to the projected impact of the development. *Nollan v. California Coastal Commission*, 483 US 825, 107 SCt 3141, 97 LEd2d 677 (1987); *Dolan v. City of*

Tigard, 512 US 374, 114 SCt 2309, 129 LEd2d 304 (1994). City staff determined that requiring DBG to complete off-site reconfiguration improvements and to pay approximately \$1.1 million in Transportation Development Tax (“TDT”) assessments would be consistent with the requirements of *Nollan* and *Dolan* because it would not charge DBG a greater amount than the projected impact of the development. See staff report at p. 50.

Although opponents contend that the City’s decision is not roughly proportional because it would charge DBG less than the projected impact of the projected development, the contention is without legal merit. *Nollan* and *Dolan* protect the constitutional rights of a land use applicant by imposing a cap on the type and extent of exactions that a local government can seek when reviewing a land use application. However, *Nollan* and *Dolan* do not limit a local government’s ability to charge less than the full impacts of a proposed development.

Two additional points warrant discussion on this issue. First, as explained in the traffic analyses from Kittelson & Associates, Inc. dated May 8, 2014 and September 16, 2014, the development only triggers the need for reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. City Engineering staff concurred with this report. See November 24, 2014 memo from Greg Berry. Based upon these reports, there is no basis to require that DBG complete additional off-site mitigation measures in order to develop the project. Second, the City’s analysis assumed that the City would collect TDT’s at the applicable standard rate. To the extent that opponents are contending that the City should impose higher TDT’s on the project, there is no basis in the TDT ordinance to do so; rather, it will require a legislative amendment in order to do so.

5. There is no basis for the City Council to deny the Applications because SW Oak Street does not meet the aspirational requests of Tualatin Valley Fire & Rescue (“TVFR”).

In this case, TVFR requested that “No Parking” signs be posted on roads that are 26 feet or less in width. On the basis of this comment, opponents contend that the City cannot approve parking on both sides of SW Oak Street, which is proposed to have 26 feet of pavement width. However, as Community Development staff notes in its memorandum dated February 3, 2015, the proposed parking complies with established City standards for SW Oak; and the Engineering Division has approved the proposed street improvements as modified. These standards, along with adopted City exception review

Mayor John Cook and Tigard City Council
February 10, 2015
Page 5

provisions, control for purposes of the Council's review; and the aspirations of TVFR, while not controlling, were considered by staff.

For the foregoing reasons, and based upon argument and evidence in the record, the City Council should deny the opponents' contentions and affirm the Commission's approval and approve the Applications as modified, subject to proposed staff conditions of approval.

I have asked staff to place a copy of this letter before you and in the official record for this matter. DBG reserves the right to submit additional argument and evidence in accordance with the open record period established by the City and ORS 197.763. Thank you for your consideration of the points in this letter.

Very truly yours,



Steven L. Pfeiffer

SLP:crl

cc: Gary Pagenstecher (via email)
Dan Olsen (via email)
Jerry Offer (via email)
Client (via email)
Seth King (via email)

Memorandum



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: February 10, 2015

Subject: A+O Apartments – Conditions of Approval

Project No.: 17044

In response to comments and concerns raised by the City Council at the prior hearings, and also in response to observations made during a site visit made with City staff members on February 5th to view the existing road and sidewalk improvements, the A+O Apartments project team would like to request modifications to two of the staff recommended conditions of approval related to pedestrian safety, transit facilities, and the SW Lincoln Street extension right-of-way. We have addressed our concerns with these conditions of approval at the prior Planning Commission and City Council hearings on this matter, but recent observations have led us to the current refined request for modification of these conditions as stated in this memo.

The December 8, 2014 staff report to the Planning Commission included as a recommended condition of approval that the applicant submit a walkability and ridership audit that promotes walkability and transit ridership, including measures recommended in a TriMet letter regarding the application – most notably a request for continuous improved pedestrian connection between the proposed development site and an existing TriMet bus stop on SW Greenburg Road in front of the Lincoln Center. The TriMet letter (attached) provides ridership information on TriMet bus routes 76 and 78 which serve the transit stops on SW Greenburg Road. The letter reports that these stops see an average of 80 people boarding and alighting on weekdays. At the February 3, 2015 meeting, I reported to you that routes 76 and 78 basically provide transit service to the subject area from roughly 6 AM to midnight seven days a week. The schedules for these transit routes are included in the Impact Assessment Report included in Section VI-F of the application narrative. Beyond the information provided above and in our application narrative, we are unaware what additional transit ridership information could be developed that would be pertinent to this request.

In addition, City staff presented a Safe Routes to Schools aerial photo/map which illustrates the state of sidewalks and pathways in the area surrounding Metzger School, and thus the subject site. We showed this map as part of our PowerPoint presentation at the February 3, 2015 City Council meeting. We are not sure what additional information could be added to this map to provide additional walkability information.

For the reasons provided in the above paragraphs, we believe that sufficient walkability and transit ridership information is already in the record for this application such that a new audit of walkability and ridership is not needed, and this portion of recommended condition of approval 7 can be deleted.

Next, a condition of approval No. 7 seeks to have improvements made to the transportation network to improve walkability and transit ridership. To that end, the A+O project has proposed to make several enhancements to the public sidewalk/pathway system which will improve vehicular and pedestrian safety in the area, and will enhance walkability and ridership. The proposed improvements include the following:

- DBG Oak Street, LLC is already proposed to dedicate right-of-way and construct half-street improvements including a multi-purpose walkway across the subject development site's SW Oak Street frontage;
- DBG Oak Street, LLC has already proposed to realign the existing SW 90th Avenue intersection with SW Oak Street and construct necessary road improvements. (See attached plan from Kelly Lausten and Chris Brehmar, PE, of Kittelson and Associates with details on the proposed realignment);
- Orland, Ltd. has proposed to provide an easement for the SW Lincoln pathway (See January 6, 2015 letter from Nawzad Othman, attached);
- DBG Oak Street, LLC has proposed to construct minimum 10-foot wide pathway connecting from SW Oak Street to the current southern end of SW Lincoln Street. Sidewalks and streetlights are present at either end of the proposed path. (See January 6, 2015 letter from Nawzad Othman, attached);
- DBG Oak Street, LLC has previously proposed to construct a minimum 5-foot paved pathway within the existing SW Oak Street right-of-way between the SW 90th/Oak Street intersections to connect with the existing public sidewalk on SW Oak Street located south of Lincoln Center. (See the attached memo and preliminary plan from Mike Peebles, PE). The project team and City staff visited the segment of SW Oak Street where this pathway improvement is to be constructed in order to confirm the feasibility of such a pathway and to discuss design considerations;
- DBG Oak Street, LLC will continue to facilitate obtaining a transit shelter easement in front of the Lincoln Center as I discussed with the City Council at the February 3, 2015 hearing (see attached memo from Jerry Offer to the City Council reporting on negotiations amongst the parties);
- DBG Oak Street, LLC is proposing to construct a raised pedestrian crossing/speed table on SW 90th Avenue at the existing Oak Way crosswalk. The project team and City staff visited the segment of SW 90th Avenue where this improvement is to be constructed in order to confirm the feasibility of such an improvement and to discuss design considerations. (See attached plan from Kelly Laustsen and Chris Brehmer PE, of Kittelson and Associates).

In addition, the property owner for the A+O Apartments site is willing to accept a revised recommended condition of approval No. 8 as has been recommended to the City Council in a

separate memo by Ryan O'Brien of Emerio Design representing Dr. Gene Davis. The recommended condition of approval will guarantee that Orland, LLC, will dedicate full right-of-way for a connection of SW Lincoln Street to SW Oak Street at the time that such a connection is deemed necessary as a result of future land development. Orland, LLC, agrees to dedicate the right-of-way upon payment of compensation at the fair market value of the land as determined by an appraisal of the land. The benefiting development, which is conditioned to construct the roadway improvement, would then be required to compensate Orland LLC for the value of the right-of-way. Our proposed revisions to Mr. O'Brien's recommended condition of approval basically cleans up some of the language in the condition, and also includes a statement that "the developer(s) of property that triggers the need for dedication of the right-of-way will be required to compensate the owner of tax lots 3300 and 3302 for the fair market value of the right-of-way dedicated, and such developer(s) shall be responsible for improving this segment of SW Lincoln Street as required by the City." This concept regarding payment for the right-of-way value is included in the text of Mr. O'Brien's memorandum but was not included in his recommended condition of approval.

Together, these right-of-way dedications, pathway easement dedications, easements to TriMet, sidewalk and pathway improvements, and the raised crosswalk on SW 90th Avenue will provide continuous off-street pedestrian access to Metzger School; to the transit stop on SW Greenburg Road (and hopefully to a transit waiting shelter at the northbound transit stop); and to the intersection of SW Hall Boulevard and SW Locust Street. These improvements would address existing sight distance limitations at the SW 90th Avenue/SW Oak Street intersection and will improve intersection operations for pedestrians and motor vehicles. In addition, they would enhance pedestrian connectivity in the vicinity of the site and improve access to the existing transit stops on SW Greenburg Road. To that end, we would like to propose that the staff recommended conditions of approval be revised as follows:

Recommended Condition of Approval No. 7

7. Prior to the issuance of a building permit for any of the proposed buildings on the site, the applicant shall submit plans, dedicate right-of-way or easements (as applicable); and ensure construction of the following improvements:
 - o DBG Oak Street, LLC, shall continue to facilitate the possible provision of an easement or license agreement for a 5-foot by 20-foot transit shelter pad on tax lot 4600 of WCTM 1S1 35 AB, and to work with TriMet to construct a transit shelter within the area subject to such an easement or license agreement. DBG Oak Street's contribution to the development of the transit shelter shall, at a minimum, include site preparation and provision of a concrete pad for the transit shelter. If it is not possible for the parties to reach an agreement on the provision of an easement or license agreement prior to the issuance of a building permit for the A+O Apartments, the applicant shall present copies of communications from all involved parties (TriMet, Shorenstein Realty Services, and DBG Oak Street, LLC) demonstrating to the satisfaction of the Community Development Director that an appropriate effort has been made by the applicant to facilitate an agreement.

- DBG Oak Street, LLC shall dedicate right-of-way and construct half-street improvements including a multi-purpose walkway across the subject development site's SW Oak Street frontage;
- DBG Oak Street, LLC shall continue to collaborate with the City of Tigard to refine and implement a package of preferred improvements at the intersection of SW 90th Avenue /SW Oak Street intended to address existing sight distance limitations and to improve pedestrian connectivity;
- Orland, Ltd., shall provide a minimum 12-foot wide public pedestrian easement for the proposed SW Lincoln pathway consistent with the offer provided in the See January 6, 2015 letter from Nawzad Othman;
- DBG Oak Street, LLC shall construct minimum 10-foot wide pathway connecting from SW Oak Street to current southern end of SW Lincoln Street. Adjacent vegetation shall be trimmed or removed to provide a minimum 30-foot wide clear vision corridor centered on the pathway so that the entire pathway segment is visible from both SW Oak Street and from the current end of SW Lincoln Street;
- DBG Oak Street, LLC shall construct a minimum 5-foot wide pathway within the existing SW Oak Street right-of-way between the SW 90th/Oak Street intersection and the existing SW Oak Street sidewalk south of Lincoln Center;
- DBG Oak Street, LLC shall construct a raised pedestrian crossing on SW 90th Avenue at the existing SW Oak Way crosswalk, subject to approval of the City Engineer and construction feasibility.

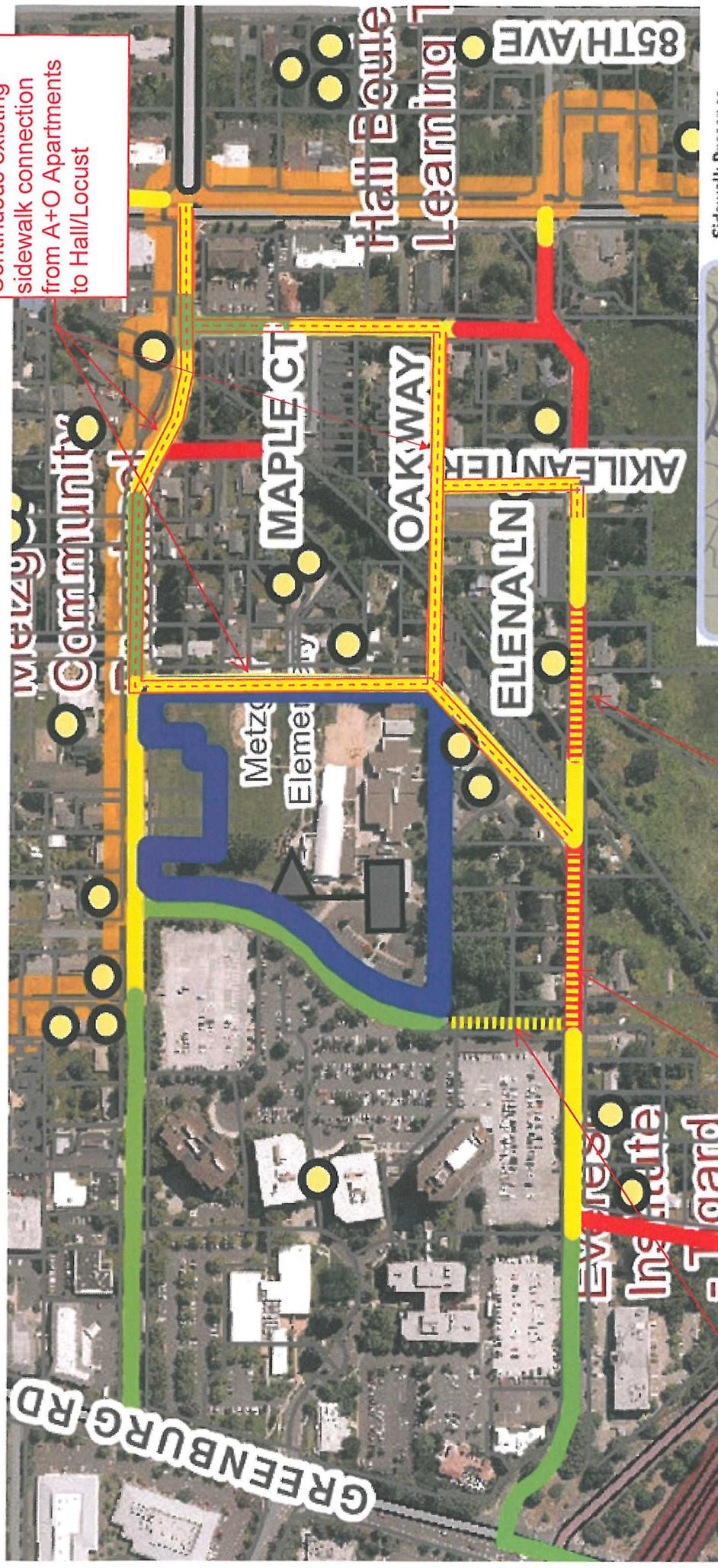
Recommended Condition of Approval No. 8 (based upon recommended condition of approval submitted by Ryan O'Brien, Emerio Design)

8. When required by the City of Tigard, the property owner (Orland Ltd.) shall sign an agreement with the City of Tigard dedicating the SW Lincoln Street right-of-way to a width required by the City over tax lots 3300 and 3302, tax map 1S1-35AB from the north property line to SW Oak Street. This right-of-way dedication will also include the full length of tax lot 3302 along SW Oak Street. The owner of tax lot 3300 and 3302 will be paid the appraised value of the right-of-way dedication based upon an appraisal to be ordered by the City of Tigard. The developer(s) of property that triggers the need for dedication of the right-of-way will be required to compensate the owner of tax lots 3300 and 3302 for the fair market value of the right-of- way dedicated, and such developer(s) shall be responsible for improving this segment of SW Lincoln Street as required by the City. An agreement to this effect shall be recorded prior to any construction permits being issued for the approved A+O Apartments project.

A+O APARTMENTS - PROPOSED PEDESTRIAN CONNECTION IMPROVEMENTS

EXISTING SIDEWALK ROUTE FROM A+O APARTMENTS TO HALL/LOCUST (TRANSIT STOP)

Continuous existing sidewalk connection from A+O Apartments to Hall/Locust



- Sidewalk Presence**
- Both Sides
- One Side Only or pathway
- None
- Partial Sidewalk
- Metzger School Boundary
- 1 Mile Radius

- 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

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.

