



City of Tigard

City Center Development Agency Board - Agenda

TIGARD CITY CENTER DEVELOPMENT AGENCY BOARD AND CITY COUNCIL

MEETING DATE AND TIME:

March 3, 2015 - 6:30 p.m.

MEETING LOCATION:

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

PUBLIC NOTICE:

Times noted are estimated.

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

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

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

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

SEE ATTACHED AGENDA



City of Tigard

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MEETING DATE AND TIME:

March 3, 2015 - 6:30 p.m.

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City of Tigard - Town Hall

13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

1. CITY CENTER DEVELOPMENT AGENCY BOARD AND CITY COUNCIL MEETING
 - A. Call to Order
 - B. Roll Call
 - C. Call to Board and Staff for Non Agenda Items
2. CITY COUNCIL: CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING - CONSIDERATION OF A + O APARTMENTS COMPREHENSIVE PLAN AMENDMENT (CPA2014-00002) PLANNED DEVELOPMENT REVIEW (PDR2014-00003), SITE DEVELOPMENT REVIEW (SDR2014-00004), AND SENSITIVE LANDS REVIEW (SLR2014-00002) - **6:35 p.m. estimated time**
3. APPROVE CITY CENTER DEVELOPMENT AGENCY MINUTES - **7:35 p.m. estimated time**
4. RECEIVE AN UPDATE ON THE MAIN STREET ART AND GATEWAY DESIGN - **7:40 p.m. estimated time**
5. NON AGENDA ITEMS
6. EXECUTIVE SESSION: The Tigard City Center Development Agency will go into Executive Session to discuss real property negotiations under ORS 192.660(2)(e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public. - **8:00 p.m. estimated time**
7. ADJOURNMENT - **9:00 p.m. estimated time**

AIS-2151

2.

CCDA Agenda

Meeting Date: 03/03/2015

Length (in minutes): 60 Minutes

Agenda Title: Continuation of A+O Apartments Comprehensive Plan
Amendment/Planned Development

Prepared For: Gary Pagenstecher, Community Development

Submitted By: Carol Krager, City Management

Item Type: Public Hearing - Legislative

Public Hearing - Quasi-Judicial

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Council will reconvene on March 3rd to deliberate and decide the applications in the case of A+O Apartments. Council should bring their application materials and testimony from the previous meetings to compliment the attachments to this AIS. For your convenience, the material will be made available online until the end of the public hearing by [clicking here](#) or pasting this link into your internet browser

<http://publicrecords.tigard-or.gov/Public/Browse.aspx?startid=661217>.

On February 3, 2015 City Council held a hearing to further consider the A+O Apartments proposal. Staff and the applicant presented answers to questions posed by Council at a previous hearing. Additionally, the applicant withdrew their request for the parking adjustment. Council heard additional public comment and then continued the hearing to March 3rd, leaving the record open for written testimony through February 10th, argument through February 17th, and applicant rebuttal through February 23rd. Please see the attached testimony, argument, and final applicant argument (rebuttal).

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

On December 15, 2014, the Planning Commission recommended, by a vote of 4 to 3, that City Council approve the applications, subject to the recommended Conditions of Approval in the Staff Report.

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

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

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

Planned Development (PDR): Concurrent Concept Plan and Detailed Development Plan Review approvals are requested to develop 215 multi-family residential dwelling units in four buildings on an 11.17-acre site on the south side of SW Oak Street within the Washington Square Regional Center Plan Area. The proposed planned development would preserve more than six acres of the site as permanent open space including wetlands and riparian area adjacent to Ash Creek, and would include the provision of easements to the city for development of future pedestrian trails in this area. A parking exception is requested to reduce required parking by 9.1 percent (withdrawn by applicant at the Feb 3, hearing).

STAFF RECOMMENDATION / ACTION REQUEST

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

KEY FACTS AND INFORMATION SUMMARY

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

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

Comprehensive Plan Amendment (CPA)

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

Sensitive Lands Review (SLR)

Provided the Council agrees to limit conflicting uses in significant wetlands as recommended in the ESEE, then the impacts to those wetlands and the associated vegetated corridor and the floodplain are subject to Tigard's sensitive lands review standards. The proposed development includes approximately 3,423 cubic yards of fill material within significant wetlands and 2,780 cubic yards of fill material in the floodplain. The applicant's coordination with Clean Water Services and Corps/DSL to mitigate for adverse impacts has satisfied the sensitive lands review criteria, and can be approved. (See Staff Report pages 12-20.)

Planned Development Review (PDR)

Concept Plan

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

Detailed Plan

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

Parking exception

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

Funding future transportation

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

To meet required participation in funding future transportation and public improvements projects, should the applicant be conditioned, for example, to dedicate SW Lincoln Street from Oak Street to Lincoln, or construct a bike/ped path within a bike/ped easement (subject to nexus and rough proportionality)? Staff has recommended Condition #8: "The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, including the SW Lincoln Street extension." (See Staff Report pages 27-28.)

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

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

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

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council should bring their application materials and testimony from the previous meetings to compliment the attachments to this AIS. For your convenience, the material will be made available online until the end of the public hearing by [clicking here](#) or pasting this link into your internet browser <http://publicrecords.tigard-or.gov/Public/Browse.aspx?startid=661217>.

On January 13, 2015, City Council held a hearing to consider the A+O Apartments proposal. Council continued the hearing to February 3rd, keeping the hearing open for public testimony and to hear answers to specific questions posed by Councilors.

Attachments

Proposed Ordinance

Proposed Resolution

Testimony

Argument

Final Applicant Argument

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

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

Carol A. Krager, City Recorder

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

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

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

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



120 DAYS = 1/28/2015

SECTION I. APPLICATION SUMMARY

FILE NAME: A + O Apartments Planned Development

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

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

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

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

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

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

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

**ZONE/
COMP PLAN
DESIGNATION:**

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

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

**APPLICABLE
REVIEW
CRITERIA:**

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

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

SECTION II. STAFF RECOMMENDATION

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

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

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

1. Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.
2. The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.
3. Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.
4. Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.
5. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).
6. Prior to any ground disturbance work, the applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.
7. The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.
8. The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, as recommended by the Planning Commission and approved by City Council.

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

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

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

10. Prior to any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.
11. Prior to any work on site, the applicant shall obtain approval from the City Engineer for the Oak Street design which is anticipated to include a 20 foot paved half width, plus 8 foot planter with street trees and underground utilities, and 12 foot sidewalk in a 40 foot right of way half width.
12. Prior to any work on site, the applicant shall obtain city approval of a design access report.
13. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.
14. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.
15. Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.
16. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.
17. Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.
18. Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.
19. Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.
20. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

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

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

21. Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.
22. Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.
23. Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

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

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

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

25. Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance
26. Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include 20 foot paved with, 8 foot planter with trees lights and utilities in a 40 foot row width.
27. Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.
28. Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.
29. Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.
30. Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.
31. Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

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

SECTION III. BACKGROUND INFORMATION

Site History and Description

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

Vicinity Information:

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

Proposal Description:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION V. ISSUES SUMMARY

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

Wetland Impacts (CPA)

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

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

Planned Development (PDR)

Parking Exemption

TDC18.350.050.4. requires that “The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.”

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

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

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

Funding future transportation

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

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

SECTION VI. SUMMARY OF APPLICABLE CRITERIA

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

A. COMP PLAN AMENDMENT REVIEW CRITERIA

18.775.130 Sensitive Lands, Plan Amendment Option

B. SENSITIVE LANDS REVIEW CRITERIA

18.775.070.B Floodplain

18.775.070.D Drainageways

18.775.070.E Wetlands

C. PLANNED DEVELOPMENT REVIEW CRITERIA

18.350 Planned Developments

18.520 Commercial Zoning districts

18.630 Washington Square Regional Plan Standards

18.705 Access, Egress and Circulation

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

SECTION VII. APPLICABLE REVIEW CRITERIA AND FINDINGS

A. COMP PLAN AMENDMENT REVIEW CRITERIA

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

Applicable Provisions Of The City's Implementing Ordinances:

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

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

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

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

18.775.130 Plan Amendment Option

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

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

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

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

This provision is met.

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

within the Tigard Planning Area;

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

This provision is met.

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

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

This provision is met.

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

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

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

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

This provision is met.

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

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

This provision is met.

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

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

This provision can be met.

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

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

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

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

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

B. SENSITIVE LANDS REVIEW CRITERIA

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

18.775.020 G. Sensitive lands permits issued by the hearings officer.

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

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

2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:

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

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

18.775.030 Administrative Provisions

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

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

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

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

18.775.040 General Provisions for Floodplain Areas

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

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

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

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

18.775.050 General Provisions for Wetlands

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

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

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

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

18.775.070 Sensitive Land Permits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Natural Resources

- 1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:
 - A. contribute to the City's scenic quality and its unique sense of place;**
 - B. provide educational opportunities, recreational amenities, and buffering between differential land uses;**
 - C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and**
 - D. result in healthy and naturally functioning systems containing a high level of biodiversity.****
- 7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.**
- 8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.**
- 11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.**

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

Hazards

- 1. The City shall not allow development in areas having the following development limitations except where the developer demonstrates that generally accepted engineering techniques related to a specific site plan will make the area suitable for the proposed development:
 - A. areas having a severe soil erosion potential;**
 - B. areas subject to slumping, earth slides, or movement;**
 - C. areas having slopes in excess of 25%; or**
 - D. areas having severe weak foundation soils.****

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

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

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

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

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

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

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

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

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

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

Parks Recreation and Open Space

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

A. developed areas with facilities for active recreation; and

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

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

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

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

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

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

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

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

C. PLANNED DEVELOPMENT REVIEW CRITERIA

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

18.350 PLANNED DEVELOPMENTS

18.350.020 Process

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

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

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

18.350.050 Concept Plan Approval Criteria

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.350.060 Detailed Development Plan Submission Requirements

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

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

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

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

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

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

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

4. Structure setback provisions:

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

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

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

18.350.070 Detailed Development Plan Approval Criteria

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

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

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

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

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

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

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

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

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

No density bonus is requested.

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

No exception to the applicable minimum landscaping requirements is requested.

5. Chapter 18.765, Off-Street Parking and Loading Requirements. The commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if:

a. The minimum number of parking spaces is not reduced by more than 10% of the required parking; and

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

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

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

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

The applicant has not identified any opportunities for shared parking.

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

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

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

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

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

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

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

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

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

No exception to the dimensional standards for signs is requested.

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

No exception to the vision clearance requirements is requested.

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

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

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

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

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

a. Public safety will not be compromised; and

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

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

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

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

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

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

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

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

18.520 COMMERCIAL ZONING DISTRICTS

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

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

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

18.520.040 Development Standards

A. Compliance required. All development must comply with:

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

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

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

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

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

MUR-1

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

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

18.630 WASHINGTON SQUARE REGIONAL CENTER PLAN DISTRICT

18.630.010 Purpose and Applicability

A. Purpose.

- 1. This chapter will implement the vision, concepts and principles contained in the Washington Square Regional Center Plan, and the recommendations contained in the Phase II Implementation Plan Summary Report, prepared by a task force appointed by the City of Tigard.**
- 2. Metro's Regional Urban Growth Management Functional Plan target growth capacity for the Washington Square regional center will be met by permitting mixed use development within the regional center at densities appropriate for an urban center.**
- 3. A mixed use regional center will contain a variety of districts that vary in scale, predominant use, and character. Distinct districts, connected to each other and to the rest of the region by a multi-modal transportation system, will provide a range of working, living and shopping opportunities.**
- 4. Improved multi-modal transportation links, higher densities, variety of land uses, and enhanced environmental qualities will all contribute to create a desirable, livable community in the face of dramatic population and employment growth.**
- 5. New mixed-use zoning districts, along with existing residential zoning districts in established areas, are appropriate for the regional center.**

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

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

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

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

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

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

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

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

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

18.630.020 Development Standards

A. Compliance required. All development must comply with:

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

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

18.630.040 Street Connectivity

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

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

1. Design option.

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

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

2. Performance option.

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

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

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

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

18.630.050 Site Design Standards

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

A. Building placement on major and minor arterials.

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

2. Standard. Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.

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

B. Building setback.

1. Purpose. Buildings and investment in architecture is most conspicuous when it is visible from the street. The presence of buildings closely sited at the edge of the right-of-way creates an envelope for the street and a sense of permanence.

2. Standard. The minimum and maximum building setback from public street rights-of-way shall be in accordance with Table 18.520.2.

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

C. Front yard setback design.

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

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

D. Walkway connection to building entrances.

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

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

E. Parking location and landscape design.

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

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

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

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

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

18.630.060 Building Design Standards

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

A. Ground floor windows.

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

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

B. Building façades.

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

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

C. Weather protection.

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

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

D. Building materials.

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

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

E. Roofs and roof lines.

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

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

F. Roof-mounted equipment.

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

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

18.630.070 Signs

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

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

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

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

18.630.090 Landscaping and Screening

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

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

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

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

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

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

18.705 ACCESS, EGRESS, AND CIRCULATION

18.705.020 Applicability of Provisions

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

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

therefore these standards apply.

18.705.030 General Provisions

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

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

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

1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments.
2. Within all attached housing (except two-family dwellings) and multifamily developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.
3. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.
4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, other pervious paving surfaces, etc. Any pervious paving surface must be designed and maintained to remain well-drained. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

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

H. Access management.

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

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

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

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

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

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

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

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

4. The minimum spacing of local streets along a local street shall be 125 feet.

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

I. Minimum access requirements for residential use.

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

**TABLE 18.705.2
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
MULTIFAMILY RESIDENTIAL USE**

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

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

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

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

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

18.715 DENSITY COMPUTATIONS

18.715.010 Purpose

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

18.715.020 Density Calculation

- A. Definition of net development area.** Net development area, in acres, shall be determined by subtracting the following land area(s) from the total site acres:
 - 1. All sensitive land areas:
 - a. Land within the 100-year floodplain,
 - b. Land or slopes exceeding 25%,
 - c. Drainage ways, and
 - d. Wetlands,
 - e. Optional: Significant tree groves or habitat areas, as designated on the City of Tigard "Significant Tree Grove Map" or "Significant Habitat Areas Map";
 - 2. All land dedicated to the public for park purposes;
 - 3. All land dedicated for public rights-of-way. When actual information is not available, the following formulas may be used:
 - a. Single-family development: allocate 20% of gross acreage,
 - b. Multifamily development: allocate 15% of gross acreage or deduct the actual private drive area;
 - 4. All land proposed for private streets; and
 - 5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.
- B. Calculating maximum number of residential units.** To calculate the maximum number of residential units per net acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot in the applicable zoning district.
- C. Calculating minimum number of residential units.** As required by Section 18.510.040, the minimum number of residential units per net acre shall be calculated by multiplying the maximum number of units determined in subsection B of this section by 80% (0.8).

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

Gross site area	11.17 acres
<u>-Public right-of-way dedication</u>	<u>0.32 acres</u>
Net site area	10.85 acres

Initial net site area	10.85 acres
-Remaining jurisdictional wetlands/floodplain	6.20 acres
-Private drive area (drive aisles required for fire access only)	<u>0.60 acres</u>
Net/Net site area	4.05 acres

Minimum units required 50 units/acre x 4.05 acres =205 units

proposed density 215 units/4.05 acres = 53.1 units/acre

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

18.725 ENVIRONMENTAL PERFORMANCE STANDARDS

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

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

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

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

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

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

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

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

18.745 LANDSCAPING AND SCREENING

18.745.030 General Provisions

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

18.745.040 Street Trees

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

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

18.745.050 Buffering and Screening

A. General provisions.

- 1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.
- 2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix.
- 3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.

E. Screening: special provisions.

1. Screening and landscaping of parking and loading areas:

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

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

- i. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;
- ii. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;
- iii. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;
- iv. All parking areas, including parking spaces and aisles, shall be required to achieve at least 30% tree canopy cover at maturity directly above the parking area in accordance with the parking lot tree canopy standards in the Urban Forestry Manual.

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

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

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

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

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

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

18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE

18.755.010 Purpose and Applicability

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

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

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

18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.765.030 General Provisions

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

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

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

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

18.765.040 General Design Standards

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

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

18.765.050 Bicycle Parking Design Standards

A. Location and access. With regard to the location and access to bicycle parking:

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

B. Covered parking spaces.

- 1. When possible, bicycle parking facilities should be provided under cover.**

2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.