January 6, 2015

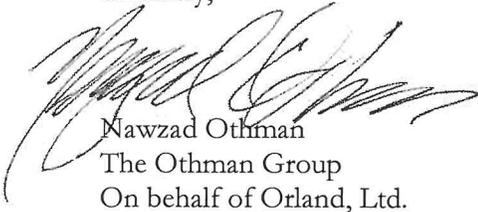
Mayor John Cook and City Council
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97224

RE: Multi-use path connecting between SW Lincoln Street and SW Oak Street

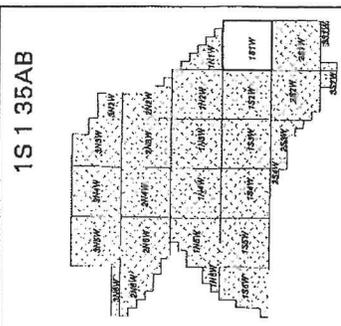
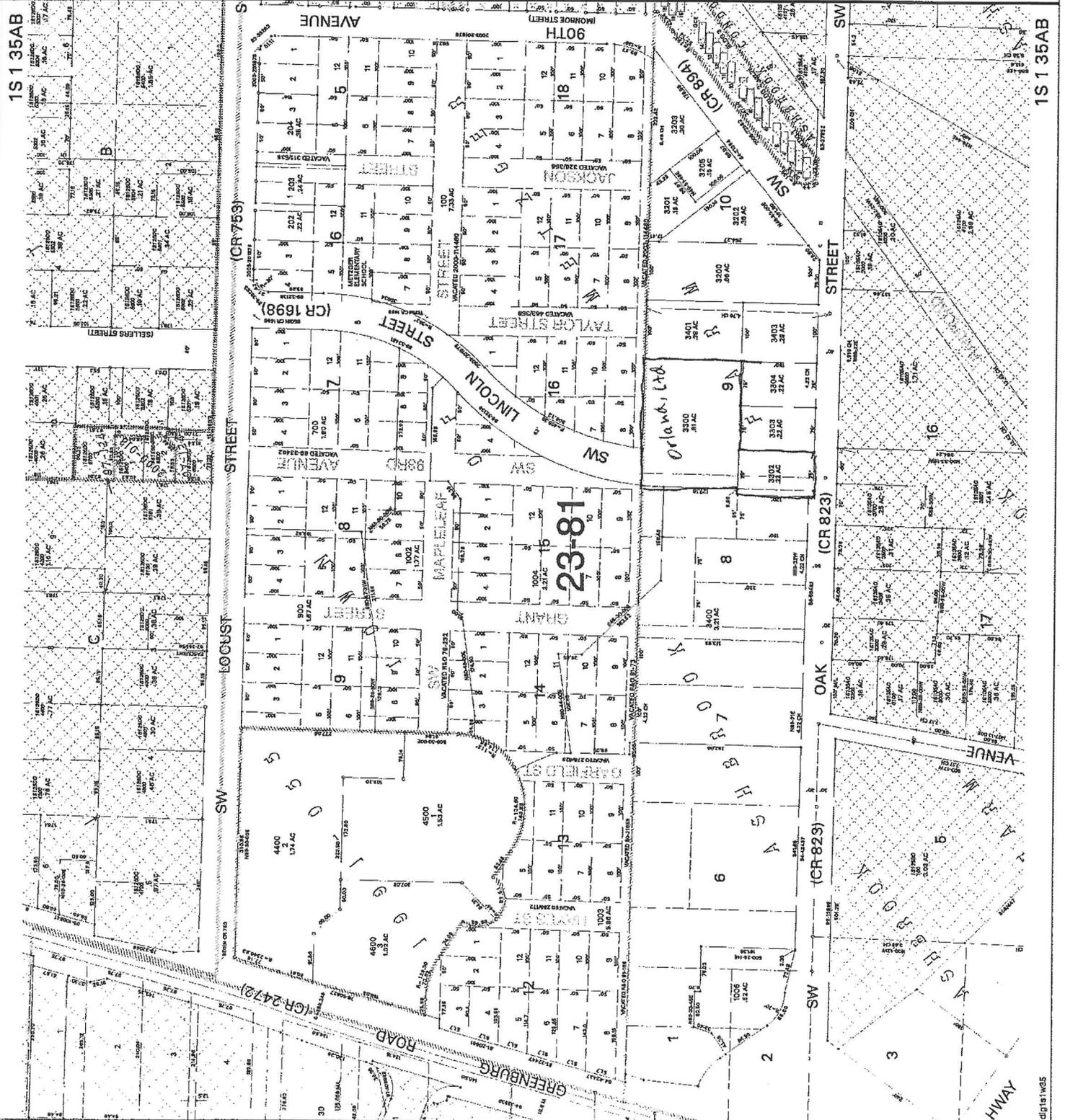
Dear Mayor Cook and City Councilors,

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,



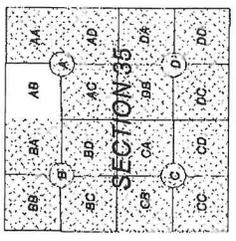
Nawzad Othman
The Othman Group
On behalf of Orland, Ltd.



WASHINGTON COUNTY OREGON
 NW 1/4 NE 1/4 SECTION 35 T11S R11W W.M.
 SCALE 1" = 100'

36	37	32	33	34	35	38	39	37
12	1	8	5	4	3	2	1	6
13	18	7	16	15	14	13	12	7
24	19	20	21	22	23	24	19	
25	30	28	28	27	26	25	30	
30	31	32	33	34	35	36	31	
7	6	5	4	3	2	1	6	

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 1S185AB
 1501, 1700, 1800, 1900, 2000, 2100, 2200, 2300,
 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100,
 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900,
 4000, 4100, 4200, 4300, 4400, 4500, 4600,
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 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500,
 9600, 9700, 9800, 9900, 10000



PLOT DATE: May 09, 2007
 FOR ASSESSMENT PURPOSES
 ONLY. DO NOT RELY ON
 THIS MAP FOR OTHER USE.
 Map areas delineated are not necessarily
 preferred for reference only and may indicate the most
 current property boundaries. Please consult the appropriate map
 for the most current information.

TIGARD
 1S 1 35AB



MEMORANDUM

Date: February 9, 2015

Project #:17044

To: Mayor John Cook and Tigard City Councilors

cc: Skip Grodahl (DBG Oak Street, LLC – applicant)
Nawzad Othman (representing Orland Ltd. –owner)
Gary Pagenstecher, Tigard Planning Department

From: Kelly Laustsen and Chris Brehmer, P.E.

Project: A+O Apartments

Subject: Additional Voluntary Transportation Improvements

At the February 3, 2015 City Council hearing on the A+O Apartments, several questions were raised related to pedestrian connectivity in the vicinity of the proposed development and conditions on SW 90th Avenue. In response, the development team has proposed two further voluntary improvements to be provided with the development:

1. Intersection improvements at SW 90th Avenue/SW Oak Street
2. Raised pedestrian crossing on SW 90th Avenue

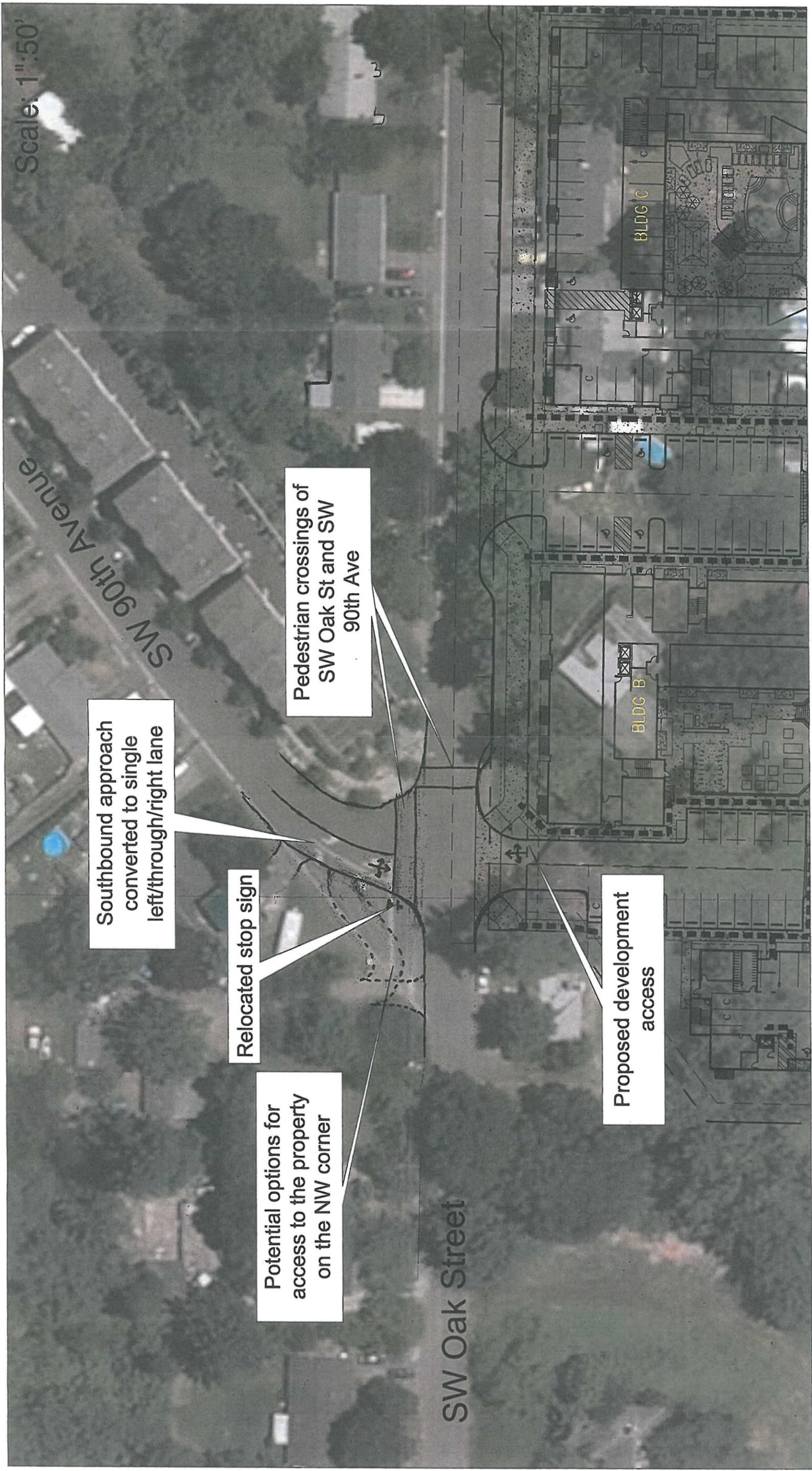
This memorandum provides further details on the proposed voluntary improvements.

1. INTERSECTION IMPROVEMENTS AT SW 90TH AVENUE/SW OAK STREET

The traffic study completed for A+O Apartments, dated May 8, 2014, included observations related to sight distance at the intersection of SW 90th Avenue/SW Oak Street. The relevant portions of the memo are included in *Attachment A*. The report recommended that the “A+O Apartments development team collaborate with the City of Tigard regarding potential improvements to the intersection” (page 13).

Following-up on this recommendation, members of the project team met with City Staff at the project site on February 5th, 2015 to assess existing conditions at the intersection and potential improvements. Based on this discussion, the project team developed a draft concept for the intersection, shown in **Figure 1**, including the following improvements:

- Striped pedestrian crossings on the north and east legs of the intersection as well as appropriate signage in conformance with the Manual on Uniform Traffic Control Devices (MUTCD).



\\projfile1\3977 - Orland Property Multifamily development\wgs\figs\13977_90th and Oak sketch.dwg Feb 09, 2015 - 5:56pm - Kaustsen Layout Tab: Layout1

Site plan provided by Otak

Conceptual Layout of Improvements at SW 90th Avenue/SW Oak Street
Tigard, Oregon

Figure
1

- Modified the southeast corner bulb-out/curb extension (included in the project development plans) at the intersection to accommodate the north-south pedestrian crossing.
- Conversion of the southbound approach to a single left/through/right lane in order to improve sight-distance and channelization.

Modification to the existing private driveway accesses serving the properties on the northwest quadrant of the intersection, with potential options shown in Figure 1. *Note: this item will require further discussion with the City and cooperation of property owners impacted by the conceptual changes to determine the preferred concept.*

- Relocation of the existing stop sign to the area shown in Figure 1 for better driver visibility.
- Modifications to the existing northwest corner of the intersection to accommodate the above changes.

As indicated above, the concept shown in Figure 1 is a draft based on initial conversations with the City. Refinement and implementation of the concept is subject to City approval, cooperation of impacted property owner(s), and construction feasibility. It is recommended that the development team continue to collaborate with the City of Tigard to refine and implement a package of preferred improvements at the intersection.

2. RAISED PEDESTRIAN CROSSING ON SW 90TH AVENUE

An existing pedestrian crossing is provided on SW 90th Avenue to connect the sidewalk on the eastern side of SW Oak Street with the sidewalk on the western portion along the Metzger Elementary School frontage. The existing crossing is shown in **Exhibit 1**.

Exhibit 1: Existing Pedestrian Crosswalk on SW 90th Avenue (Facing North)



Based on discussions with City Staff and the principal of Metzger Elementary School during the February 5th, 2015 field visit, there is interest in converting the existing striped crosswalk to a raised pedestrian crossing, similar to those provided on Grant Avenue near St. Anthony's Catholic School and on Locust Street near Metzger Elementary School (shown in **Exhibit 2**). A raised crossing would further delineate the existing pedestrian crossing and would help address City Council comments related to speeding on SW 90th Avenue by serving as a traffic calming measure on SW 90th Avenue.

Exhibit 2: Existing Raised Pedestrian Crosswalks in Tigard



Above: Grant Avenue, Below: Locust Street
Source: Google Maps©

The applicant proposes to construct a raised crossing at the location of the existing pedestrian crossing on SW 90th Avenue, subject to City approval and construction feasibility. It is recommended the applicant work with the City to develop the design details, including appropriate signage and pavement markings.

NEXT STEPS

As detailed in the sections above, the development team has proposed two further voluntary improvements to be provided in conjunction with the proposed site development:

1. Intersection improvements at SW 90th Avenue/SW Oak Street
2. Raised pedestrian crossing on SW 90th Avenue

The proposed improvements at the SW 90th Avenue/SW Oak Street would address existing sight distance limitations and improve intersection operations for motor vehicles and pedestrians. The proposed raised pedestrian crossing on SW 90th Avenue would further delineate the existing pedestrian crossing, is consistent with other similar treatments used by the City, and would serve as a traffic calming measure.

Memorandum



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: Mike Peebles, PE

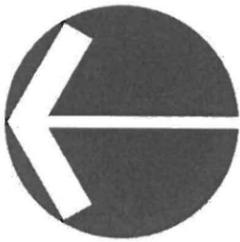
Copies: Skip Grodahl (DBG Oak Street, LLC – applicant),
Nawzad Othman (representing Orland Ltd. –
owner); Gary Pagenstecher, Tigard Planning Dept.;
Kim McMillan, Tigard Engineering

Date: February 10, 2015

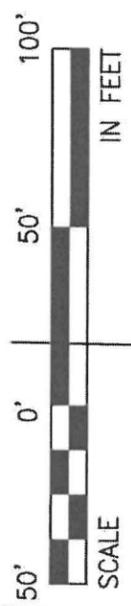
Subject: A+O Apartments – SW Oak Street Pathway

Project No.: 17044

On February 5, 2015, City staff members and I walked the north side of SW Oak Street between its intersection with SW 90th Avenue and the existing sidewalk on SW Oak Street south of the Lincoln Center. From our observations of this area, I believe that it is feasible to construct a 5-foot concrete sidewalk and curb (near 90th/Oak Street intersection) and an asphalt pathway with a painted fogline (west of intersection) within the existing public right-of-way to provide an improved pedestrian connection between the intersection of SW 90th and the existing sidewalk at Lincoln Center as illustrated on the attached concept plan and aerial photo. There will need to be some storm drainage piping installed to replace an open ditch near SW 90th. Some driveway reconstruction may be necessary on private properties along the affected areas of the proposed pathway.



ACCESS TO LINCOLN CENTER
← LINCOLN CENTER
PROPOSED PED PATH



5' ASPHALT PATH WITH FOG LINE ~280'

5' SIDEWALK w/ CURB, REPLACE DITCH w/ STORM PIPE

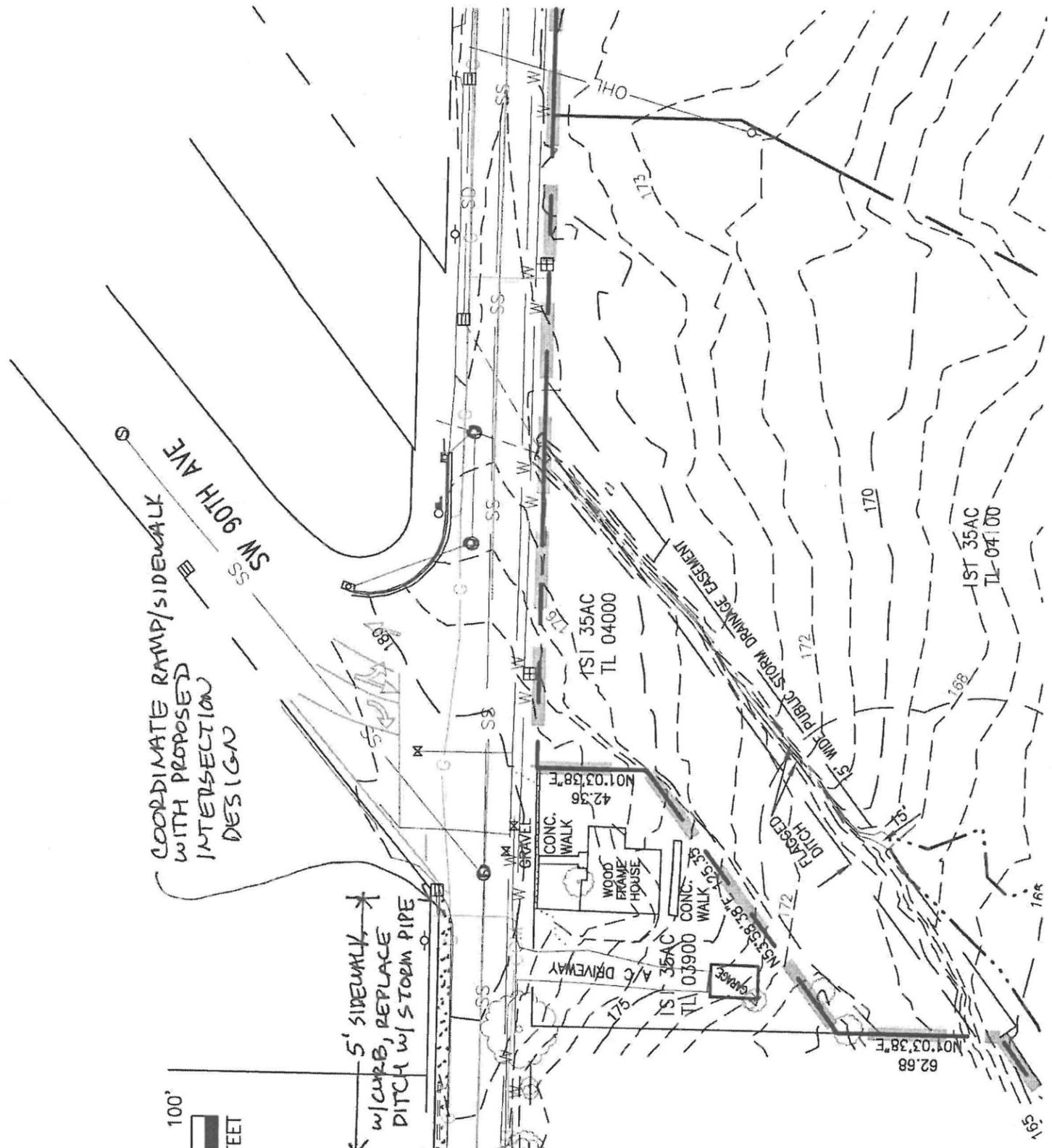
COORDINATE RAMP/SIDEWALK WITH PROPOSED INTERSECTION DESIGN

SW OAK STREET

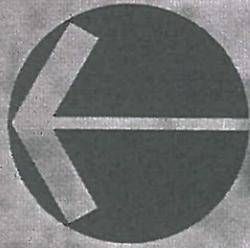
MAINTAIN (2) 11' TRAVEL LANES ON SW OAK ST.