C. Design requirements. The following design requirements apply to the installation of bicycle racks:

1. The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required;

2. Bicycle racks must be securely anchored to the ground, wall or other structure;

3. Bicycle parking spaces shall be at least two and one-half feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;

4. Each required bicycle parking space must be accessible without moving another bicycle;

5. Required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement;

6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.

D. Paving. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete, other pervious paving surfaces, or similar material. This surface must be designed and maintained to remain well-drained.

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

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

18.765.070 Minimum and Maximum Off-Street Parking Requirements

H. Specific requirements. See Table 18.765.2.

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

D. Exclusions to minimum vehicle parking requirements. The following shall not be counted towards the computation of the minimum parking spaces as required in subsection H of this section:

1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except; religious institutions may count on-street parking around the perimeter of the use.

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

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

18.790 URBAN FORESTRY PLAN

18.790.030 Urban Forestry Plan Requirements

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

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

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

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

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

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

The proposed landscaping plan provides for anticipated tree canopy coverage of the parking area to cover 57,282 square feet of the 98,317 square foot total parking lot area, or 58 percent of the parking lot. The minimum parking lot tree canopy cover area required is 33 percent in both the MUE-1 and MUR-1 zoning districts applied to the site. In addition the proposed landscaping plan provides for total anticipated tree canopy coverage of 78,785 square feet of the total 180,774 square feet of development area, or 44% of the development area. Finally, the minimum 1,000 cubic feet of soil per tree standard for the Tree Canopy Site Plan has also been met. Therefore, the proposed Tree Canopy Plan satisfies the standards of Section 18.790.030.A.3. This standard is met.

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

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

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

18.790.060 Urban Forestry Plan Implementation

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

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

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

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

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

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

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

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

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

18.795 VISUAL CLEARANCE

18.795.030 Visual Clearance Requirements

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

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

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

1. Relationship to the natural and physical environment:

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

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

trees. This criterion is met.

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

According to the applicant's narrative, all of the proposed structures will be located on structural fill designed to accommodate the load of the buildings. The underlying ground is stable and not severely sloped. A geotechnical study has been prepared for the proposed development by Geotechnical Resources, Inc. That study is included as report C in the Impact Assessment portion of this report. The recommendations of the study will be utilized in developing the final grading plan for the project. The geotechnical report offers the following conclusion:

"The site is mantled by 1.5 to 23.5 ft of silt, which is underlain by basalt which has decomposed to the consistency of sand. Beneath the decomposed basalt, the site is underlain by predominantly decomposed, extremely soft basalt to the maximum depth explored (26.5 ft). In our opinion, the structural loads of the proposed buildings can be supported by conventional spread footings established in structural fill or in the medium stiff silt or dense to very dense sand that mantles the site. The following sections of this report provide our conclusions and recommendations concerning site preparation and earthwork, foundation support, lateral earth pressures, subdrainage and floor support, pavement design, and seismic design considerations. [Geotechnical Investigation Report by Geotechnical Resources, Inc., page 3]." This criterion is met.

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

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

2. Buffering, screening and compatibility between adjoining uses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Private outdoor area—Residential use:

- a. Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;
- b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
- c. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

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

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

- a. Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
 - i. Studio units up to and including two bedroom units, 200 square feet per unit;
 - ii. Three or more bedroom units, 300 square feet per unit.
- b. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
- c. The required recreation space may be provided as follows:
 - i. Additional outdoor passive use open space facilities;
 - ii. Additional outdoor active use open space facilities;
 - iii. Indoor recreation center; or
 - iv. A combination of the above.

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

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

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

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

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

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

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

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

7. Access and circulation:

- a. The number of required access points for a development shall be provided in Chapter 18.705;**
- b. All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and**
- c. Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.**

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

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

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

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

9. Public transit:

- a. Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:**
 - i. The location of other transit facilities in the area; and**
 - ii. The size and type of the proposed development.**
- b. The required facilities may include but are not necessarily limited to such facilities as:**
 - i. A waiting shelter;**
 - ii. A turn-out area for loading and unloading; and**
 - iii. Hard surface paths connecting the development to the waiting area.**
- c. If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.**

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

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

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

10. Parking:

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

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

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

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

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

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

- 13. Shared open space facilities. These requirements are applicable to residential planned developments only. The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:**

- a. Minimal use facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100-year floodplain).**
- b. Passive use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.**
- c. Active use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.**
- d. The open space area shall be shown on the final plan and recorded on the final plat or covenants.**

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

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

This criterion is met.

14. Open space conveyance: Where a proposed park, playground or other public use shown in a plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

a. **Public ownership.** Open space proposed for dedication to the city must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of city acceptance shall be made in writing by the parks & facilities division manager prior to final approval. Dedications of open space may be eligible for systems development charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below.

b. **Private ownership.** By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the city in a form acceptable by the city. The terms of the conservation easement must include provisions for the following:

- i. The continued use of such land for the intended purposes;
- ii. Continuity of property maintenance;
- iii. When appropriate, the availability of funds required for such maintenance;
- iv. Adequate insurance protection; and
- v. Recovery for loss sustained by casualty and condemnation or otherwise.

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

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

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

18.810 STREET AND UTILITY IMPROVEMENTS STANDARDS:

18.810.030 Streets

A. Improvements.

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

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

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

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

Street Alignment and Connections:

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

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

N. Grades and curves.

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

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

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

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

This standard may be met by condition.

18.810.050 Easements

- A. **Easements.** Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse.
- B. **Utility easements.** A property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

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

18.810.070 Sidewalks

- A. **Sidewalks.** All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.
- B. **Requirement of developers.**
 - 2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).

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

18.810.090 Sanitary Sewers

- A. **Sewers required.** Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in *Design and Construction Standards for Sanitary and Surface Water Management* (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.
- B. **Sewer plan approval.** The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. **Over-sizing.** Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan.

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

18.810.100 Storm Drainage

- A. **General provisions.** The director and city engineer shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made, and:
 - 1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
 - 2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
 - 3. Surface water drainage patterns shall be shown on every development proposal plan.

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

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

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

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

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

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

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

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

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

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

18.810.120 Utilities

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

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

C. Exception to undergrounding requirement.

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

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

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

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

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

Fire and Life Safety:

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

Public Water System:

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

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

Grading and Erosion Control:

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

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

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

Site Permit Required:

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

Address Assignments:

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

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

SECTION VIII. IMPACT STUDY

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

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

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

ROUGH PROPORTIONALITY ANALYSIS

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

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

Estimated Mitigation Value Assessment:

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

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

SECTION IX. OTHER STAFF COMMENTS

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

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

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

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

SECTION X. AGENCY COMMENTS

TriMet reviewed the proposal and provided a comment letter dated December 4, 2014, including recommendations for sidewalk connectivity, lighting and transit station improvements on SW Greenburg.

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

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

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

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

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

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

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

SECTION XI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

Limiting conflicting uses in Goal 5 protected wetlands (CPA)

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

Planned Development (PDR)

Parking Exemption

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

Funding future transportation

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

CONCLUSION

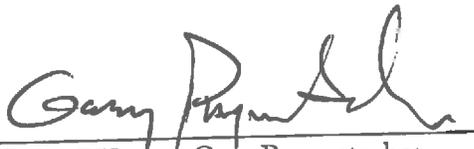
Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan, Sensitive Lands Reviews, and Planned Development are consistent or are conditioned to be consistent with applicable provisions of the Tigard Development Code Chapters: 18.350 Planned Development Review; 18.390.050/.060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

RECOMMENDATION

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

Exhibits:

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



PREPARED BY: Gary Pagenstecher
Associate Planner

12-8-14
DATE



APPROVED BY: Tom McGuire
Assistant Community Development Director

12/8/14
DATE



City of Tigard Memorandum

To: Gary Pagenstecher, Associate Planner
From: Greg Berry, Project Engineer
Re: SDR 2014-04; A+O Apartments
Date: November 26, 2014

Access Management (Section 18.705)

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

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

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

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

Section 18.705.F Required walkways

PLANNING

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

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

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

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

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

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

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

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

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

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

Street And Utility Improvements Standards (Section 18.810):

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

Streets:

Improvements:

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

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

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

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

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

No streets within the development are proposed.

This standard is expected to be met.

Street Alignment and Connections:

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

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

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

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

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

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

This standard may be met by condition.

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

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

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

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

Easements:

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

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

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

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

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

No streets are proposed. This standard is met.

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

No additional sidewalks are required.

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

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

Sanitary Sewers:

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

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

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

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

Storm Drainage:

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

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

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

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

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

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

Storm Water Quality:

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

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

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

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

Utilities:

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

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

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

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

Fire and Life Safety:

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

Public Water System:

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

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

Grading and Erosion Control:

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

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

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

Site Permit Required:

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

Address Assignments:

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

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

Sensitive Lands (Section 18.775.070)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

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

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

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

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

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

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

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

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



December 3, 2014

City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

Re: A + O Apartments Planned Development

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

- 1) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
- 2) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)
- 3) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)
- 4) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) ***Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as your water purveyor. Fire flow calculation worksheets as well as instructions are available on our web site at www.tvfr.com.***
- 5) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. ***Determine number of hydrants required from fire flow calculations and distribute to meet minimum distance and spacing requirements. An additional hydrant may need to be installed on SW 95th to meet this requirement.***

Considerations for placing fire hydrants may be as follows:

North Operating Center
20665 SW Blanton Street
Aloha, Oregon 97007-1042
503-259-1400

Command & Business Operations Center
and Central Operating Center
11945 SW 70th Avenue
Tigard, Oregon 97223-9196
503-649-8577

South Operating Center
7401 SW Washo Court
Tualatin, Oregon 97062-8350
503-259-1500

Training Center
12400 SW Tonquin Road
Sherwood, Oregon 97140-9734
503-259-1600

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
 - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- 6) **PRIVATE FIRE HYDRANTS:** To distinguish private fire hydrants from public fire hydrants, private fire hydrants shall be painted red. (OFC 507.2.1, NFPA 24 & 291)
 - 7) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)
 - 8) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)
 - 9) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
 - 10) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)
 - 11) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)
 - 12) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)
 - 13) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

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

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

Sincerely,



John Wolff
Deputy Fire Marshal

Copy: TVF&R File

December 4, 2014

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

RE: Case File Number, CPA 2014-2

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

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

TRIMET STAFF RECOMMENDATIONS

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

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

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

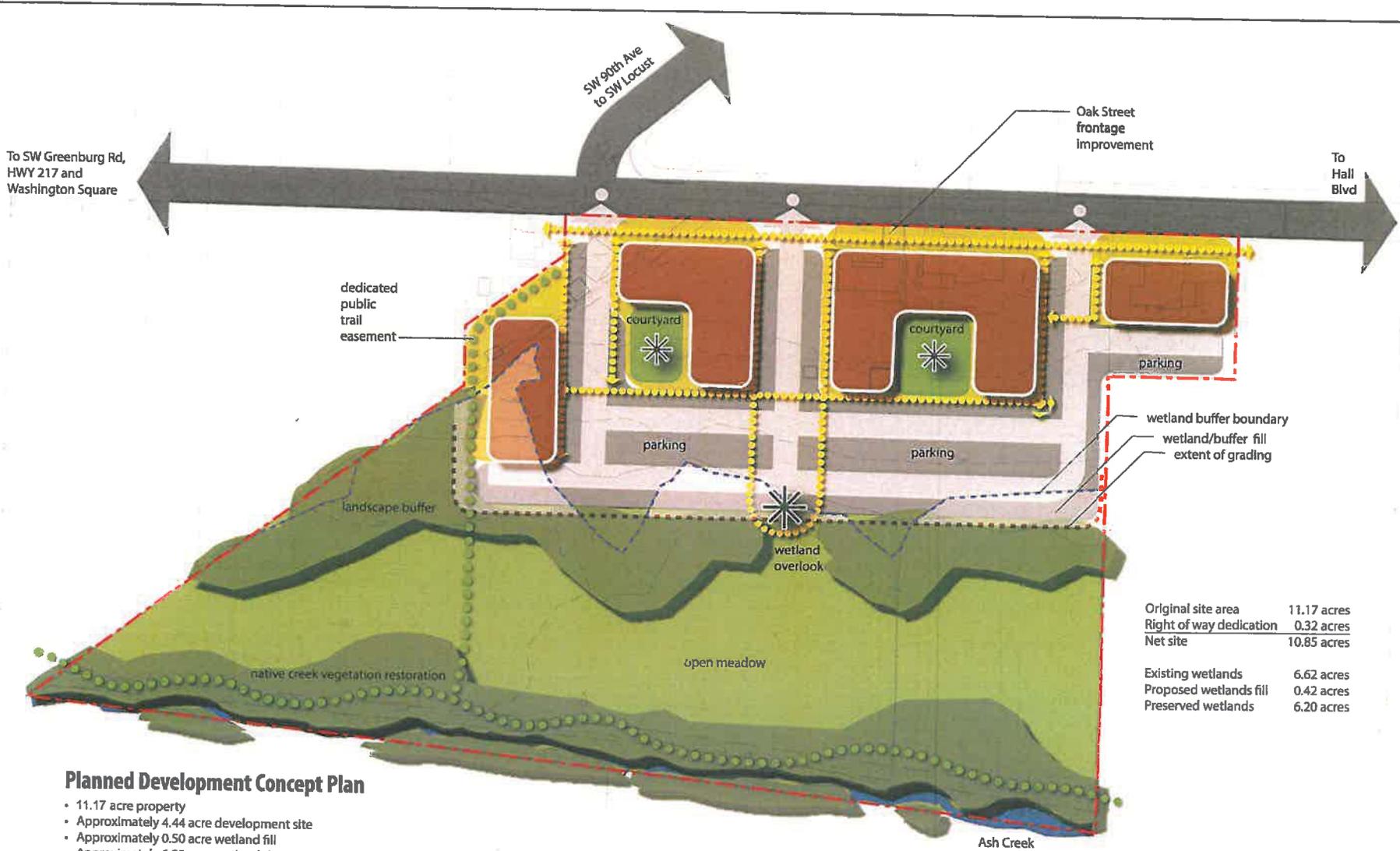
Again, thank you for your time and consideration. If you have any questions, please contact me at 503-962-6478.