ALL WORK TO BE COMPLETED WITHIN EXISTING R.O.W. (SOME DRIVEWAY RECONSTRUCTION MAY BE REQUIRED ON PRIVATE PROPERTY)

ISI 35AC TL 03800



ATO APARTMENTS 2/9/15 -02K



PROPOSED PB PATH
NO BLDGS

SW OAK STREET

COORDINATE RADAR/
SIDEWALK w/ PROPOSED
INTERSECTION DESIGN

5' ASPHALT PATH
WITH FOG LINE
(~280')

PROVIDE MINIMUM
11' TRAVEL LANES
ON OAK ST.
(22' WIDE TOTAL
WIDTH FOR VEHICLES)

5' CONCRETE
SIDEWALK
WITH CURB
(~100')

DMY
DMY
DMY

(A)

(B)

(D)

(E)

ISI 35AC
TL 03900
A/C DRIVEWAY
WOOD FRAME
HOUSE
CONC. WALK
42.66
NO1.03.38'E

ISI 35AC
TL 04000

ISI 35AC
TL 03800

ISI 35AC
TL 04100

15' WIDE PUBLIC STORM DRAINAGE EASEMENT

EDGED
DITCH

(A)-(E) SEE ATTACHED PHOTO LOG

A TO APARTMENTS
2.14/16-2011

A TO APARTMENTS. 41115 0224



SW 90th looking west on Oak St.



(A) CURB/SIDEWALK, replace ditch with pipe.



(B) ASPHALT PATH (PAST MAILBOX)



(C) ASPHALT PATH (Adjust driveway transition)



(D) ASPHALT PATH (Adjust driveway)



(E) ASPHALT PATH (AVOID POLE, connect to adjacent Lincoln St. 02th

Memorandum



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: Mike Peebles, PE

Copies: Skip Grodahl (DBG Oak Street, LLC – applicant),
Nawzad Othman (representing Orland Ltd. –
owner); Gary Pagenstecher, Tigard Planning Dept.;
Kim McMillan, Tigard Engineering

Date: February 10, 2015

Subject: A+O Apartments – SW Oak Street TVF&R Access

Project No.: 17044

As shown on the attached exhibits, the proposed SW Oak Street improvements along the A+O Apartment frontage will be designed/constructed to allow parking on the south side of the street. SW Oak Street will provide a 23-foot paved width (travel lanes) between the existing fogline/bike lane on the north side of the street and the proposed 8-foot wide parallel parking spaces on the south side. Tualatin Valley Fire and Rescue (TVF&R) standards require a minimum of 20-feet for a fire lane.

In addition, Sheet P2.1 (Preliminary Access Plan) of our application shows the internal circulation and fire engine aerial apparatus access route meets the TVF&R standards.

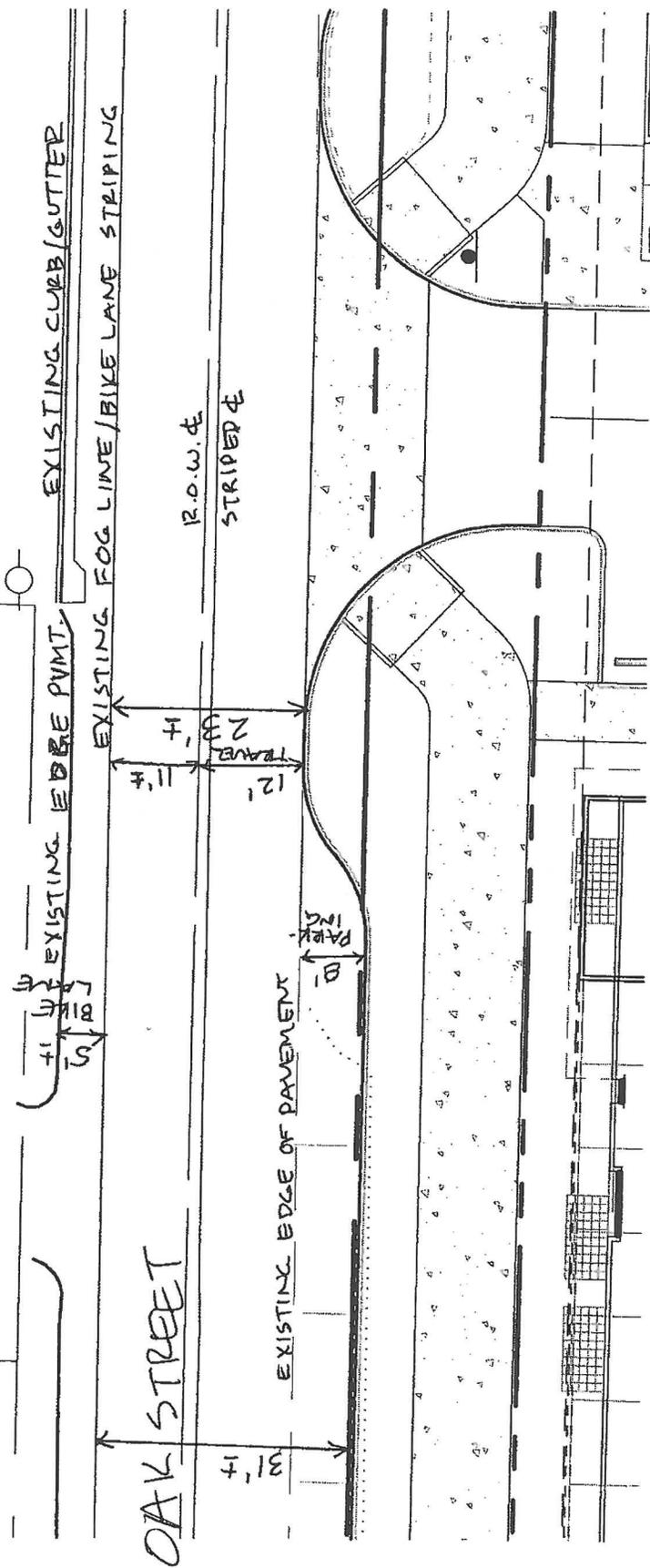
OAK STREET (1) PROPOSED 1/2 STREET IMPROVEMENT (SOUTH SIDE)
 INCLUDES 12' TRAVEL LANE + 8' PARKING.

2) EXISTING NORTH TRAVEL LANE ~ 11 FT. WIDE

3) 23' PAVEMENT EXCEEDS 20' FIRE LANE REQUIRED.

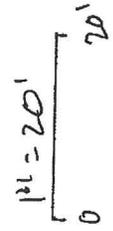
4) PARKING ALLOWED ON SOUTH SIDE PER TUF&R

(NORTH SIDE OF OAK ST SIGNED: NO PARKING THIS SIDE OF STREET)



PROPOSED A+O APARTMENTS

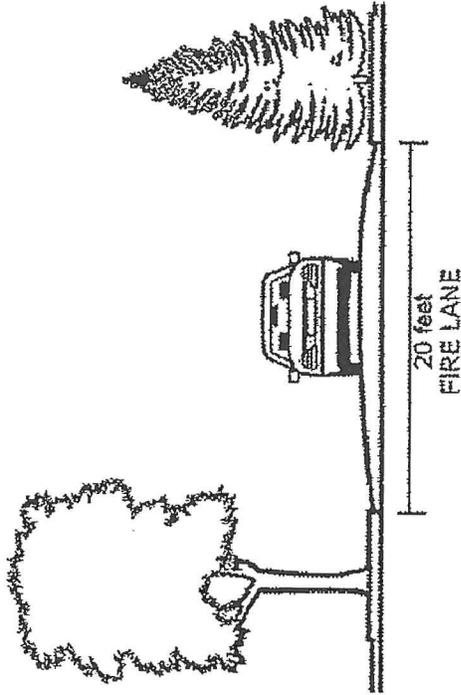
↑ NORTH
 1 of 2



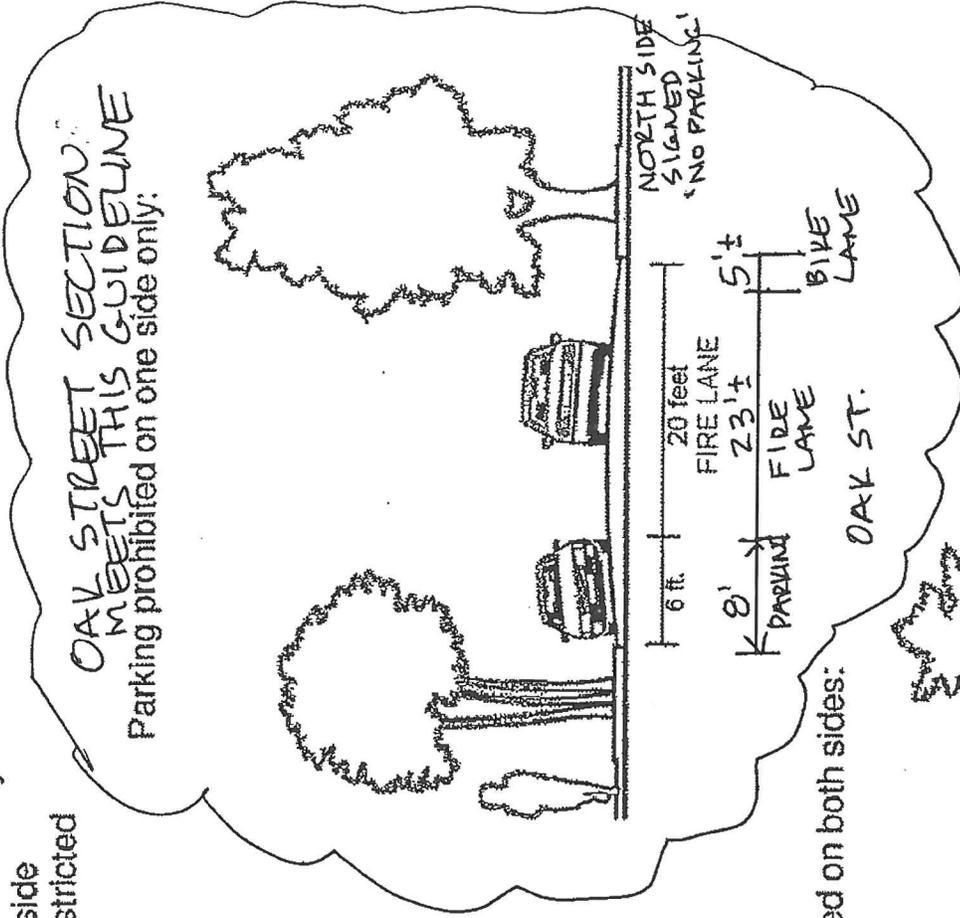
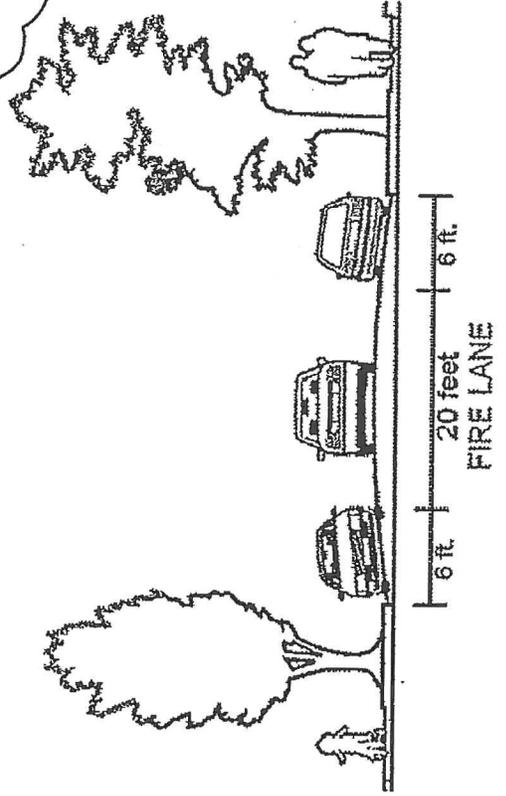
NO PARKING: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):

1. 20-26 feet road width – no parking on either side of roadway
2. 26-32 feet road width – parking is allowed on one side
3. Greater than 32 feet road width – parking is not restricted

Parking prohibited on either side:



Parking permitted on both sides:



Memorandum



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: February 10, 2015

Subject: A+O Apartments – Bus Stop Shelter Issue

Project No.: 17044

At the February 3, 2015 City Council hearing on the A+O Apartments applications, I told the City Council that our project team was involved in discussions with TriMet and representatives of Shorenstein Realty Services regarding a possible transit shelter at the existing bus stop in front of Lincoln Center. Shorenstein Realty Services provides management services for the Lincoln Center project. I would like to provide you with more information regarding these contacts regarding the possible transit shelter.

- December 4, 2014 - TriMet planner Grant O'Connell submits a letter to Gary Pagenstecher of the City of Tigard raising concerns with the A +O Apartments proposal with regard to:
- “gaps in the sidewalk infrastructure. Developer should ensure that there is a safe and comfortable pathway to walk to Greenburg Road to the new development. 2) Consider sidewalk lighting...; 3) consider negotiating an easement with the owner of the property at 10250 SW Greenburg Road for the purpose of a shelter...”
- Between December 5, 2015 and January 26, 2015, several phone discussions and emails occurred between Heidi Knapp of Shorenstein Realty Services and Jerry Offer of Otak regarding the possibility of Shorenstein Realty providing an easement for a transit shelter.
- January 30, 2015 – Meeting at the Lincoln Center offices of Shorenstein Realty Associates regarding the possibility of an easement for a transit shelter. I would characterize the support of the Shorenstein Realty Services local representatives as very positive towards their client/property owner to provide an easement for the transit shelter, but they said that it needed to be approved by their corporate people elsewhere. Shorenstein Realty Services requested that the project team get detailed information from TriMet regarding the bus shelter design and about liability issues. Participants at the meeting included Kim Gach (General Manager of Shorenstein Realty Services, LP); Heidi Knapp and Eric Castle of Shorenstein Realty Services; Skip Grodahl of DBG - Oak Street, LLC; Nawzad Othman representing Orland Properties, LLC, and Jerry Offer of Otak.

- January 30, 2015 – afternoon. Email from Kim Gach of Shorenstein Realty Services reporting that “we believe that we will be able to grant approval to TriMet for the easement for the bus shelter. Of course this approval will be contingent upon our acceptance of TriMet’s easement language, obtaining satisfactory indemnifications and insurance from your contractor and TriMet to protect Shorenstein during the construction of the shelter...”
- February 3, 2015. Telephone call between Grant O’Connell of TriMet and Jerry Offer of Otak regarding the project team’s willingness to provide a pathway on the north side of SW Oak Street to connect up with the existing sidewalk in order to provide a continuous paved pathway connection to the existing transit stops on SW Greenburg Road; about the presence of streetlights along the entire pathway/sidewalk between the development site and the transit stop; and about preliminary discussions and negotiations with Shorenstein Realty Services for an easement for a transit shelter.
- February 3, 2015 email from Grant O’Connell to Jerry Offer providing a draft bus shelter agreement form and a TriMet specifications document regarding bus shelters. Jerry Offer forwarded this information to Kim Gach and Heidi Knapp of Shorenstein Realty Services.

Discussions will continue with both TriMet and Shorenstein Realty Services regarding the bus shelter issue. What is being discussed is for Shorenstein Realty Services providing an easement or licensing agreement for a bus shelter at the existing northbound bus stop in front of Lincoln Center; DBG – Oak Street, LLC, to provide site preparation including grading and constructing a 5-foot by 20-foot concrete pad; and TriMet installing a standard transit shelter.

Because these negotiations include two parties who are not directly parties to the application by DBG - Oak Street, LLC, to develop the A+O Apartments and the negotiations could fall apart for reasons uncontrollable by DBG - Oak Street, LLC, it is requested that the City Council not require completion of an agreement for an easement and construction of a transit shelter as a condition of approval of the proposed planned development/ development review application. Instead, we would ask the City Council to require the following as part of a condition of approval:

DBG – Oak Street, LLC, shall continue to facilitate the possible provision of an easement or license agreement for a 5-foot by 20-foot transit shelter pad on tax lot 4600 of WCTM 1S1-35AB, and to work with TriMet to construct a transit shelter within the area subject to such an easement or license agreement. DBG – Oak Street’s contribution to the development of the transit shelter shall, at a minimum, include site preparation and provision of a concrete pad for the transit shelter. If it is not possible for the parties to reach an agreement on the provision of an easement or license agreement prior to the issuance of a building permit for the A + O Apartments, the applicant shall present copies of communications from all involved parties (TriMet, Shorenstein Realty Services, and DBG – Oak Street) demonstrating to the satisfaction of the Community Development Director that an appropriate effort has been made by the applicant to facilitate an agreement.