Sincerely,



Grant O'Connell, Planner II
Transit Development
Capital Projects

DATE LIST
 Location: 00
 Revised
 P17044P202
 --Images
 street-pt plan



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

Planned Development Concept Plan

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

NO.	DATE	BY	REVISION	DATE

DBG OAK STREET, LLC
 2164 SW PARK PLACE
 PORTLAND, OR 97204
 (503) 244-2504

A+O APARTMENTS
 CITY OF TIGARD, OREGON
 PLANNED DEVELOPMENT CONCEPT PLAN



Member/Global Partner
 808 SW 2nd Ave, Ste 200
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 Phone: (503) 247-4500
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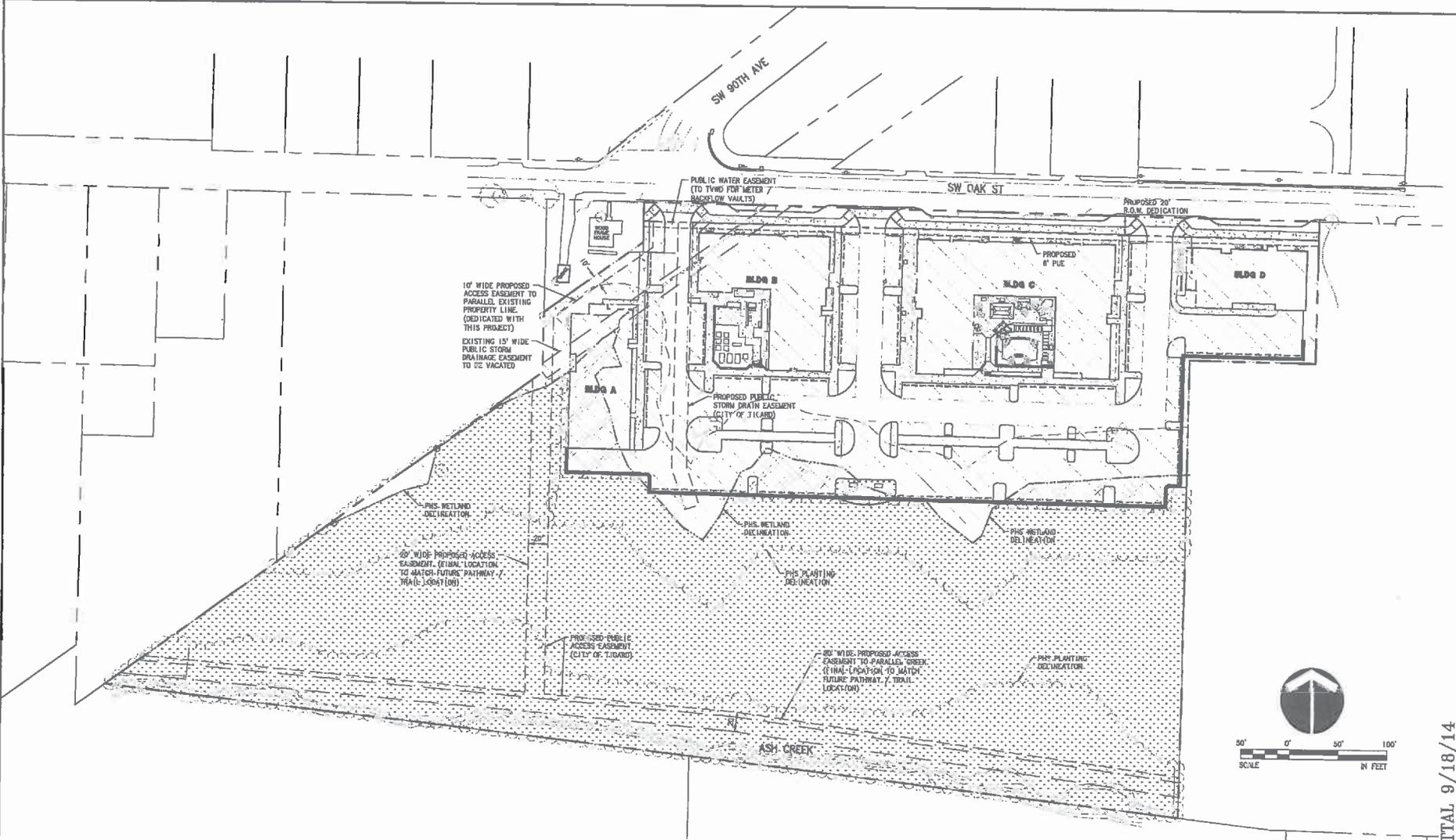
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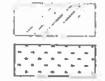
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DEVELOPMENT AREA:
 ACTUAL DEVELOPMENT SITE: 4.44 AC
 SOUTH OF RETAINING WALL: 6.41 AC

NET DEVELOPMENT SITE (FOR DENSITY CALCULATION PURPOSES)
 TOTAL SITE AREA: 11.17 AC
 ROW DEDICATION: 0.32 AC
 REMAINING WETLAND: 6.20 AC
 PRIVATE STREETS (MAIN DRIVE AISLES): 0.60 AC
 NET DEVELOPMENT AREA = 4.05 AC

SITE INFORMATION
 TOTAL SITE AREA: 11.17 AC
 EXISTING WETLANDS: 6.62 AC
 PROPOSED WETLAND IMPACT AREA: 0.42 AC
 REMAINING WETLAND AREA: 6.20 AC



NO.	DATE	BY	REVISION / COMMENTS

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

PLANNING SUBMITTAL 9/18/14
A+O APARTMENTS
 CITY OF TIGARD, OREGON
 OVERALL DETAILED PLANNED DEVELOPMENT PLAN

otak
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 808 SW 3rd Ave, Ste. 300
 Portland, OR 97204
 Phone: (503) 597-6555
 Fax: (503) 475-2384
 www.otak.com

17044_P17044P2_03
 Project No. Drawing No.
P2.3
 Sheet No.
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**Economic, Social, Environmental, and
Energy (ESEE) Analysis
for the A+O Apartments in Tigard, Oregon**

(Township 1 South, Range 1 West, Section 35AC, Tax Lots 4000, 4100, 4200, 4300,
and 4400 and Township 1 South, Range 13 West, Section 35AD, Tax Lot 1303)

Prepared for

Attn: DBG Oak Street, LLC

Walter O. Grodahl, Manager

2164 SW Park Place

Portland, OR 97204

Prepared by

John van Staveren

Tricia Sears

Pacific Habitat Services, Inc.

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Wilsonville, Oregon 97070

(503) 570-0800

(503) 570-0855 FAX

PHS Project Number: 5341

December 8, 2014



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1.0 INTRODUCTION

DBG Oak Street, LLC proposes to develop 215 multi-family residential dwelling units within four, 4-story multi-family residential buildings on 11.17 acres south of SW Oak Street in Tigard. The property encompasses tax lots 1303, 4000, 4100, 4200, 4300, and 4400. A wetland delineation conducted in February 2014 by Pacific Habitat Services, Inc. (PHS) identified 6.62 acres of wetland within the proposed development site, plus Ash Creek, which flows to the west at the site's southern boundary.

The wetland is designated as "significant" (i.e. a Statewide Planning Goal 5 resource) on the City of Tigard's "Wetlands and Streams Corridors Map" and is protected. The City does not allow any land form alterations or developments within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130. As described in Section 18.775.130 Plan Amendment, the City allows applicants to impact significant wetlands if one of two options can be demonstrated. The first option is to conduct an Economic, Social, Environmental, and Energy (ESEE) Analysis that shall consider the consequences of allowing the proposed conflicting use. The second option is to demonstrate the wetland's "insignificance." PHS reviewed the significance thresholds included as an addendum to the City of Tigard's Local Wetlands Inventory and determined that even though the quality of the wetland, its connection to Ash Creek still ensures it would be regarded as significant. As such, the applicant is submitting an ESEE analysis for a quasi-judicial comprehensive plan amendment under a Type IV procedure.

This document focuses on the significant wetland and does not include a significant habitat evaluation. It is understood the significant habitat evaluation is an incentive based, non-regulatory element within the City's regulatory frame work.

2.0 ESEE ANALYSIS

The applicant has prepared an ESEE consequences analysis in accordance with OAR 660-23-040. The ESEE analysis is used to determine whether a jurisdiction will allow, limit or prohibit a use that may conflict with preservation of the significant natural resource. For the proposed development on SW Oak Street, the subject properties include a Goal 5 resource considered significant (i.e. the wetland that borders Ash Creek).

The Goal 5 ESEE analysis involves evaluating the tradeoffs associated with different levels of natural resource protection. As required by the Goal 5 rule, the evaluation process involves identifying the consequences of allowing, limiting or prohibiting conflicting uses in areas containing significant natural resources. Specifically, the rule requires the following steps:

- ***Identify conflicting uses*** – A conflicting use is "any current or potentially allowed land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource." [OAR 660-23-010(1)]
- ***Determine impact area*** – The impact area represents the extent to which land uses or activities in areas adjacent to natural resources could negatively impact those resources. The impact area identifies the geographic limits within which to conduct the ESEE analysis.

- **Analyze the ESEE consequences** – The ESEE analysis considers the consequences of a decision to either fully protect natural resources; fully allow conflicting uses; or limit the conflicting uses. The analysis looks at the consequences of these options for both development and natural resources.
- **Develop a program** – The results of the ESEE analysis are used to generate recommendations or an “ESEE decision.” The ESEE decision sets the direction for how and under what circumstances the local program will protect significant natural resources.

The site of the proposed development has been evaluated in a prior ESEE Analysis. The ESEE Analysis (*Tualatin Basin Goal 5/ Natural Resources ESEE Analysis*) was prepared in March 2005 by the Tualatin Basin Partners for Natural Places and by Angelo Eaton & Associates. It addressed Riparian Corridors (OAR 660-023-0090); Wildlife Habitat (OAR 660-023-0110); and Inner and Outer Impact Areas. The report divided their study area into sixty nine “streamsheds”. The proposed project is located within the Ash Creek Streamshed (Local site #2) (Figure 1). The ESEE analysis also included information from Metro. For its Goal 5 inventory, Metro divided the entire region into twenty-seven “Regional Sites”. The Metro “Regional Sites” were developed using 5th and 6th field watershed mapping. The proposed project is located in Regional Site #12 (Figure 2).