Jerry Offer

From: O'Connell, Grant <oconnelg@trimet.org>
Sent: Tuesday, February 03, 2015 3:39 PM
To: Jerry Offer
Subject: RE: Case File No: CPA 2014-2
Attachments: Private Property Agreement.pdf

Jerry,

Great to talk to you today. Hope you're able to make it to New Zealand.

Attached is our standard private property agreement for the placement of the shelter.

The document at [this link](#) has a great deal of relevant information regarding bus stop design. For your purposes, check PDF page 23 (or file page 19). Under Diagram 4, the landing pad with "B" Shelter. I mentioned 6'x20' in the letter. The diagram shows 2 separate panels but contractors typically find it simpler to pour one larger panel.

Also of relevance are PDF pages 35 for the concrete and 42 if Lincoln Center would like to know more about the shelter.

Regards,

Grant O'Connell

Planner II • Operating Projects • 1800 SW First Avenue, Suite 300 • Portland, OR 97201
o'connelg@trimet.org • T 503-962-6478



From: Gary Pagenstecher [<mailto:Garyp@tigard-or.gov>]
Sent: Thursday, December 04, 2014 6:50 PM
To: Jerry Offer (jerry.offer@otak.com)
Cc: O'Connell, Grant
Subject: FW: Case File No: CPA 2014-2

Jerry,

Please find attached a comment letter from TriMet outlining improvements to transit and access to transit from the project. I will include these recommendations in the staff report and hope that the marginal improvements, if agreeable to the development team, will strengthen your case for the parking exemption.

Gary

See attachment

From: O'Connell, Grant [<mailto:oconnelg@trimet.org>]
Sent: Thursday, December 04, 2014 4:29 PM
To: Gary Pagenstecher
Subject: Case File No: CPA 2014-2

Gary,

See attached. I didn't ever receive the email regarding the other person to share this with. Please feel free to forward.



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,

A handwritten signature in cursive script that reads "Grant O'Connell".

Grant O'Connell, Planner II
Transit Development
Capital Projects

RECEIVED

FEB 10 2015

CITY OF TIGARD
PLANNING/ENGINEERING

Jim Long, Chair

Citizen Participation Organization 4-M

February 10, 2015

To: Tigard City Council & Mayor
City of Tigard
13125 SW Hall Blvd.
Tigard, Oregon 97224

Subject: Testimony re: Ash Creek and Oak Apartments (A+O Apartments)
Case ID Numbers: CPA2014-00002 Comprehensive Plan Amendment
PDR2014-00003 Planned Development Review
SDR2014-00004 Site Development Review
SLR2014-00002 Sensitive Lands Review
Staff response memo
Applicant response memo

Dear Mayor and City Councilors,

Many citizens surrounding this proposed development have raised questions about it. The Neighborhood Meeting last February 20th, 2014 about this proposed development drew 55-60 concerned citizens. The September CPO-4M meeting had 39 attendees with many concerns about these applications. On December 10th, the membership of CPO-4M voted unanimously to oppose portions of these application/s.

Then on January 28th after learning some of the answers by the applicant and city staff to council questions the CPO-4M membership again voted unanimously to continue opposing the A&O Apt. Applications. (Ash Creek and Oak Street)

CPO-4M continues to oppose the applications by OTAK for the following reasons.

The possibility of EB-5 Immigrant Investor program funding for this development seems not to have been discussed at all until early February. This creates questions of accountability, full disclosure, and trust.

It appears the city staff and the applicant did not complete a thorough buildable lands inventory. There is still more buildable land within the city as an alternative to meet the specific needs of the proposed use.

This application is a moving target. Will there be an updated application we (the public) can review at city hall or the public library?

The city's new website installed during this proceeding does not allow access to all documents necessary for this response.

Proposal #1 Comprehensive Plan Amendment

===== **Wetlands** =====

This is not an economic development issue, but a natural resource conservation issue. 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 [Wetlands and Stream Corridors (Goal 5 Safe Harbor)].

City of Tigard had specified this area as “significant wetlands”. In its wisdom of previous years, the City of Tigard chose the “safe harbor” designation that fully protects all of the “significant wetlands”. Do not allow conflicting uses, but protect the wetlands.

It appears that the combination of the requested decrease in wetlands acreage and the proposed retaining wall near building “D” would actually increase the elevation of the surface water of the 100-year flood plain.

Most winters over at least four decades and more, we have seen those lands covered with water from viewpoints. According to applicant-consultant statements, the flood plain has actually increased in recent years.

Over the years, the city has approved codes to protect the public. Development uses that conflict with the city codes 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.

“Where are you going with all the dirt?” Tigard’s code does not allow for filling in a wetlands area for housing purposes.

In the late 1990s, CPO-4M was involved and successful in preventing fulfillment of the Presidential Parkway and Washington Square Regional Center proposals. Common sense ruled. CPO members thought the “significant wetlands” were protected.

The entire significant wetlands on the site should continue to prohibit conflicting uses and be protected under Goal 5 Safe Harbor/Significant Wetlands.

There is enough evidence to simply deny the requested amendment to the City’s Comprehensive Plan.

#2 Planned Development Review

On December 15th, the split Tigard Planning Commission was far from convinced that a balance of natural resource protection and development objectives is being proposed.

“Significant wetlands” are not your typical ‘open space’.

We have seen walking trails over wetlands in other cities have become dumping grounds, which is not good for water quality downstream. Is there a protection mechanism to prevent that from happening here?

There is no pathway connection to the east. There is a sidewalk gap to Hall Boulevard, and intermittent sidewalks on Hall Boulevard. Will there be continuous sidewalks to Tri-Met bus lines #43, #76, and #78?

Livability and walkability go ‘hand-in-hand’. Or is it ‘foot-to-foot’?

Traffic congestion, with hundreds more vehicles/hour, does not meet city codes.

The developer needs to pay for and mitigate all the traffic impacts, not the taxpayers.

#3

Site Development Review

Off-street parking

We understand the variance requested for parking has been removed. CPO-4M's math was right that OTAK wanted to put fifty-one vehicles without parking spaces on City of Tigard streets. But there are still parking issues.

It makes us wonder that with increased parking under building 'C', will residents of some buildings will be parking under other buildings?

On-street parking

TVF&R requires 26' foot road width, but applicant wants only 24 feet. This can also be a parking problem

Last year, voters approved an 80% increase in funding for TVF&R. Tualatin Valley Fire & Rescue requires no parking on streets that aren't wide enough for fire lanes for their emergency vehicles. Where will visitors to apartment complex park?

Also it appears that for years the City of Tigard is has been in variance with Metro's parking requirements for the WSRC.

They are talking about using existing sidewalk north side of Oak, not new ones??
What about sidewalks on the south side of Oak St.?
Parts of Hall Boulevard don't have sidewalks.

A balance of natural resource protection and development objectives has not been achieved.

#4 Sensitive lands review
address the law

City of Tigard had specified this area as “significant wetlands”. In its wisdom of previous years, the City of Tigard chose the “safe harbor” designation that fully protects all of the “significant wetlands”. Do not allow conflicting uses but protect the wetlands.

“Where are you going with all the dirt?” Tigard’s code does not allow for filling in a wetlands area for housing purposes.

It appears that the combination of the proposed decrease in wetlands acreage and the proposed retaining wall would actually increase the elevation of the surface water of the 100-year flood plain

Walking trails over wetlands in other cities have become unsightly dumping grounds, which is not good for water quality downstream. Is there a protection mechanism to prevent that from happening here?

Condition #5

Pre-history along the Tualatin River and its tributaries indicates that Native Americans would fish and find fowl near the waters and set up camps near them.

Has the Confederated Tribes of the Grande Ronde been contacted about the cultural resources of this site?

Respectfully submitted,

Jim Long
10730 SW 72nd Ave.
TIGARD, OR 97223

RECEIVED

FEB 10 2015

CITY OF TIGARD
PLANNING/ENGINEERING

Jill Warren
9280 SW 80th Ave.
Portland, OR 97223
February 10, 2015

Mayor John L. Cook
Tigard City Council
13125 SW Hall Blvd.
Tigard, OR 97223

re: 215-unit apartment complex on Oak St.

CPO 2014-00002, PDR2014-00003,
SDR2014-00004, SLR2014-00002

Dear Mayor Cook and Council Members,

Please consider additional testimony for the proposed development in the Ash Creek wetland/floodplain.

Buildable Lands Inventory

5 parcels have been identified in the Buildable Lands Inventory that could qualify to host this residential apartment complex. Because there are optional properties to develop, removing .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 does not qualify for removal.

EB-5

The Othman Group has formed a separate affiliate, EB5 MENA LLC "to help real estate clients raise capital through the EB-5 Investor Green Card Program." As stakeholders we would like to know who the investors represent. Is this an EB-5 project? If so, taxpayers should not have to commit investment in a for-profit apartment complex that defies zoning for a legitimate regional center and will trigger purchase of green cards for foreigners. EB-5 should provide 100% financing, so if purchasing green cards is the motivation for this project they can finance it themselves. The deadline for the EB-5 project to expire is in 231 days which could explain why the developers are pushing to get this approved.

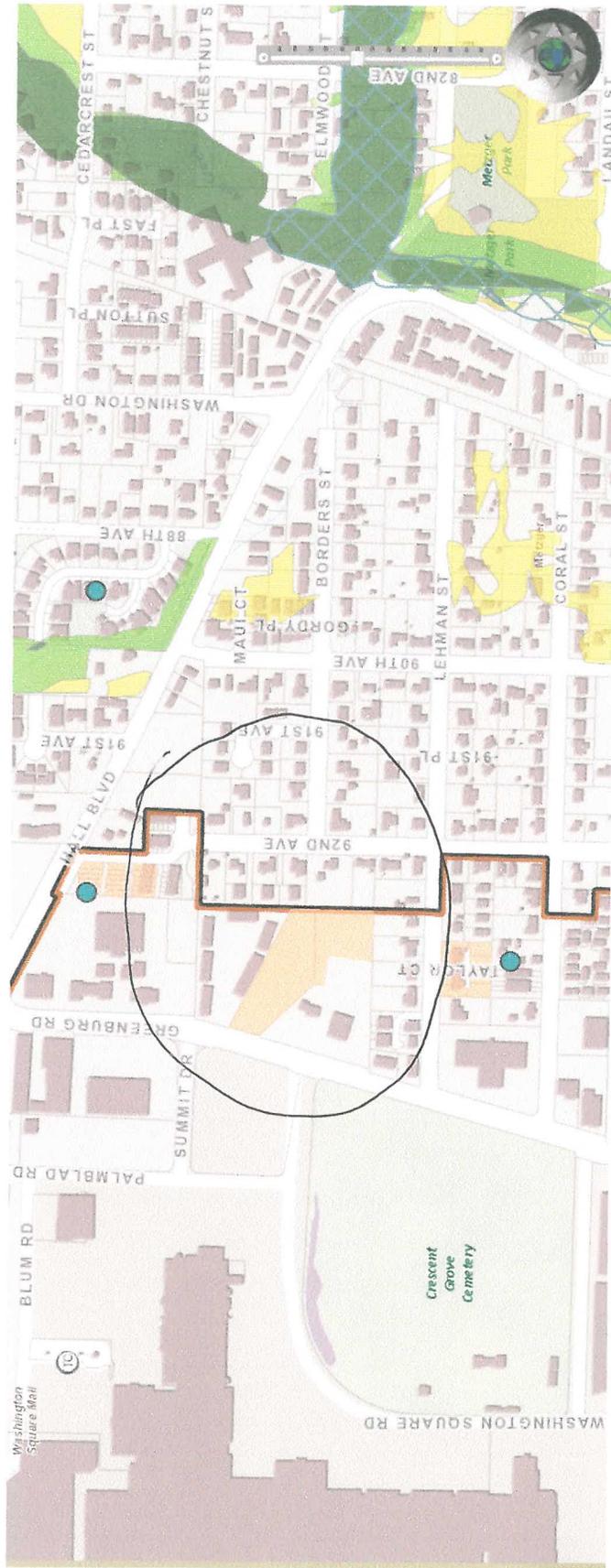
Respectfully submitted,



Buildable Lands Inventory 2015

TLID	SITEADDR	ZONING	ACRES	VACANT	PlanDes
1S126DB03000	9351 SW 92ND AVE	MUR-1	0.03956922	full	Mixed Use
1S126DB03100	9347 SW 92ND AVE	MUR-1	0.0306687	full	Mixed Use
1S126DB03200	9343 SW 92ND AVE	MUR-1	0.0319514	full	Mixed Use
1S126DB03300	9339 SW 92ND AVE	MUR-1	0.0322382	full	Mixed Use
1S126DB03400	9335 SW 92ND AVE	MUR-1	0.03319869	full	Mixed Use
1S126DB03500	9331 SW 92ND AVE	MUR-1	0.04433309	full	Mixed Use
1S126DB03600	9421 SW 92ND AVE	MUR-1	0.04004593	full	Mixed Use
1S126DB03700	9417 SW 92ND AVE	MUR-1	0.03162672	full	Mixed Use
1S126DB03800	9413 SW 92ND AVE	MUR-1	0.03110738	full	Mixed Use
1S126DB03900	9409 SW 92ND AVE	MUR-1	0.03159646	full	Mixed Use
1S126DB04000	9405 SW 92ND AVE	MUR-1	0.03084535	full	Mixed Use
1S126DB04100	9401 SW 92ND AVE	MUR-1	0.04534923	full	Mixed Use
1S126DB04200	9425 SW 92ND AVE	MUR-1	0.04127018	full	Mixed Use
1S126DB04300	9429 SW 92ND AVE	MUR-1	0.03104715	full	Mixed Use
1S126DB04400	9433 SW 92ND AVE	MUR-1	0.03164437	full	Mixed Use
1S126DB04500	9437 SW 92ND AVE	MUR-1	0.0311781	full	Mixed Use
1S126DB04600	9441 SW 92ND AVE	MUR-1	0.03197195	full	Mixed Use
1S126DB04700	9445 SW 92ND AVE	MUR-1	0.04716178	full	Mixed Use
1S135AC02800	0	MUE-1	5.71536116	full	Mixed Use
1S135AC03600	0	MUE-1	0.12166821	full	Mixed Use
1S135AC03800	9200 SW OAK ST	MUE-1	0.32367599	part	Mixed Use
1S135AC03801	0	MUE-1	0.62983857	full	Mixed Use
1S135AC04100	8980 SW OAK ST	MUE-1	0.15603549	part	Mixed Use
1S135AC04400	8930 SW OAK ST	MUR-1	0.30120742	full	Mixed Use
1S135AC04800	0	MUE-1	0.1114722	full	Mixed Use
1S133CA12500	10922 SW SAGE TER	R-25	0.03597779	full	Residential
1S133CA12600	10926 SW SAGE TER	R-25	0.03606253	full	Residential
1S135AA03800	8875 SW OAK ST	MUR-1	0.6994274	full	Mixed Use
2S110DB00300	11321 SW NAEVE ST	R-25	2.86907231	part	Residential
2S110DB00301	0	R-25	0.04100303	full	Residential
1S136CC00100	11765 SW PACIFIC HWY	C-P	3.08442474	part	Commercial
1S136CC00400	8470 SW PFAFFLE ST	R-25	0.51452778	part	Residential
2S1010001200	0	R-25	16.64043976	full	Residential
1S126DC00900	9550 SW GREENBURG RD	MUE-1	1.5298557	full	Mixed Use
1S126DC00901	9640 SW GREENBURG RD	MUE-1	0.84047125	part	Mixed Use
1S135AA02801	0	C-P	0.34469612	full	Commercial
1S135AB03300	10400 SW 93RD AVE	MUE-1	0.80872912	full	Mixed Use
1S135AC00101	0	MUE-1	0.25233575	full	Mixed Use
1S135AD00900	10655 SW HALL BLVD	MUR-2	0.26004701	full	Mixed Use
1S135AD01200	0	MUR-1	0.21270586	full	Mixed Use
1S135AD01300	0	MUR-1	0.38379194	full	Mixed Use
1S135AD01400	0	MUE-1	0.31652466	full	Mixed Use
1S135AD01402	0	MUR-1	0.18262131	full	Mixed Use
1S135AD03400	8735 SW SPRUCE ST	MUR-2	0.49677047	full	Mixed Use
1S135BC01200	10225 SW NORTH DAKOTA	MUE-2	1.24247105	full	Mixed Use
1S135DA01300	0	C-P	0.08441868	full	Commercial
1S135DA01600	11463 SW HALL BLVD	C-P	0.40560325	full	Commercial
1S135DA01700	0	C-P	0.24656857	full	Commercial
1S135DA01900	0	MUR-1	0.04296424	full	Mixed Use
1S135DA02100	11255 SW HALL BLVD	MUR-1	0.61859964	full	Mixed Use
1S135DA02400	11035 SW HALL BLVD	MUR-1	0.48132269	full	Mixed Use
1S135DA03503	0	C-P	0.32908345	full	Commercial
1S135DA03800	0	MUR-1	0.25192692	full	Mixed Use
2S102AD01800	8975 SW BURNHAM	MU-CBD	0.2242562	part	Mixed Use
2S101BB00700	0	MU-CBD	0.21599571	full	Commercial
2S101BB01600	0	MU-CBD	0.20408515	full	Commercial
2S110AC01400	11430 SW BULL MOUNTAIN	R-25	4.23185607	full	Residential
2S110DC00600	0	R-25	0.79279751	part	Residential
2S101DB00300	0	C-P	3.11143027	full	Commercial
2S101DC00100	13425 SW 72ND AVE	C-P	0.51334005	part	Commercial
1S133AC14500	0	R-25	10.44793095	full	Residential
1S133CA01001	0	R-25	2.19140612	full	Residential
1S136AC02200	7303 SW SPRUCE ST	C-P	0.77015866	full	Commercial

9351 SW 92nd Ave.



- Regional Earthquake Hazard
- Relative Liquefaction Hazard
- Slope Instability Hazard
- Relative Amplification Hazard
- Wildfire Hazard Areas
- Wildfire Vegetative Fuel Type
- 1996 Flood Extent
- Fanno Creek Floodway
- FEMA Floodway
- CWS FEMA 100 Yr Flood
- Environmental Regulation
- Goal 5 Safe Harbor
- CWS Vegetated Corridor
- Goal 6 Significant Habitat Areas
- CWS Potential Impact
- Hydrography
- FEMA Flood Remedy
- CWS Streams - Pipe/Open
- Tizard Local Wetland Inventory
- CWS Watersheds
- Contours
- 5 Ft. Contours
- 10 Ft. Contours (UDAR)
- Cadastral
- Plot Label
- Photos

City of Tigard
Utility Manager
www.tigard.or.gov



**First American
Title Company of Oregon**

Property Information Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: pid.portland@firstam.com
Today's Date : 2/9/2015

OWNERSHIP INFORMATION

Owner	: Aaa Properties Inc	Bldg #	Of
CoOwner	:	Ref Parcel Number	: 1S126DB 03000
Site Address	: 9351 SW 92nd Ave Portland 97223	Parcel Number	: R2166807
Mail Address	: 16501 NE 65th Cir Vancouver Wa 98682	T: 01S R: 01W S: 26 Q: SE QQ: NW	
Telephone	:	County	: Washington (OR)

PROPERTY DESCRIPTION

Map Page Grid : 655 E1
Census Tract : 309.00 Block: 2
Neighborhood : WSMZ
Subdivision/Plat : Montage
School District : Tigard
Building Use :
Land Use : 1000 Vacant, Residential
Legal : MONTAGE, LOT 1, ACRES .00, CODE
: SPLIT
:

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$440
Mkt Structure :
Mkt Total : \$440
%Improved :
M50AssdTotal : \$420
Levy Code : 02393
14-15 Taxes : \$6.56
Millage Rate : 16.6195
Zoning : MUE-1

PROPERTY CHARACTERISTICS

Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlit	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	:	BldgSqFt	:	Roof Shape	:
Lot SqFt	:	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving Matl	:

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Aaa Properties Inc	:05/27/2014	30789	MU :\$1,700,000	:Warranty	:\$1,400,000	:Constru
:NW Area Investments LLC	:11/22/2011	82645	:\$825,000	:Warranty	:	:
:Community Finl	:09/12/2011	63054	:	:Quit Clai	:	:
:Community Finl	:07/21/2011	50396	:\$990,000	:Sheriffs	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Today's Date : 2/9/2015

OWNERSHIP INFORMATION

Owner	: Aaa Properties Inc	Bldg #	Of
CoOwner	:	Ref Parcel Number	: 1S126DB 03000
Site Address	: 9351 SW 92nd Ave Tigard 97223	Parcel Number	: R2166808
Mail Address	: 16501 NE 65th Cir Vancouver Wa 98682	T: 01S	R: 01W S: 26 Q: SE QQ: NW
Telephone	:	County	: Washington (OR)

PROPERTY DESCRIPTION

Map Page Grid : 655 E1
 Census Tract : 309.00 Block: 2
 Neighborhood : WSMZ
 Subdivision/Plat : Montage
 School District : Tigard
 Building Use :
 Land Use : 1000 Vacant,Residential
 Legal : MONTAGE, LOT 1, ACRES .04, CODE
 : SPLIT
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$42,970
 Mkt Structure :
 Mkt Total : \$42,970
 %Improved :
 M50AssdTotal : \$39,590
 Levy Code : 02381
 14-15 Taxes : \$623.46
 Millage Rate : 16.6195
 Zoning :

PROPERTY CHARACTERISTICS

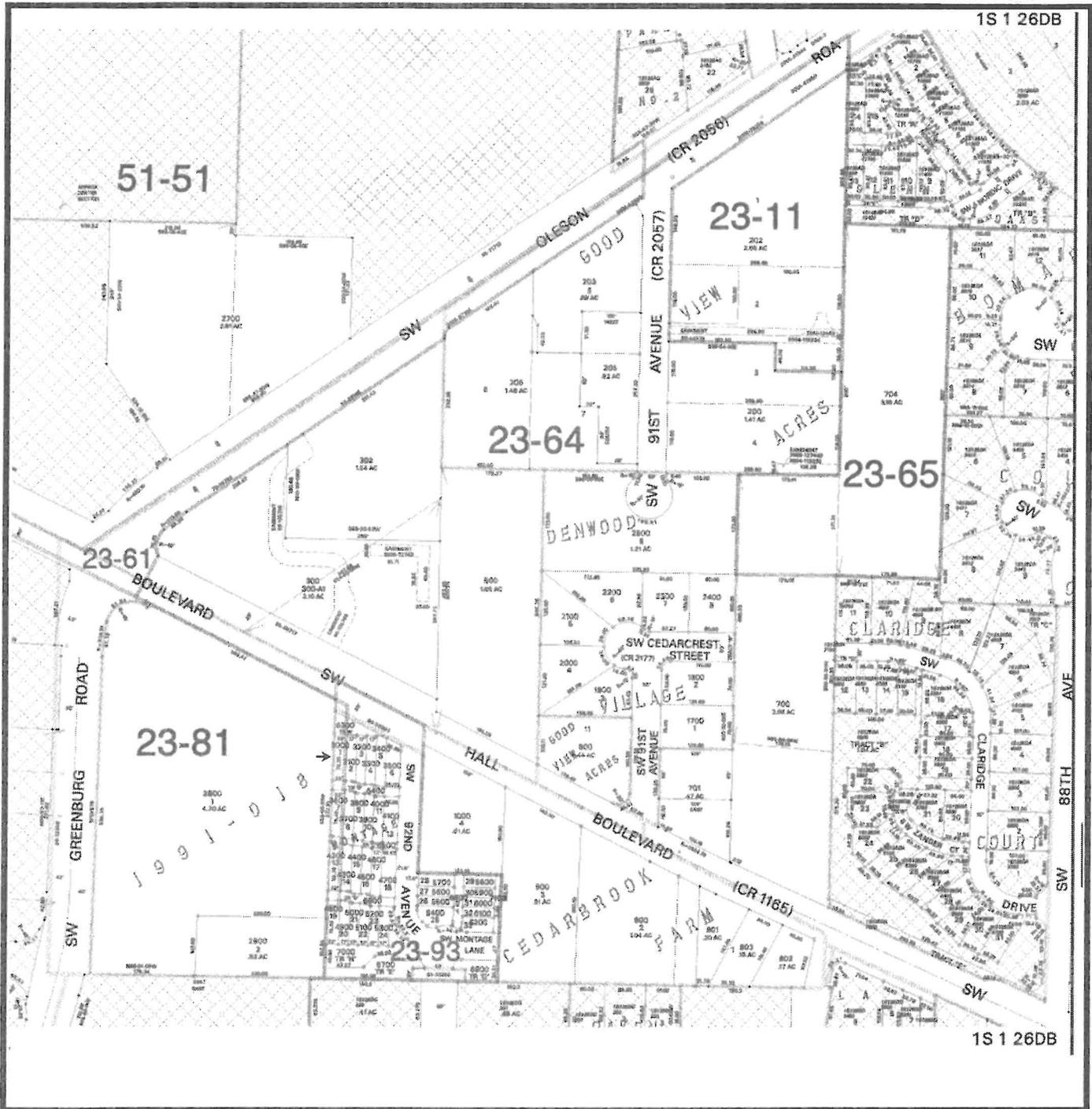
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlit	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: .04	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 1,742	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving Matl	:

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Aaa Properties Inc	:05/27/2014	30789	MU :\$1,700,000	:Warranty	:\$1,400,000	:Constru
:NW Area Investments LLC	:11/22/2011	82645	:\$825,000	:Warranty	:	:
:Community Finl	:09/12/2011	63054	:	:Quit Clai	:	:
:Community Finl	:07/21/2011	50396	:\$990,000	:Sheriffs	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Reference Parcel #: 1S126DB 03000

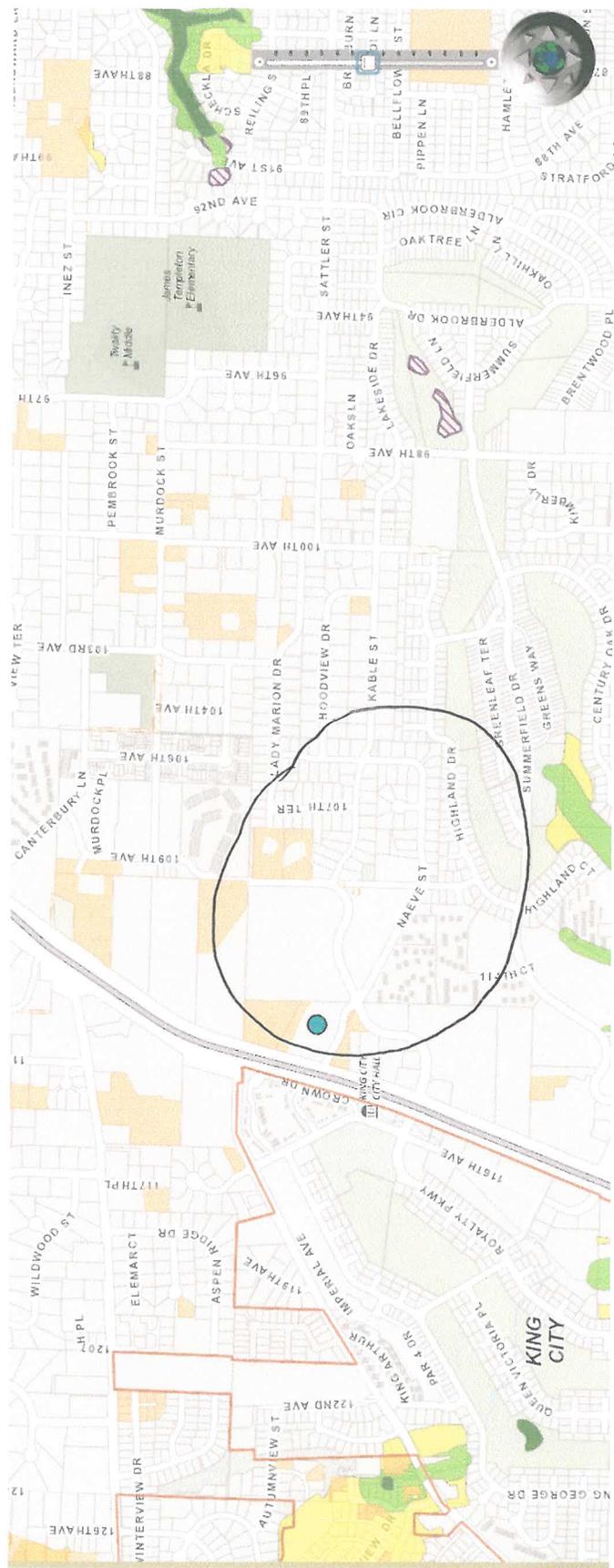


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11321 SW Naeve St.



2000 Buildable Lanes Inv
 Natural Hazards
 Deluge Hazard Areas
 Debris Flow Hazard
 Landslide Hazard Areas
 RLIS Slopes Greater than 10%
 RLIS Slopes Greater than 25%
 Regional Earthquake Hazard
 Relative Liquefaction Hazard
 Slope Instability Hazard
 Relative Amplification Hazard
 Wildlife Hazard Areas
 Wildlife Vegetative Fuel Type
 1998 Flood Extent
 Fanno Creek Floodway
 FEMA Floodway
 CWS FEMA 100 Yr Flood
 Environmental Regulation
 Goal 5 Safe Harbor
 CWS Vegetated Corridor
 Goal 5 Significant Habitat Areas
 CWS Potential Impact
 Hydrography
 FEMA Flood Removalls
 CWS Streams - Piped/Open
 Tigard Local Wetland Inventory

King Manager
 View Map



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Today's Date : 2/9/2015

OWNERSHIP INFORMATION

Owner	: Tigard Covenant Church	Bldg #	1	Of	1	
CoOwner	:	Ref Parcel Number	: 2S110DB 01400			
Site Address	: 11321 SW Naeve St Tigard 97224	Parcel Number	: R2163702			
Mail Address	: 11321 SW Naeve St Tigard Or 97224	T: 02S	R: 01W	S: 10	Q: SE	QQ: NW
Telephone	:	County	: Washington (OR)			

PROPERTY DESCRIPTION

Map Page Grid	: 655 C7	
Census Tract	: 308.03	Block: 1
Neighborhood	:	
Subdivision/Plat	:	
School District	: Tigard	
Building Use	: Church	
Land Use	: 9110 Soc,Church,Improved	
Legal	: 2008-057 PARTITION PLAT, LOT 1,	
	: ACRES 3.04, NON-ASSESSABLE	
	:	

ASSESSMENT AND TAX INFORMATION

Mkt Land	: \$1,292,000
Mkt Structure	: \$399,770
Mkt Total	: \$1,691,770
%Improved	: 24
M50AssdTotal	:
Levy Code	: 02374
14-15 Taxes	:
Millage Rate	: 16.6195
Zoning	: R-25

PROPERTY CHARACTERISTICS

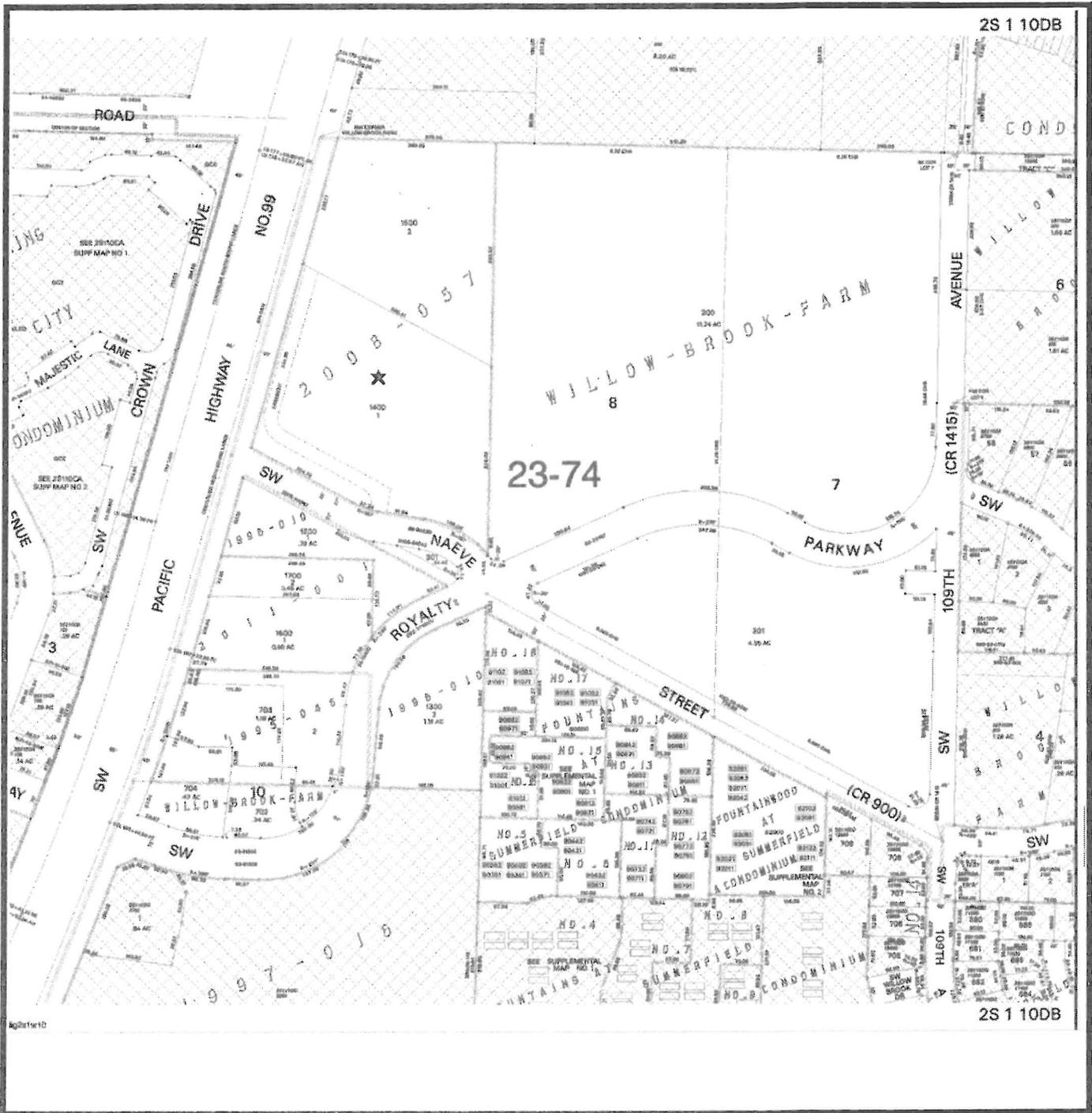
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlt	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 3.04	BldgSqFt	: 11,345	Roof Shape	:
Lot SqFt	: 132,422	1stFirSF	: 11,345	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving Matl	:

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Tigard Covenant Church	:07/30/1997	70159	:\$436,388 Full	:Warranty	:\$1,290,000	:Conven
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Reference Parcel #: 2S110DB 01400