2.1 IDENTIFICATION OF IMPACT AREA

Under the Goal 5 rule, “local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified natural resource” (OAR 660-23-040(3)).

2.1.1 Overview of Existing Local Land Uses

As stated above, the proposed project is located within the Ash Creek Streamshed (Local site #2). Land uses within the streamshed primarily include low density single family residential and high density commercial and mixed use located along major roads. The streamshed is largely developed, with only 40 acres (4%) of the streamshed identified in the City buildable lands inventory (BLI) as vacant or redevelopable. Within the resource areas, 17 acres are designated as buildable. Tigard’s BLI includes vacant sites, consisting of individual or combinations of parcels, ¼ acre or larger. It excludes all Title 3 protected areas (floodplain, wetlands, and buffers). The 17 acres in question are designated for either light or moderate protection. The resource type involved is upland wildlife habitat.

Located within the streamshed are the Washington Square Mall, Lincoln Center, and other commercial developments. While the amount of vacant land within this streamshed is small, the potential for redevelopment is relatively large because a major portion of the area falls within the *Washington Square Regional Center Plan* area. The Washington Square Plan calls for higher density urban development. This higher density includes mixed use developments within the plan area. Other uses in the streamshed include single family attached and detached structures, multi-family developments, Metzger Park, a public golf course, Metzger Elementary School, offices, retail establishments, and eating and drinking establishments. Also present is the subject property and the adjacent pasture located south of Ash Creek and north of Highway 217.

According to Clean Water Services (CWS), the amount of overall effective impervious area (EIA) within the regional site is 21%. The EIA is a very high 42-70% in the area of the Washington Square Mall and a high 23-41% in the other commercially developed areas. In contrast, the EIA within the residentially developed areas is a low 1-13%.

2.1.2 Overview of Local Natural Features

According to Metro's *Regionally Significant Riparian and Wildlife Inventory*, Regional Site #12 (2,693.5 acres) contains streams that generally have a medium gradient. Anadromous fish are present in 7 of the 46 stream miles located within the regional site. The *Natural Resource Assessment Technical Report* for the *Washington Square Regional Center Implementation Plan* indicates that Ash Creek offers poor habitat for fish. This is because important habitat elements such as large woody debris, cold water temperatures, pool and riffle complexity, and quality spawning gravel areas are largely absent from the area's stream system.

The *Tualatin Basin Existing Environmental Health Report* (EEHR) rates the overall health of the Regional Site as fair. In terms of the individual components used to assess health, wildlife habitat is rated as fair, water quality as poor and riparian vegetation as fair.

Conifer and hardwood forests are identified as the predominant habitat types within the resource site, with wetlands accounting for 13% of the site's wildlife habitat. The regional site accounts for nearly 4% of the regional wetlands and ranks 6th among the 27 resource sites in terms of wetland acreage. The site is characterized as having relatively small habitat patches with little forest interior, but reasonably good connectivity and very good water resources.

The City's local Goal 5 inventory, conducted in 1994, indicates that water quality is excellent in the stream's upstream reach (including the south fork of Ash Creek). Water quality deteriorates as the stream flows downstream through residential areas and receives stormwater run-off from these areas. This conclusion is consistent with the finding of the EEHR and the *Natural Resource Technical Assessment Report*, prepared for the *Washington Square Regional Center Implementation Plan*.

2.1.3 Natural Resources within the Development Property

Land use adjacent to the proposed development includes residential, commercial, and open space. The proposed development consists of six tax lots with four houses. The houses are located in the northern portion of the study area along SW Oak Street and include paved driveways, accessory buildings, and existing landscape vegetation. One of the houses is vacant; the other three are currently occupied. Within the study area, PHS identified one large wetland (designated as Wetland A), a stormwater ditch, and Ash Creek. PHS conducted the wetland delineation in February, 2014 (Figure 3).

Wetland A: Wetland A is located in the southern half of the study area, and is approximately 288,490 square feet (6.62 acres). The Cowardin class is palustrine, emergent, seasonally flooded (PEMC) and the HGM class is Slope. The wetland slopes gently from north to south, and

continues to the edge of Ash Creek. Vegetation within the wetland consists of pasture grasses; meadow foxtail (*Alopecurus pratensis*), tall fescue (*Festuca arundinacea*), creeping bentgrass (*Agrostis stolonifera*), and velvet grass (*Holcus lanatus*, FAC). Reed canarygrass (*Phalaris arundinacea*) is present in the western portion of the wetland. Other facultative pasture grasses are likely present, but due to the time of year, identification was not possible. Vegetation in the adjacent upland consists of the same pasture grasses as in the wetland, however Canada thistle (*Cirsium arvense*) and Himalayan blackberry (*Rubus armeniacus*) are also present.

Soils within the wetland meet the definition for redox dark surface (F6), and are considered hydric. The soils within Wetland A were generally not saturated; hydrology was satisfied using the oxidized rhizospheres indicator, or secondary indicators, including raised ant mounds and geomorphic position. Wetland A continues east, west, and south outside of the study area.

A 48,228 sq. ft. (1.11 acre) vegetated corridor regulated by Clean Water Services exists adjacent to the wetland to the north. Due to past disturbance, the quality of the vegetated corridors is considered to be degraded.

Stormwater Ditch: A stormwater ditch is located in the northwestern portion of the study area. It covers approximately 471 square feet (0.01 acre) within the study area. The ditch carries stormwater from SW Oak Street, as well as from the existing condominium complex located north of SW Oak Street, and empties into Wetland A.

Ash Creek: Ash Creek provides rearing and migration habitat for Lower Columbia River winter steelhead trout to river mile 1.53 (including the reach adjacent to the project site). Ash Creek is a straightened channel within the project area, with a degraded riparian area.

2.1.4 Identification of Impact Area

The Impact Area for the ESEE is defined as the 11.17 acres south of SW Oak Street in Tigard, which includes tax lots 1303, 4000, 4100, 4200, 4300, and 4400, all of Wetland A, the stormwater ditch, the vegetated corridor, and Ash Creek.

2.2 Potential Conflicting Uses within the Impact Area

The proposed development is located within District C (Lincoln Center-Ash Creek), one of five districts within the *Washington Square Regional Center Plan*. The Regional Center Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. One important component of developing within the property is adherence to the plan's vision of maintaining the functions of Ash Creek and adjacent sensitive areas. As described in the plan: "plantings, setbacks and other mitigation and enhancement techniques will buffer Ash Creek and adjacent sensitive areas from disturbance." As will be described in detail below, the proposed

development achieves a high residential density, while preserving and enhancing Ash Creek and adjacent sensitive areas.

Within the property, 0.33 acres of right-of-way will be dedicated for the widening of SW Oak Street across the site's frontage leaving a potential development area of 10.84 acres; however, the property includes 6.62 acres of jurisdictional wetland and Ash Creek, which flows to the west along the southern property boundary. The project proposes to unavoidably impact 0.42 acres of this lower quality wetland closer to Oak Street, but will preserve 6.2-acres of remaining wetland, which will be protected in perpetuity (Figure 4). There are also 1.02 acres of vegetated corridor impacts and the preservation and enhancement of 0.09 acres. Of the 6.2 acres, 3.2 acres will be enhanced with native tree and shrubs plantings, leaving 3 acres unplanted to create habitat diversity within the floodplain of Ash Creek. The 3.2 acres of enhancement is a voluntary action by the applicant and is not proposed as required mitigation (credits from a local wetland mitigation bank will be purchased to satisfy the Department of State Lands and US Army Corps of Engineers' mitigation requirements).

The density of the project will be 51.8 units per net acre on the development portion of the site, and 19 dwelling units per acre for the entire site. The project site includes six existing parcels, which will be consolidated into a single parcel prior to site development. If a separate tract is required to be created for the open space area, a property line adjustment application will be submitted and the parcels will be reconfigured to create a development parcel and a tract prior to or concurrent with consolidation of the parcels. All existing buildings and site improvements will be removed from the site with initial site grading.