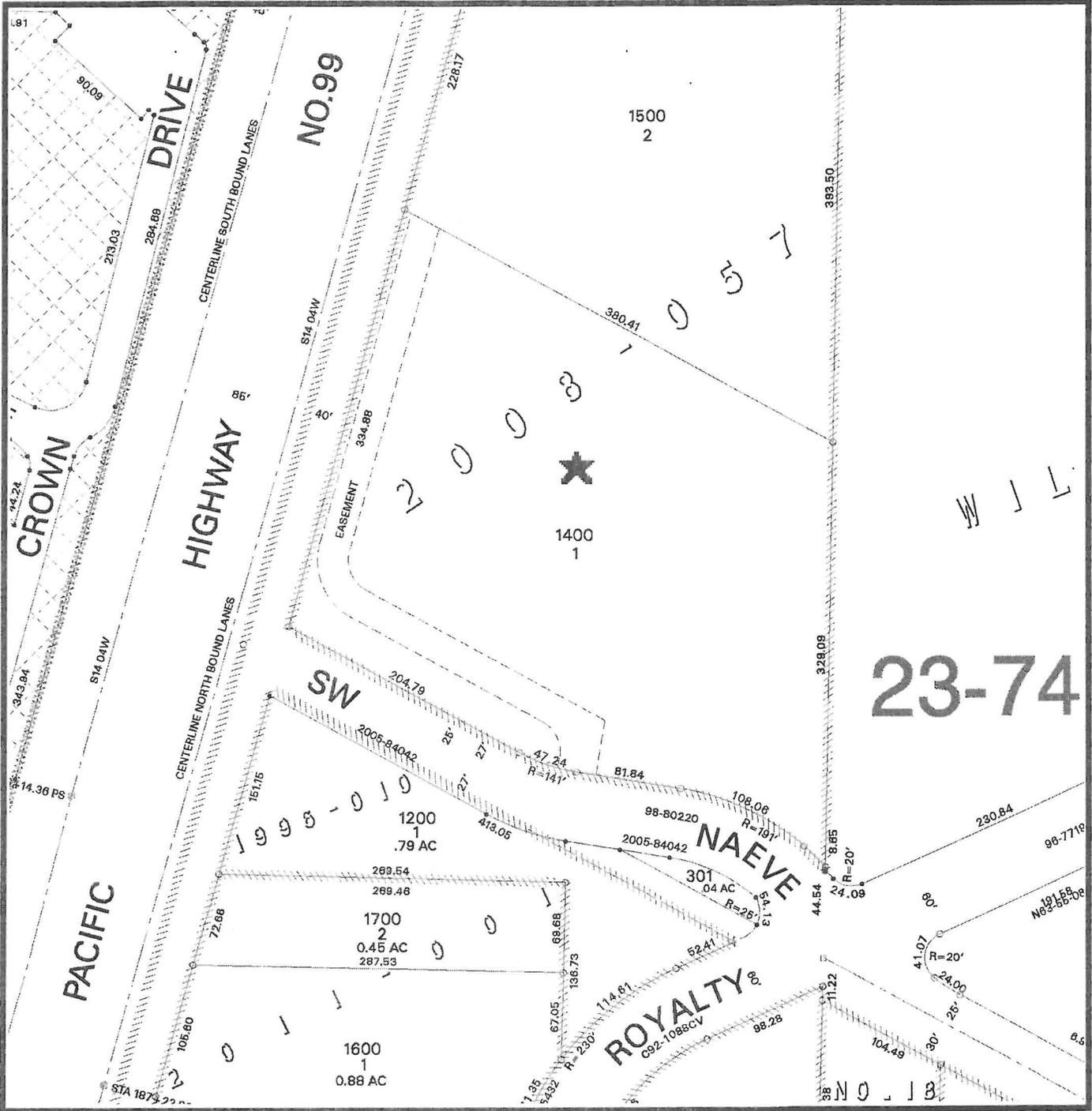


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Today's Date : 2/9/2015

OWNERSHIP INFORMATION

Owner	: Metro	Bldg #	Of
CoOwner	: Tigard City	Ref Parcel Number	: 2S10100 01200
Site Address	: *no Site Address* Tigard	Parcel Number	: R0456081
Mail Address	: 600 NE Grand Ave Portland Or 97232	T: 02S	R: 01W S: 01 Q: QQ:
Telephone	:	County	: Washington (OR)

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 307.00 Block: 2
Neighborhood : Y15
Subdivision/Plat :
School District : Tigard
Building Use :
Land Use : 9900 Misc,Port/Municipal,Vacant
Legal : ACRES 25.69, NON-ASSESSABLE

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$1,857,320
Mkt Structure :
Mkt Total : \$1,857,320
%Improved :
M50AssdTotal :
Levy Code : 02374
14-15 Taxes :
Millage Rate : 16.6195
Zoning : I-L

PROPERTY CHARACTERISTICS

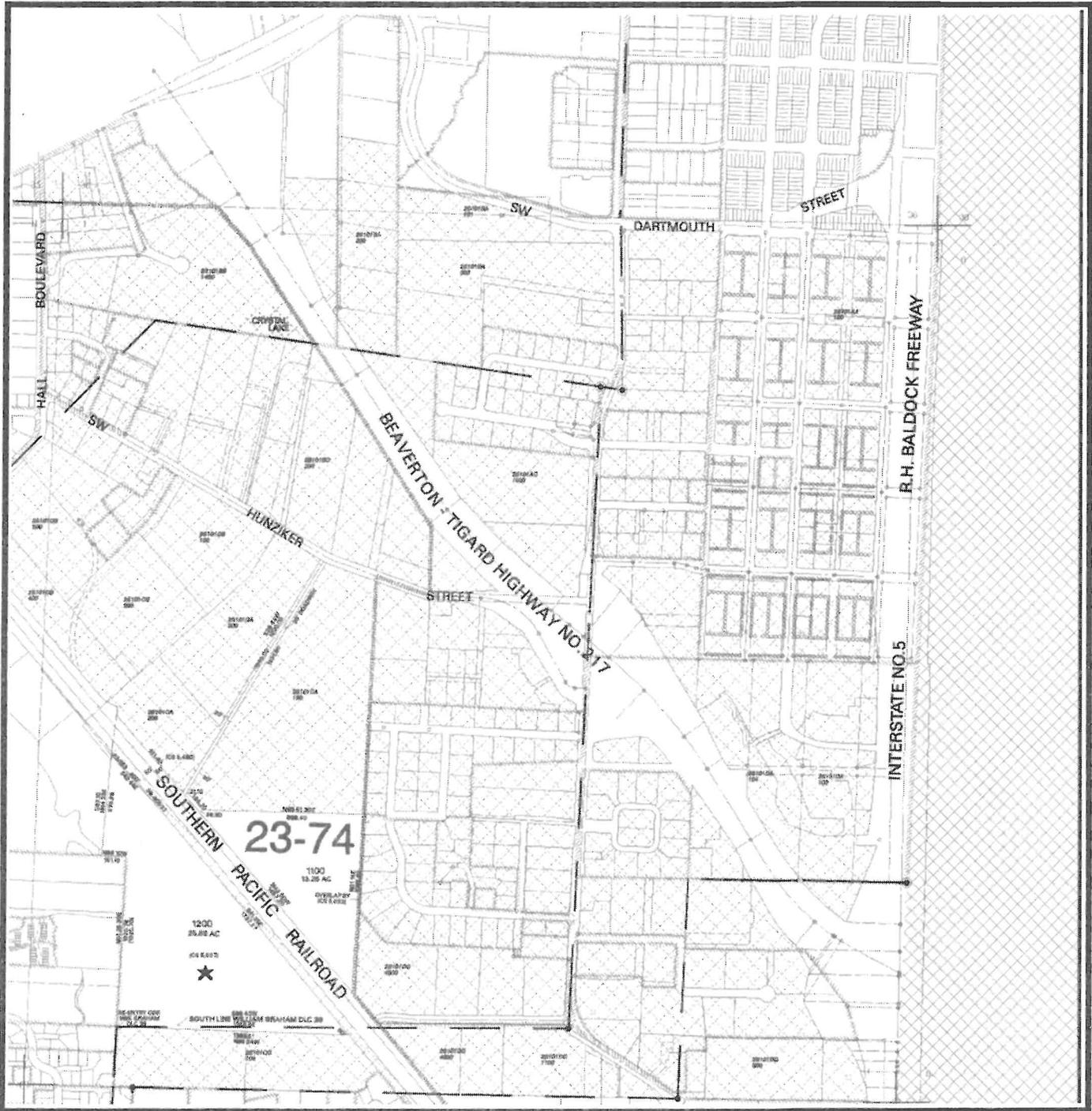
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlt	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 25.69	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 1,119,056	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving Matl	:

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Metro	:09/13/2012	76036	:\$5,150,000	:Warranty	:	:
:Fields Fred W	:10/16/1997	97055	:\$6,000,000	:Bargain &	:	:
:F W F Investment Company	:	10200320	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Reference Parcel #: 2S10100 01200



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Reference Parcel #: 2S10100 01200

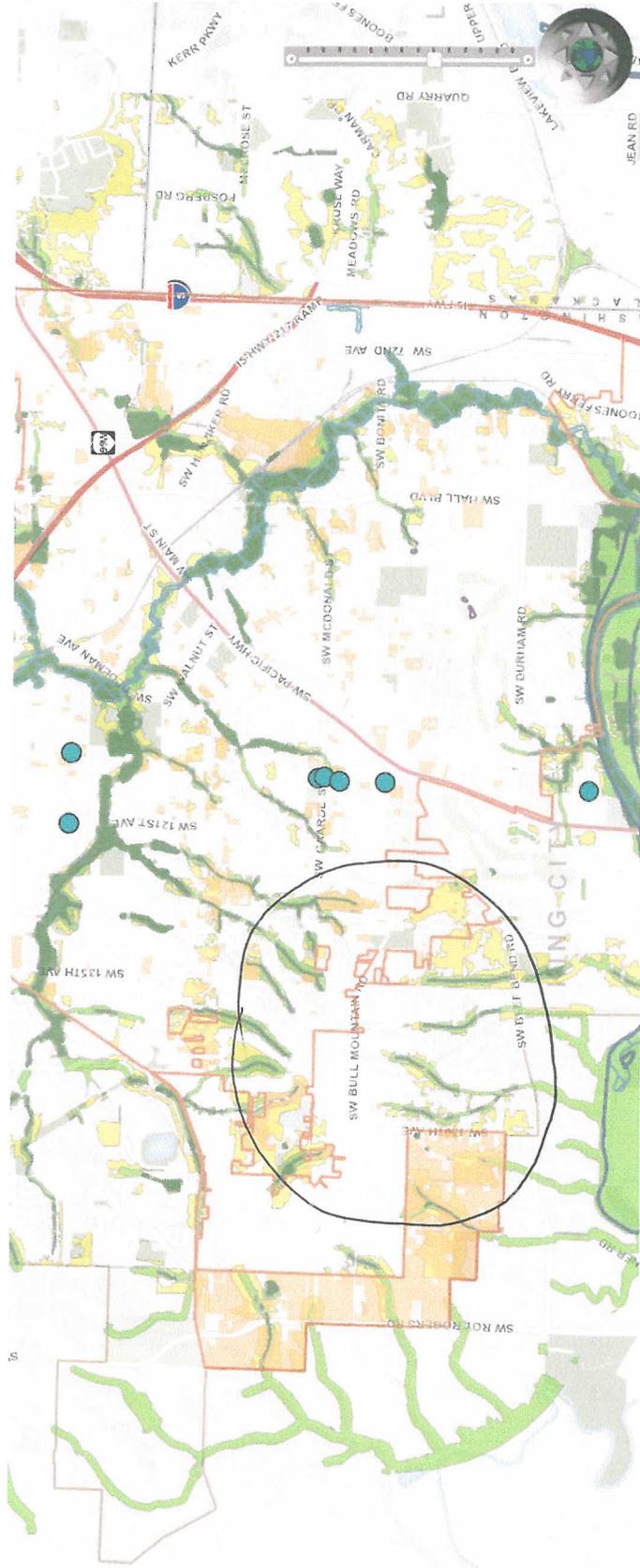


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11430 SW Bull Mountain Rd.



Natural Hazards
 Drainage Hazard Areas
 Debris Flow Hazard
 Landslide Hazard Areas
 RUS Slopes Greater than 10%
 RUS Slopes Greater than 25%
 Regional Earthquake Hazard
 Relative Liquefaction Hazard
 Slope Instability Hazard
 Relative Amplification Hazard
 Wildfire Hazard Areas
 Wildfire Vegetative Fuel Type
 Wildfire Vegetative Fuel
 1998 Flood Extent
 Fanno Creek Floodway
 FEMA Floodway
 CWS FEMA 100 Yr Flood
 Environmental Regulation
 Goal 5 Safe Harbor
 CWS Vegetated Corridor
 Goal 5 Significant Habitat Areas
 CWS Potential Impact
 Hydrography
 FEMA Flood Removals
 CWS Streams - Piped/Open
 Tigard Local Wetland Inventory
 CWS Watersheds

Search
 Drawing Manager
 Version: 10.0



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 Phone: 503.219.TRIO (8746) Fax: 503.790.7872
 Email: pid.portland@firstam.com
 Today's Date : 2/9/2015

OWNERSHIP INFORMATION

Owner	: Andrews Management Ltd	Bldg #	Of
CoOwner	:	Ref Parcel Number	: 2S110AC 01400
Site Address	: 11430 SW Bull Mountain Rd Tigard 97224	Parcel Number	: R0489705
Mail Address	: 5845 Jean Rd Lake Oswego Or 97035	T: 02S	R: 01W S: 10 Q: NE QQ: SW
Telephone	:	County	: Washington (OR)

PROPERTY DESCRIPTION

Map Page Grid : 655 C6
 Census Tract : 319.08 Block: 2
 Neighborhood : X-2
 Subdivision/Plat :
 School District : Tigard
 Building Use :
 Land Use : 7000 Res,Multi-Fam
 Legal : ACRES 4.23
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$1,050,000
 Mkt Structure :
 Mkt Total : \$1,050,000
 %Improved :
 M50AssdTotal : \$555,280
 Levy Code : 02374
 14-15 Taxes : \$9,228.51
 Millage Rate : 16.6195
 Zoning : R-25

PROPERTY CHARACTERISTICS

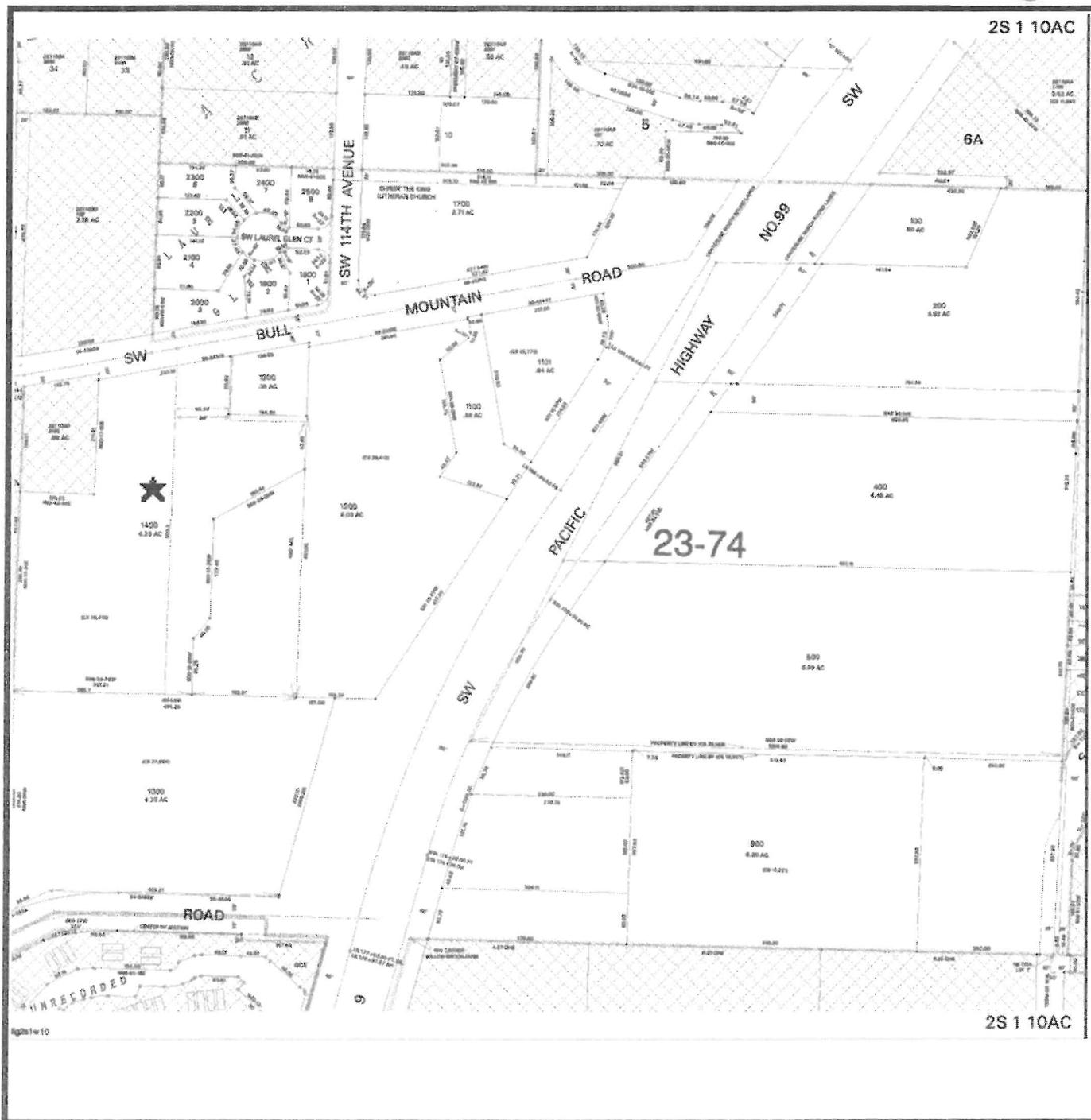
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlt	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 4.23	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 184,259	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving Matl	:

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Andrews Management Ltd	:10/16/1995	74966	MU :\$400,000	:Admin De	:	:
:Anderson Phyllis M & Roger F Tr	:09/15/1989	43876	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Reference Parcel #: 2S110AC 01400

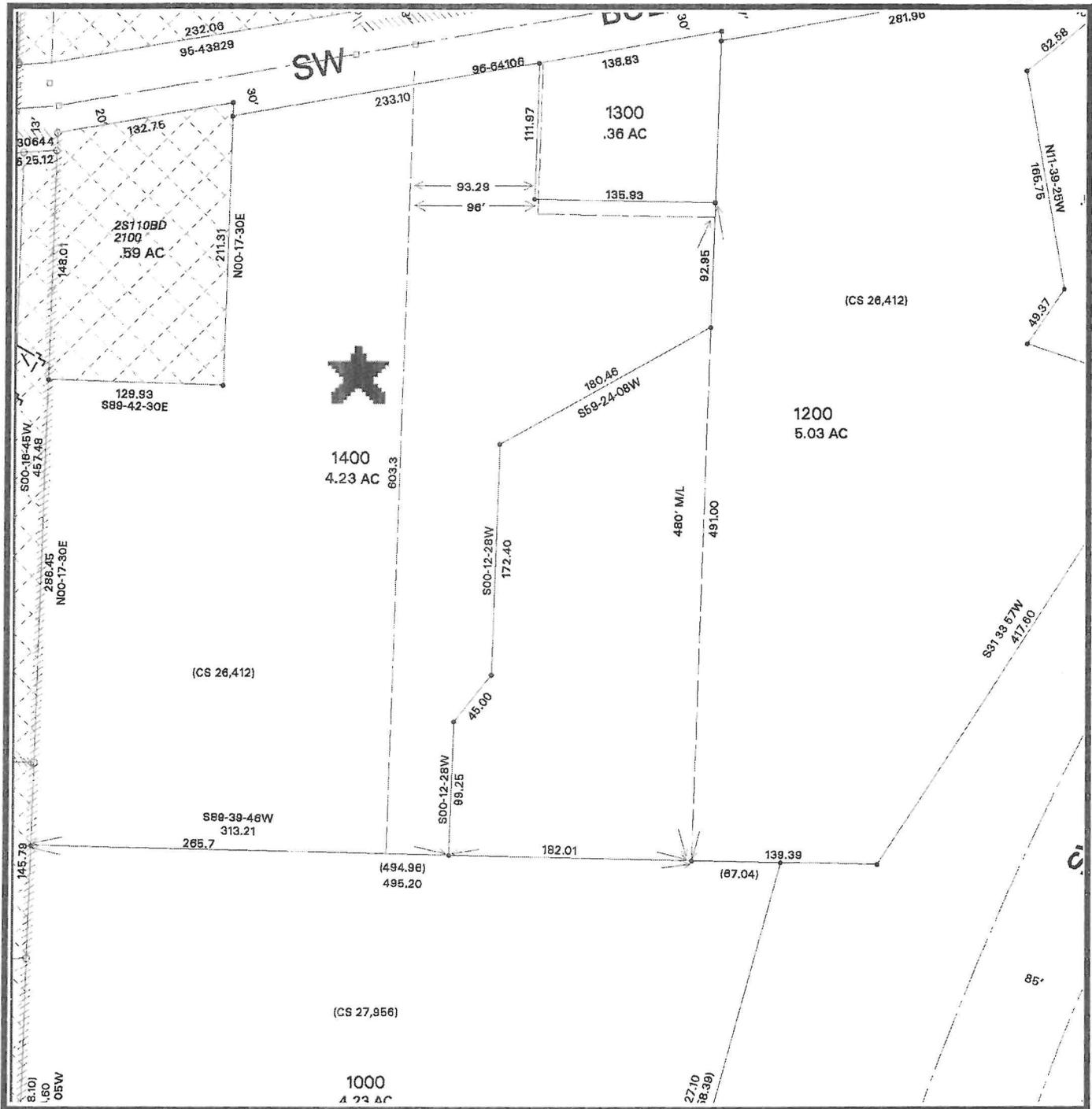


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 Today's Date : 2/9/2015

OWNERSHIP INFORMATION

Owner	: Grabhorn Burton E	Bldg #	Of
CoOwner	:	Ref Parcel Number	: 1S133AC 14500
Site Address	: *no Site Address* Tigard	Parcel Number	: R2121557
Mail Address	: 14577 SE Anderson Rd Clackamas Or 97011	T: 01S	R: 01W S: 33 Q: NE QQ: SW
Telephone	:	County	: Washington (OR)

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 319.11 Block: 1
 Neighborhood : 4TL9
 Subdivision/Plat :
 School District : Beaverton
 Building Use :
 Land Use : 5401 Vacant,Agr,Farm Unzoned
 Legal : HAWK'S BEARD TOWNHOMES, LOT 63,
 : ACRES 10.45, UNZONED
 : FARMLAND-POTENTIAL ADDITIONAL TA...

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$3,210,240
 Mkt Structure :
 Mkt Total : \$3,219,560
 %Improved :
 M50AssdTotal : \$9,320
 Levy Code : 05185
 14-15 Taxes : \$159.37
 Millage Rate : 17.1019
 Zoning : R-25

PROPERTY CHARACTERISTICS

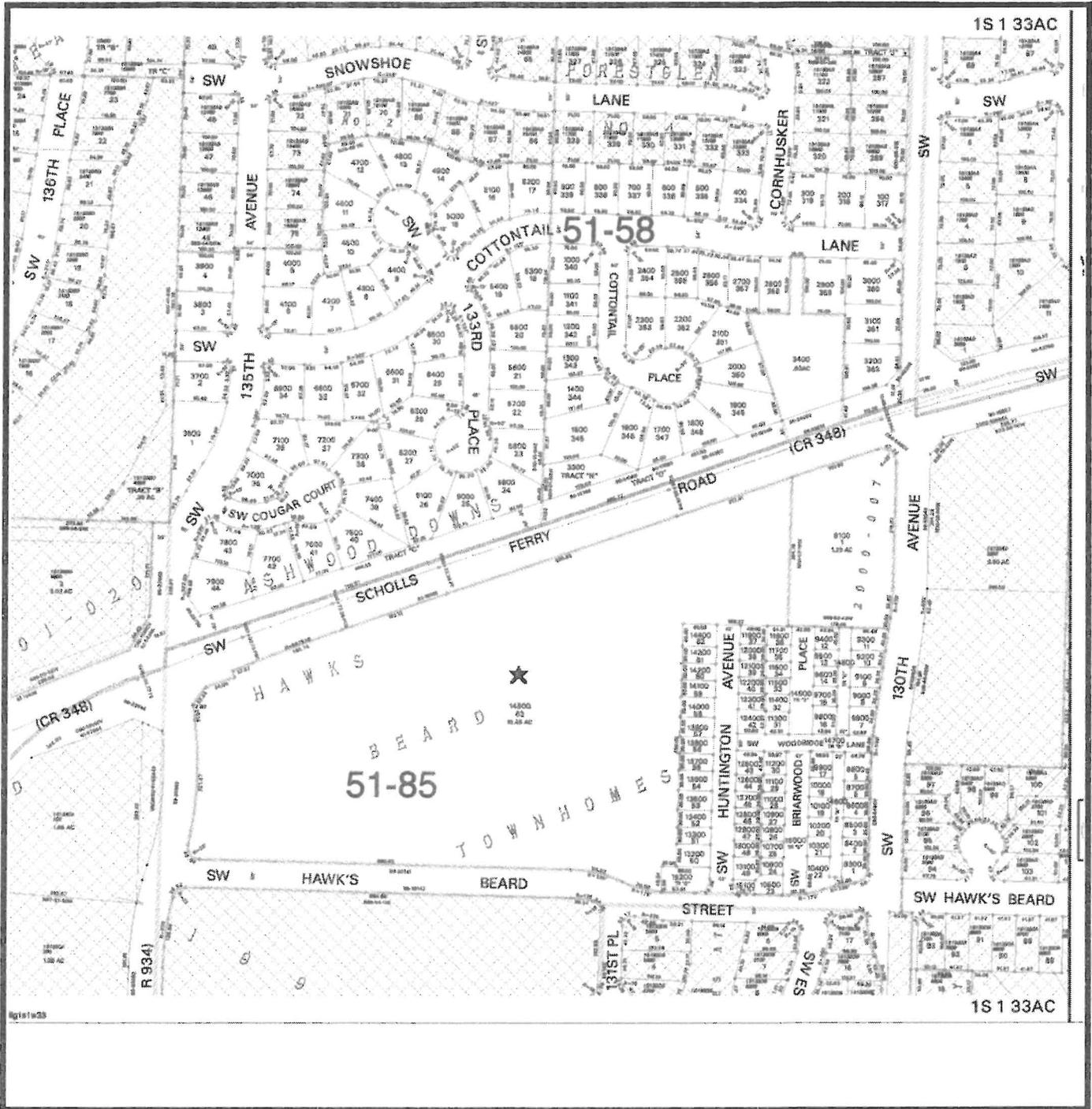
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlit	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 10.45	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 455,202	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving Matl	:

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Grabhorn Burton E	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Reference Parcel #: 1S133AC 14500

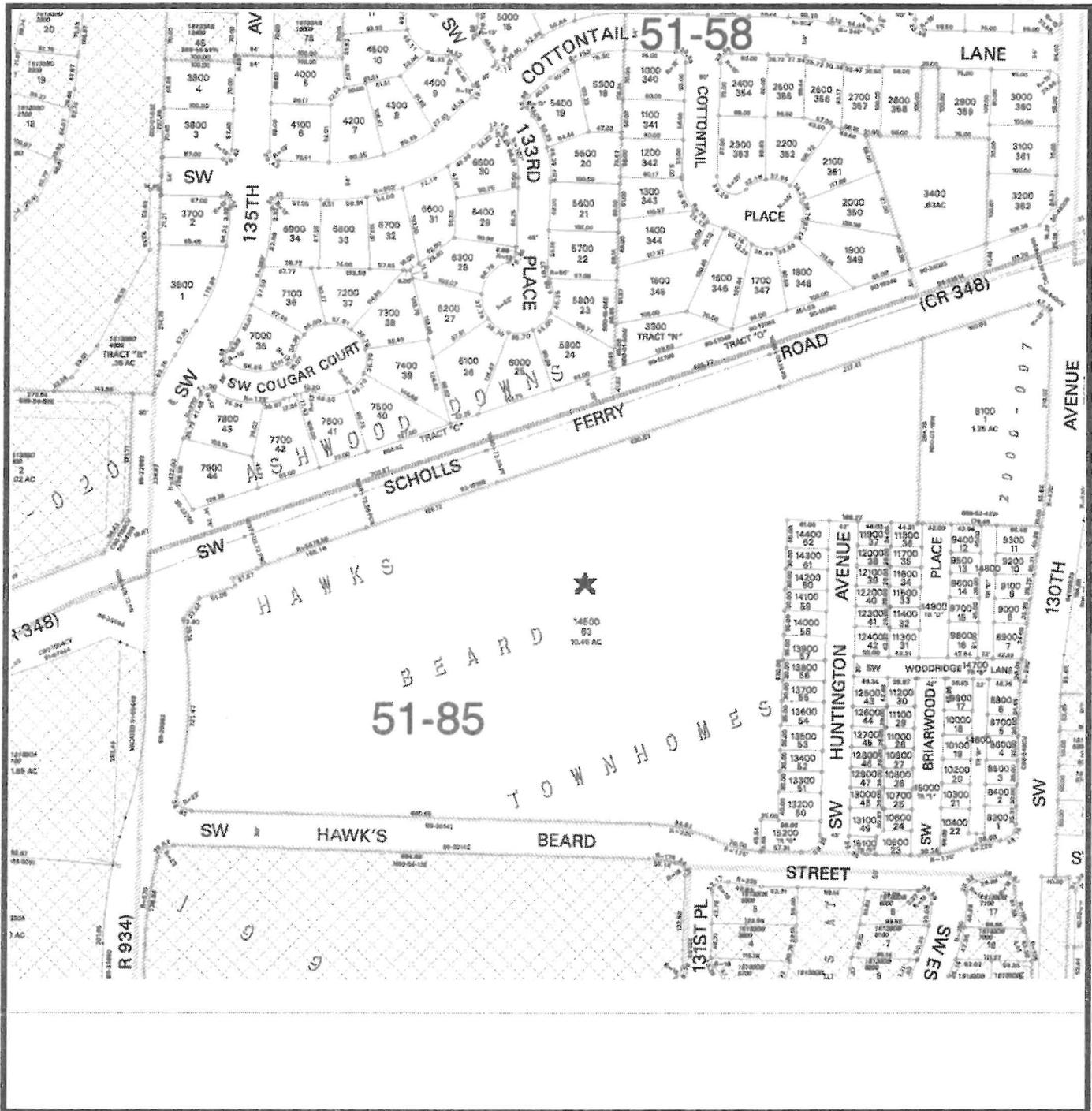


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Reference Parcel #: 1S133AC 14500



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From the **Portland Business Journal**

:<http://www.bizjournals.com/portland/blog/real-estate-daily/2013/02/otak-founder-othman-launches-real.html>

Otak founder Othman launches real estate investment firm

Feb 21, 2013, 10:27am PST



[Suzanne Stevens](#)

Editor- *Portland Business Journal*

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A new business consulting and real estate investment firm founded by Nawzad Othman will target its services to clients in the Pacific Northwest and Middle East.

Othman is the co-founder and former CEO of the engineering firm **Otak Inc.** (As we reported recently, Otak is [relocating its offices from Lake Oswego to downtown Portland.](#))

Othman has launched The Othman Group to help Middle East-based clients expand to the U.S. and Pacific Northwest clients do business in the Middle East. The firm will provide strategic positioning, business development, investment advice and community development services. It will work with clients in Portland, Erbil, Iraq and Abu Dhabi, United Arab Emirates.

The company's headquarters are located at 215 S.W. Washington St.

"There is a strong connection between the values we embrace and how we communicate, motivate and lead organizations," said Othman in a statement. "Great leaders in private business, government and nonprofits display a dual commitment to diversity and unity of effort, to personal achievement and community service. We hope to show our business and nonprofit clients that they can grow and thrive by embracing this values-based leadership."

With access to global investors, The Othman Group has formed a separate affiliate, EB5 MENA LLC, to help real estate clients raise capital through the EB-5 Investor Green Card Program. Congress established the EB-5 program in 1990 to attract foreign cash by rewarding wealthy foreign investors with green cards. Oregon [signed onto the program in 2011.](#)



Dorothy S. Cofield,
Attorney at Law

VIA HAND DELIVERY

February 10, 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)
Additional Written Comments Due February 10, 2015*

Dear Mayor Cook and Members of the City Council,

On February 3, 2015, the Council left the above-referenced record open for new evidence and testimony to be submitted until February 10, 2015 at 5:00 p.m.

On behalf of my clients, Jill Warren and Trudy Knowles, we are submitting this letter and its two attachments.

The first attachment is a memorandum from Symons Engineering Consultants, Inc. regarding the applicant's floodplain analysis. Symons explains that the "no rise" rule allows no impact to the floodplain elevation and unless the developer proves beyond a doubt somewhere in the approval process that there is "no rise", a minor impact means the approval criteria for the fill has not been met.

For the city of Tigard to approve the floodplain fill application as a condition of approval leaves the city in a very precarious position. The applicant does not have enough credible evidence at this juncture to show that the fill will result in no rise to the floodplain elevation.

We hope that the city council very carefully reviews the Symons Memo and its conclusion that (1) the city planning office has not done a thorough review of the floodplain fill application and (2) the FEMA maps will have to be changed and approved by FEMA for the floodplain alteration which is not at all assured because of the deficiencies in the applicant's drainage report and (3) there is much data required for the no rise modeling that has not been provided but will have an impact on the model results.

The other attachment to this letter is a buildable lands inventory that was done by the city's GIS department after we made a public records request. Our report shows there are five properties that

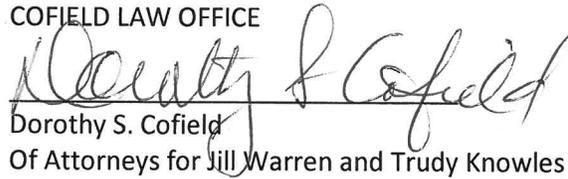
could be used for siting the developer's project that would not require a comprehensive plan amendment to remove a significant wetland from the city's Goal 5 inventory. Contrary to what the development team explained to the city council on February 3, 2015, the alternative analysis that there are no other available sites includes the entire Tigard Planning Area (not just the Washington Square Regional Plan area). The alternative analysis requires the council to find that there are no other sites in the TPA that could site the apartment complex which would not require filling a significant wetland. Again, we hope that the Council reviews the other five alternative sites and finds that the comprehensive plan amendment should be denied.

If warranted, I will submit a responsive letter to any new evidence or testimony the development team and/or staff submit during this first seven day period by the next deadline of February 17, 2015.

Thank you for your careful review of this letter and attachments.

Very truly yours,

COFIELD LAW OFFICE

A handwritten signature in cursive script that reads "Dorothy S. Cofield". The signature is written in black ink and is positioned over a horizontal line that separates the name from the typed name below.

Dorothy S. Cofield

Of Attorneys for Jill Warren and Trudy Knowles

DSC:dsc

Attachments: As Stated

permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map. Once a project has been completed, the community (City of Tigard) must request a revision to the Flood Insurance Rate Map (FIRM) to reflect the project. "As-built" certification and other data must be submitted to support the revision request.