Four, 4-story buildings are proposed and will be between 47-feet and 53-feet tall when viewed from SW Oak Street. All together, the proposed buildings will contain 64 studio units of less than 500 square feet in size, 98 one-bedroom units, and 53 two-bedroom units. The apartment buildings will have similar appearances. Variations amongst the buildings will be provided by their varied sizes and by different paint schemes and minor variations in trim packages. The development will include a landscaped plaza with benches, community gardens for the use of residents, landscape beds, and a bicycle parking pavilion. A 20-foot wide public pedestrian easement will be provided along the western edge of the site and into the wetlands area to the south for future development of a public pedestrian trail to connect with a future east-to-west public trail near Ash Creek. The east-to-west trail is described in the City of Tigard's Parks Master plan as a portion of a planned Washington Square Regional Center Trail. The applicant will work with the City on the provision of and the final locations for these public pedestrian easements.

A total of 278 on-site parking spaces will be provided. Partially below-ground level parking garages will provide covered parking spaces for 37 vehicles. A surface parking lot will be located to the south of the buildings. A total of 241 surface parking spaces will be provided. The applicant will work with a car share provider to encourage project residents to utilize shared vehicles in order to reduce the demand for on-site parking. Information on a car share program(s) will be provided to residents. A small number of conveniently located parking spaces may be reserved for car share vehicles.

The application to the City of Tigard requests a 9.15 percent reduction in the number of required onsite parking spaces due to anticipated less than normal demand for parking spaces by project residents, and in order to not increase the amount of proposed wetland impact to create additional parking spaces. Less than normal demand is anticipated for parking due to the relatively small size of the units providing housing for fewer residents (prevalence of studios and 1-bedroom units compared to typical suburban apartment complexes); the availability of car share vehicles, the availability of nearby transit; and the proximity to nearby shopping and employment opportunities.

Construction of the proposed project will result in the placement of fill within 0.42 acres of the wetland and 1.02 acres of the vegetated corridor. Mitigation for the wetland impacts are described below, but will include the purchase of credits from the Tualatin Valley Environmental Bank. The planting of 3.2 acres within the wetland and riparian area of Ash Creek is not regarded as wetland mitigation, but is being voluntarily proposed by the applicant.

Numerous development plans have been proposed for the property since at least 1996. All of the previous proposals would have resulted in greater than the proposed 0.42 acres of wetland impact proposed in this application. Figures 5A-5C show previous development proposals.

Alternative 1: This alternative shows development of the entire site, from SW Oak Street all the way to the banks of Ash Creek (Figure 5A). This scenario would have proposed impacts to almost the entire 6.62 acres of wetlands and would have impacted the riparian area of Ash Creek.

Alternative 2: This alternative shows development of the central and northern portions of the site (Figure 5B). Although impacts to the wetland are less than Alternatives 1 or 3, impacts to Wetland A are still significant.

Alternative 3: This alternative shows development of the entire site, from SW Oak Street all the way to the banks of Ash Creek (Figure 5C). Again, this scenario would have proposed impacts to almost the entire 6.62 acres of wetlands and would have impacted the riparian area of Ash Creek. In addition, this scenario shows a portion of Wetland A excavated to create a pond.

The Applicant also considered an alternative site plan that completely avoided Wetland A. This alternative results in no impact to any jurisdictional wetlands; however, because of the City of Tigard's requirements for density and parking, this alternative reduces the amount of developable area and does not meet project specific criteria as well as the preferred alternative.

For this proposal, the impact to the wetland is lessened significantly from prior proposals. The project proposes to unavoidably impact 0.42 acres of this lower quality wetland closer to SW Oak Street, but will preserve the 6.2 acres of remaining wetland, which will be protected in perpetuity as described earlier. Of the 6.2 acres, 3.2 acres will be enhanced with native tree and shrubs plantings, leaving 3.0 acres unplanted to create habitat diversity within the floodplain of Ash Creek (Figures 6-6A).

The proposed design minimizes impacts by proposing underground parking, increasing the building heights, and reducing the proposed number of units. The proposed development is

clustered together. The proposed residential density is well below that desired by Metro for the property.

Ash Creek provides rearing and migration habitat for steelhead trout, which is listed as Threatened under the Federal Endangered Species Act. There will be no direct effects to steelhead from the proposed development plan. The project includes a buffer of between approximately 260 to 300 feet from the creek to the southern edge of the proposed development. The list of trees and shrubs to be planted in the wetland and the riparian area is included below.

Wetland Enhancement – 3.2 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
<i>Alnus rubra</i>	Red alder	5-6'	10'	139
<i>Crataegus douglasii</i>	Douglas hawthorn	5-6'	10'	349
<i>Fraxinus latifolia</i>	Oregon ash	5-6'	10'	446
<i>Salix lasiandra</i>	Pacific willow	5-6'	10'	349
<i>Thuja plicata</i>	Western red cedar	5-6'	10'	112
Total				1,395
Shrubs/Small Trees				
<i>Cornus alba</i>	Red osier dogwood	2-3'	5'	2,092
<i>Spiraea douglasii</i>	Douglas spiraea	2-3'	5'	1,744
<i>Lonicera involucrata</i>	Twinberry	2-3'	5'	1,394
<i>Physocarpus capitatus</i>	Ninebark	2-3'	5'	1,744
Total				6,974

In addition to the buffer and the proposed plantings, all stormwater will be treated to that required by the National Marine Fisheries Service’s Standard Local Operating Procedures for Endangered Species (SLOPES) V. As such, there will be minimal impact to Ash Creek and the majority of the wetland. Storm drainage runoff will be collected by building laterals and catch basins for onsite runoff. Runoff will be treated using mechanical treatment devices such as StormFilter catch basins and storm drain splitter manholes and StormFilter manholes. The private storm drainage system will discharge to riprap pads above the wetlands in four locations south of the parking area and retaining wall. Stormwater from these discharge points ultimately will flow to Ash Creek through the intervening wetlands. It is anticipated that no on-site storm water detention will be necessary. A Storm Drainage Report for the project is included as an attachment to this application. Stormwater management will comply with SLOPES V, as described in the Stormwater Management Plan prepared by Otak.

A discussion of alternatives for impacts to the vegetated corridor is included in Appendix B.

2.3 Site Specific ESEE Analysis

This section considers the economic, social, environmental and energy consequences of the following:

- a. Prohibit conflicting uses providing full protection of the resource site.
- b. Limit conflicting uses offering limited protection of the resource site (balance development and conservation objectives).
- c. Allow conflicting uses fully with no local protection for the resource site.

2.3.1 Environmental Consequences

Prohibit Conflicting Uses: If all conflicting uses are prohibited, then the wetland in its current condition would be conserved. The wetland is privately owned and the property owner has no plans to enhance the property should all conflicting uses be prohibited. Any proposed development would likely be restricted to the redevelopment of the existing houses on SW Oak Street and the wetland in its current condition would remain intact.

The wetland provides functions and values, but these are degraded due to past disturbance to the site. Ash Creek likely flowed freely through the property prior to human settlement of the area, but it was straightened decades ago and now forms the southern property boundary. The wetland was grazed for many years and as a result many of the trees and shrubs that dominated the wetland, such as Oregon ash and western red cedar, have been replaced by non-native pasture grasses.

Even with the impacts from past human use, however, the wetland still provides important functions and values. Water quality treatment is provided due to the fact that the stormwater ditch discharges into the wetland before reaching Ash Creek. As such, the non-native grasses within the wetland filters the stormwater flowing untreated from impervious surfaces upstream. Wildlife habitat is provided by the open space adjacent to the creek and by the proximity of the creek itself. The property likely serves as a travel corridor for a variety of common urban wildlife species, but also for more uncommon species such as coyotes and deer. The property is partially within the 100-year floodplain. Although the property does not detain flood flows for any appreciable time, it likely provides temporary habitat for steelhead when water levels rise above the top of the bank. The wetland also provides a visual buffer from the adjacent developed areas.

Limit Conflicting Uses: If conflicting uses are limited, there will be a balance of development and conservation objectives. The proposed development will unavoidably impact 0.42 acres of the wetland, but will conserve 6.2 acres. As such, only approximately 6% of the wetland is proposed for impact and approximately 94% of the wetland will be preserved in perpetuity (the property owner will record a conservation easement on the undeveloped portion of the property).

There are short term construction-related impacts, which would occur when preparing land for and constructing the proposed development. Construction activity will result in the excavation

and removal of vegetation, or “ground disturbing activities.” However, these disturbances can be restored through native plantings and a strictly enforced erosion control plan will ensure that impacts are limited to the footprint of the proposed development. Construction noise can have a detrimental impact on wildlife, especially during nesting periods.