4. *A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report. All requests for changes to effective maps, other than those initiated by FEMA, must be made in writing by the Chief Executive Officer (CEO) of the community or an official designated by the CEO. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.*
5. The project has approval for fill impacts to the wetland from the Corps of Engineers. This does not imply any official review of the "No-rise" analysis from COE/DSL, FEMA, or the City of Tigard for impacts to the BFE or SFHA.
6. The City of Tigard Municipal Code Section 18.775.070 requires a no rise in elevation of the Base Flood Elevation since the project does not qualify for a balanced cut and fill approach in the floodplain. Since the SFHA will be affected by this project, even if "No-rise" is confirmed, it appears the City must request a revision to the FIRM after a project is built in the flood plain. It is assumed that the "other data" referred to in item 3 above would include the No-rise analysis.
7. The project is in the preliminary stages of planning. The preliminary storm drainage report conducted by Otak, Inc. has analyzed a portion of Ash Creek from just below SW Hall and SW Oak Streets to just above Hwy 217 to see if the proposed development will cause a rise in elevation of the existing accepted 100 year flood plain. The preliminary drainage analysis states that the latest HEC-2 model data used to establish the 2005 FIRM Map flood elevations was obtained for use in the modeling. The next step performed was to bring the existing data into the latest version of modeling software required by FEMA called HEC-RAS and model the Ash Creek channel and flood plain to establish a new "Original FIS Model" called the "Revised Existing Conditions" model. The developer's engineer chose to include additional new cross sectional data to run the "Revised Existing Conditions Model" using surveyed data within the project area and interpolated data upstream of the project area. The analysis does show a slight rise in elevation from the "Original FIS Model" to the "Revised Existing Conditions Model". A 0.40' rise in water surface elevation is reported just upstream of the project at cross-section "G", a 0.14' drop in elevation at the next section upstream, a 0.40' rise in elevation at the next section upstream and a

0.22' elevation rise at the next section upstream, etc. A 0.02'-0.03' rise is reported in the Revised Existing Conditions Model just downstream of the project. This rise in elevation for the pre-project conditions may be caused by a number of factors and is to be expected at this order of magnitude when converting from the HEC-2 analysis to the HEC-RAS analysis with no change in any other variables. We cannot determine if the rise in the pre-project condition was caused by the update in software, the additional sections, or some combination of both. We also can't determine if FEMA approved the "Revised Existing Conditions" model before the next step was taken. The next step was to run the analysis with the proposed development conditions and establish the "Project Conditions Model". The "Project Conditions Model" for after development shows a "No Rise" in the flood elevation when compared to the "Revised Existing Condition" for the updated pre-project condition implying the fill may not have any effects on the flood plain flow characteristics or the Base Flood Elevation.

8. Due to time constraints, we were unable to determine if a change in water surface profile/ BFE, or SFHA solely due to utilization of the latest software would require a change in the FIRM but believe that is a decision left up to the community.
9. Figure 4 of the Appendix D – CWS Water Quality Sensitive Areas Service Provider Letter shows wetland enhancement of 3.2 acres consisting of planting 8369 trees and shrubs, and 7419 rushes located primarily in two bands, one that parallels the south edge the development at the retaining wall and another that parallels Ash Creek including the floodway. This will affect n-values in the floodway.
10. Appendix B – Hydraulic Model Output for the No-Rise Memo gives the 100-year flow of 850 CFS in Ash Creek both above and below the project for both the Existing Condition and the Proposed Condition while showing slightly less flow area *and* velocity in the Proposed Condition. Although it is small, the output also does not reflect the increase of approximately 3.3 CFS in peak flow caused by the development during the 100-year event which surpasses the capacity of the proposed detention system.
11. Page 2 of the April 28, 2014 Technical Memorandum from Otak shows the effective FIRM cross sections used in the original model but does not indicate the location of the added 2 survey cross sections located within the project area nor the added 2 interpolated cross sections immediately upstream. Additionally, Page 4 of the same memorandum appears to use cross section "stations" for the model's cross section names. The added interpolated section named 204880 appears to be out of sequence with the rest of the progression so either its name, the location in the model, or the calculated water surface elevation needs to be clarified.
12. There is much data required for the HEC-RAS model that has not been provided in the materials submitted that will have an impact on the model results. Manning's N-values are required for the main channel, the left and right overbanks, and any notable change in surface conditions within the floodplain, not just the floodway, that would affect the energy losses and therefore computed water surface elevation. Additionally there are other analysis options within the program that can have an impact on the computed results such as energy loss methodology, utilization of expansion and contraction coefficients, ineffective flow areas, etc. just as the inclusion (or exclusion)

of surveyed or interpolated cross section data will too. Most of these variables are at the discretion of the certified modeler.

To summarize:

- 1) It needs to be confirmed the effects of wetland enhancement plantings in the flood plain and floodway were taken into consideration for the matured growth state in the "Project Conditions" model as this could have a significant impact on energy losses and therefore model results.
- 2) The additional runoff from the development needs to be included in the 100 year peak flow "Project Conditions" analysis unless calibration of actual water surface elevations for specified events, or other conservative assumptions of similar magnitude, justify otherwise.
- 3) It is recommended that FEMA approve the Revised Existing Conditions before relying upon it for further modeling. The analysis should show the location of the added cross sections and the location of cross section 204880 should be verified along with all data and options utilized.
- 4) Only after all this is considered can the combined effects of storage reduction, reduced top width/cross sectional flow area and a reduction in channel slope/velocity proposed by this project be assumed to result in no net change in water surface elevation for the slight increase in 100-year flow.

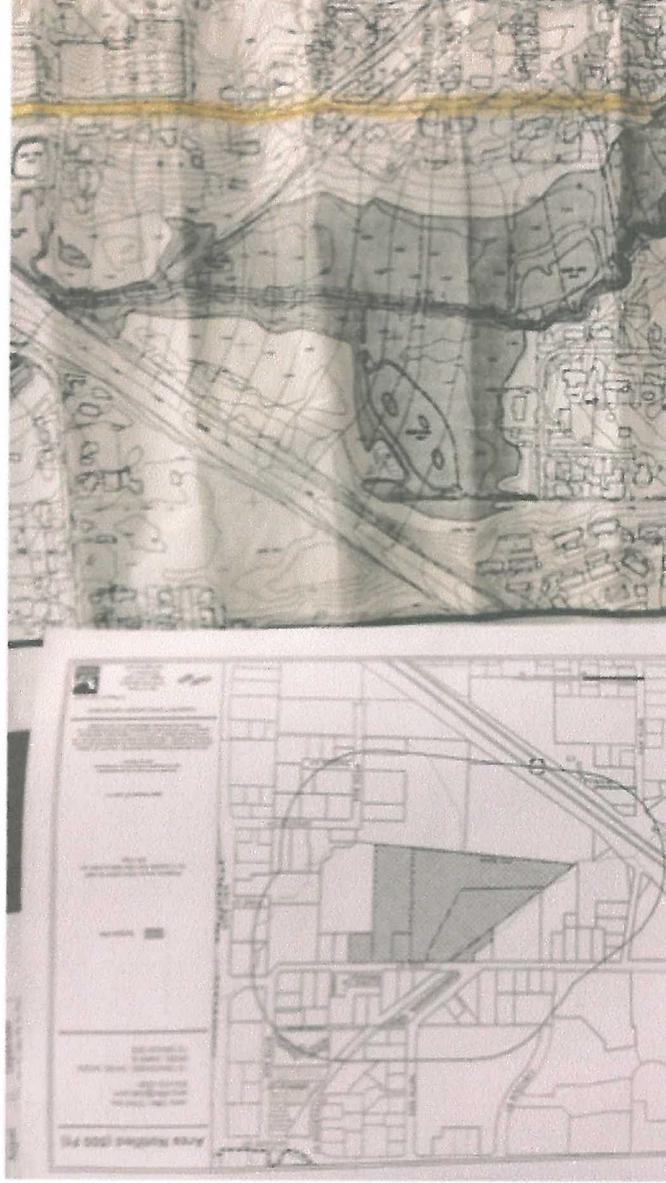
Conclusion:

The project does not appear to have gross impacts to the 100 flood plain given the level of encroachment and the minor loss in flood storage volume. However "No-rise" is a tight standard and there are several small issues that cumulatively could lift the analysis above a "no-rise" condition that, in my opinion, should be evaluated independently by a registered PE with modeler certification for both the "Revised Existing Conditions" and the "Project Conditions" before a Land Use Approval Decision. Otherwise it will require far reaching Conditions of Approval to ensure "No-rise" compliance that will probably make both the City and the developer uneasy.

It is understood that many assumptions are made in the field of hydrology that could affect the calculated difference in 100-Year Water Surface Elevation results by several percentage points which makes enforcing the "No-rise" standard with HEC-RAS akin to measuring the thickness of a hair with a very precise yardstick. To our knowledge, no AHJ has done a technical review of the No-rise Analysis nor has sufficient data been submitted to do so. Region 10 FEMA staff may be able to provide additional guidance.

Italics are quotation from FEMA's website.





Petitioning City of Tigard City Council

Deny the proposed applications for the 215 unit apartment complex on Oak St. CPO2014-00002, PDR2014-00003, SDR2014-00004, SLR2014-00002.

Share this petition

With 31 supporters

69 needed

Add a personal message (optional)



City of Tigard City Council: Deny the proposed applications for...

Post to Facebook

Invite friends

Twitter

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Gary Pagenstecher

From: Gene Davis <fmf.india@yahoo.com>
Sent: Monday, February 09, 2015 4:42 PM
To: Nawzad Othman
Cc: Mayor John L. Cook; Gary Pagenstecher; Ryan O'Brien
Subject: Dedication of park land
Attachments: trail system map.pdf

Dear Nawzad,

I have met with several of the community citizens who are opposed to your development. I do believe we can get them to sign off and allow you to have the footprint with the wetland consideration you have applied for, as a trade off to the community for a park with the remainder of Orland's unusable land. You might note that the City of Tigard has acquired most of the land along Ash Creek, between Greenburg Road and Shady Lane. You have offered to contribute easements across your land for trail systems which have limited access to the May 17, 2001 trail map, which I am attaching. This plan directed a 5 mile Ash Creek trail loop to go under HWY 217, along with your side or my side of Ash Creek through Metzger Park and Red Tail Golf Course then back to the Fanno Creek trail, to SW North Dakota and point of beginning. If you point out that gifting the unusable portion of your wetlands to the City of Tigard for a park as a condition for getting a fill permit in your wetland, that would make your project less crowded for your tenants and less costly, and more likely to be approved by the City Council. Besides, I will get behind it and promote it to the best of my ability.

The reason the May 17, 2001 trail map will not work at this time, is because in 1986 the City water master directed a 16 inch water main to be installed along Southern Pacific Railroad at an elevation that blocked Ash Creek's overflow into Fanno Creek. There is over 6 ft., drop on Ash Creek, between Shady Lane and Fanno Creek which is half a mile. 4.5 of that 6 ft. is in the last 135 ft. from the water main to Fanno Creek. That installation caused Ash Creek to back up and silt in over half a mile and deposited 3 ft. or more of sediment in the two 12ft. X 9ft. box culverts under HWY 217 as well as the entire length of Ash Creek to Oak Street. Between that time and 2000 when the FEMA maps were revisited, some creative elements of our society sand bagged the 2 culverts along HWY 217, one side of which is still sand bagged I believe, just before the new FEMA maps were created. All this eliminated the possibility of a trail system going underneath and through one of the 9 ft. X 12 ft. high culverts. We finally achieved our goal of getting permission to lower the City water main which we hope to do next year. When that occurs the water table will also be lowered 2ft. to 3 ft. and both your field and mine would provide a good base for a football field, tennis courts and various park amenities.

The attached May 17, 2001 Washington Square Regional Center trail map is too large to get on my scanner so I can't give you the full circle. But it will be a great benefit to your project as well as ours if it could be implemented.

Thank you very much!

Dr. Gene Davis
President

Foreign Mission Foundation

10875 SW 89th Ave

Tigard, OR 97223

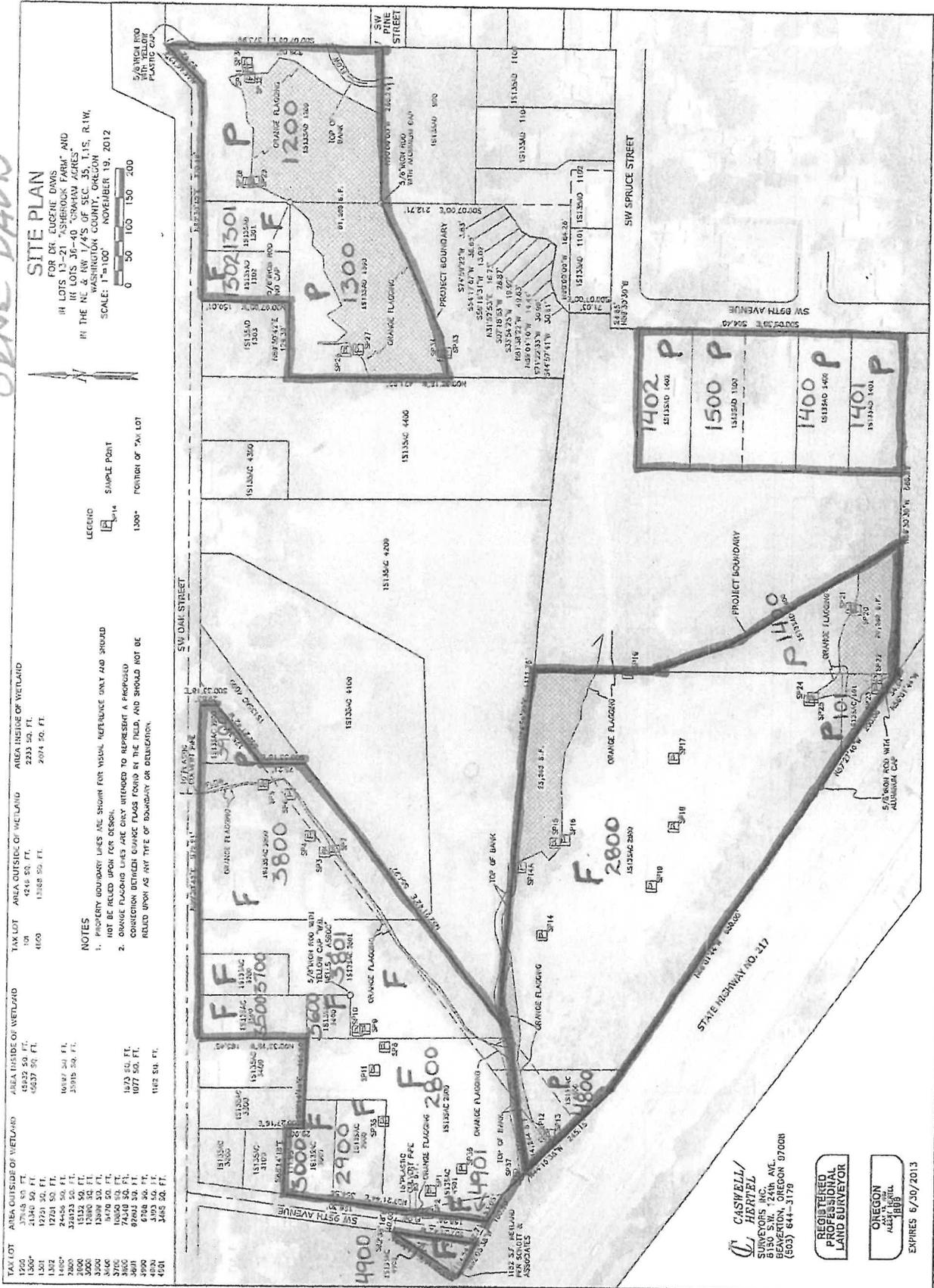
Tel: 503 246 5862

Fax: 503 977 9343

F = FOUNDATION PROPERTY

P = PERSONAL PROPERTY

GENE DAVIS



SITE PLAN

FOR DR. EUCHE DAVIS
 IN LOTS 13-21 "ASHEROCK FARM" AND
 IN LOTS 36-40 "GRAHAM AGRES"
 IN THE NE 1/4 NW 1/4 SEC 35, T.1S, R.1W,
 IN THE NE 1/4 NW 1/4 CORNER SECTION
 NOVEMBER 19, 2012



LEGEND
 [Symbol] SAMPLE POINT
 [Symbol] PORTION OF "A" LOT

- NOTES**
1. PROPERTY BOUNDARY LINES ARE SHOWN FOR VISUAL REFERENCE ONLY AND SHOULD NOT BE RELED UPON FOR DESIGN.
 2. ORANGE FLAGGING LINES ARE ONLY INTENDED TO REPRESENT A PROPOSED CONNECTION BETWEEN ORANGE FLAGS FOUND IN THE FIELD, AND SHOULD NOT BE RELED UPON AS ANY TYPE OF BOUNDARY OR DELINEATION.

TAX LOT	AREA OUTSIDE OF WETLAND	AREA INSIDE OF WETLAND	TAX LOT	AREA OUTSIDE OF WETLAND	AREA INSIDE OF WETLAND
1200*	4248 SQ. FT.	2233 SQ. FT.	4600	13468 SQ. FT.	2094 SQ. FT.
1300*	21340 SQ. FT.	46227 SQ. FT.			
1302	17251 SQ. FT.				
1400*	24456 SQ. FT.				
1500*	15133 SQ. FT.				
1600*	12800 SQ. FT.				
1700*	13989 SQ. FT.				
1800*	10350 SQ. FT.				
2800*	74,718 SQ. FT.				
2900*	4108 SQ. FT.				
3800*	4108 SQ. FT.				
4900*	3465 SQ. FT.				

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