The proposed development will impact a small portion of the total wetland on the site, but it will have little effect on the overall functions and values that the wetland currently provides. It can be argued that allowing the conflicting use will actually enhance the wetland by ensuring the remaining portion of the wetland is enhanced. Limiting conflicting uses would ensure that the remainder of the wetland is enhanced through the planting of native trees and shrubs. A total of 1,395 trees and 6,974 shrubs will be planted within 3.2 acres of the wetland. The remaining 3 acres will remain open to ensure there is a diversity of habitats within the remaining wetland. Open wet meadows surrounded by dense woody vegetation provide an important niche for many species of wildlife and can be uncommon in urban settings. The plantings will be focused on the riparian area on the north side of Ash Creek, which will moderate water temperatures and enhance the quality of instream habitat for salmonids by providing a source of food. The enhancement will also be focused within the northern portion of the wetland adjacent to the proposed development. The dense woody plant community adjacent to the development will provide both a visual and a sound buffer between the wetland and the proposed development.

The proposed development will impact a small portion of the 100-year floodplain, but there will be no net rise in floodplain elevation. The addition of 8,369 trees and shrubs to the wetland and the floodplain will, over time, attenuate flood flows, ensuring water is released downstream slower than under current conditions.

The proposed development will result in increased impervious surfaces. The proposed 11.28 acre residential development project will consist of 4.39 acres of impervious surface, of which 3.93 acres will be new impervious surface. Allowing conflicting uses, however, will not degrade the quality of the remaining wetland or Ash Creek. The applicant proposes to manage stormwater through the use of proprietary water quality treatment filters, Low Impact Development Approach (LIDA) planters, and underground detention chambers. The A+O Apartments site will be divided into public and private stormwater management systems. Most of the private runoff will be collected and conveyed to a proprietary water quality treatment filter facility and then to an underground detention facility at the south side of the site. Runoff from two small private areas at the eastern and western sides of the site will be treated with proprietary water quality treatment filters and discharged directly to the Ash Creek floodplain without detention. The new impervious area within the SW Oak Street public right-of-way frontage will be treated by LIDA treatment facilities (infiltration planters and/or swales). These structures will also provide detention for smaller storm events. All onsite stormwater treatment facilities will be designed to treat the water quality design storm event, which SLOPES V has identified as 50% of the 2-year, 24-hour storm event. Runoff water quality treatment standards will be met using proprietary filter cartridges for the private basins and LIDA facilities for the public impervious areas. The water quality storm event generates 4,010 cubic feet of runoff from the onsite basin under proposed conditions. As the proprietary treatment filters are a flow-based system, a design flow of 1.04 cubic feet per second will be used for sizing the private water quality facilities. New impervious surfaces within the public right-of-way will be treated using LIDA facilities sized to meet CWS design standards.

LIDA swales and infiltration planters function by collecting runoff generated by the water quality event and filtering it through 18-inches of water quality mix material, which is comprised of topsoil, sand, and compost. Beneath the water quality mix layer is a section of open-graded rock surrounding a perforated pipe. What stormwater does not infiltrate into the native soil is collected and conveyed to the storm sewer system.

Allow Conflicting Uses: If conflicting uses are allowed, then theoretically a much larger proportion of the wetland could be impacted by development. Obviously any impacts to the wetland will need to be reviewed and approved by the Oregon Department of State Lands and the US Army Corps of Engineers.

Allowing conflicting uses will result in the removal of vegetative cover and habitat for a variety of wildlife. Lost habitat would include feeding places for birds, and loss of feeding and refuge areas for mammals, reptiles, amphibians, and insects. Existing habitat may be replaced with lawns and ornamental, non-native vegetation. Impervious surfaces may permanently replace native habitats. The wildlife migration corridor that the property currently provides will likely be lost or severely impacted depending on the level of wetland filled. The property currently provides habitat connectivity along Ash Creek. Fences and other development can form barriers to wildlife migration. As the range of habitat for indigenous wildlife becomes restricted and isolated, opportunities for recruitment from other areas are limited and wildlife populations become vulnerable to disease, predation and local extinction.

Increased impervious surface and vegetation loss can lead to increased storm runoff and peak flows in streams, resulting in erosion, bank failure, flooding, and significant loss of fish and aquatic habitat function. It is assumed, however, that the development resulting from allowing conflicting uses will still need to adhere to the water quality and detention standards set by the National Marine Fisheries Service and CWS.

The increase in impervious surface and storm runoff also leads to reduced groundwater recharge and altered volumes of water in wetlands and streams contributed by groundwater. This can alter an area's hydrology by lowering surface water levels or groundwater tables and removing a local source of water essential to the survival of fish, amphibians and aquatic organisms as well as terrestrial animals. Clearing and grading activities can reduce the capacity of soil to support vegetation and absorb groundwater by reducing soil fertility, microorganisms, and damaging soil structure.

As with allowing limited conflicting uses, there are short term construction-related impacts, which occur when preparing land for and constructing the proposed development. Construction activity results in the excavation and removal of vegetation, or "ground disturbing activities." However, these disturbances can be restored through native plantings and a strictly enforced erosion control plan will ensure that impacts are limited to the footprint of the proposed development. Construction noise can have a detrimental impact on wildlife, especially during nesting periods.

2.3.2 Economic Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would keep the wetland intact and likely limit the footprint of the proposed development activity to the existing houses on SW Oak Street. The houses would be remodeled or torn down and replaced by new houses. As there will be no change in density, prohibiting conflicting uses would impact the potential densities planned for (and required) in the *Washington Square Regional Center Implementation Plan*. The economic benefits for local businesses from developing a high density apartment complex would not be realized. The applicant would also realize far less economic benefit from remodeling or replacing the four houses.

There will be a loss in short term construction jobs required when the apartment complex is developed. There are many studies that state living next to an open space increases property values. As such, prohibiting conflicting uses could benefit property values on SW Oak Street in the long term.

Limit Conflicting Uses: Balancing development and conservation goals for the property will result in an economic gain for local businesses, while ensuring that adjacent properties benefit from an enhanced and largely intact open space. The applicant's proposed development of 215 multi-family residential dwelling units will economically benefit businesses in the area, such as Washington Square and Lincoln Center. The applicant will also receive income generated by the proposed development. There will be a gain in construction jobs generated by the construction of the apartment complex.

Allow Conflicting Uses: Allowing conflicting uses would increase the population of people residing in the apartment complex and would thus be expected to increase the economic gains of local businesses. There would be more short term construction jobs required to construct the larger complex.

Adjacent properties could be negatively impacted by the loss of open space and the increased footprint of the apartment complex, which (at least temporarily) would not be in keeping with adjacent developments.

2.3.3 Social Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would result in the redevelopment of the area of the houses along SW Oak Street, with the wetland remaining in its current degraded condition. The wetland and the creek would remain in private property and would not be accessible for educational purposes. As such, there would not be any benefit from passive recreation (e.g. bird watching); however, the social benefits afforded from living adjacent to an open space would remain intact.

Limit Conflicting Uses: Limiting conflicting uses would allow the development of the 215 unit apartment complex and the enhancement of the wetland. The enhanced wetland and its proximity to a relatively large population would establish new connections for people to the outdoors.

Although access to the enhanced wetland will be restricted by the home owners association, the proximity of the enhanced resource will benefit passive recreation, such as bird watching.

By increasing the amount of buildable land inside the Urban Growth Boundary (UGB), expansion of the UGB onto farm and grazing land could be slightly delayed.

Allow Conflicting Uses: Allowing conflicting uses would result in the loss of open space and views, which could negatively affect adjacent properties and the local area as a whole. The property is partly visible from Highway 217, so the visual impact of a large development, with no associated enhancement, could have a negative social effect.

Wetlands provide educational opportunities for those living near them, which would be lost if conflicting uses are allowed. Wetlands also provide opportunities for urban quiet and solitude, the lack of which has adverse social consequences.

2.3.4 Energy Consequences

Prohibit Conflicting Uses: Prohibiting conflicting uses would result in the redevelopment of the houses on SW Oak Street. This would increase the pressure to expand the UGB in the long term, which could result in people needing to travel farther to work, school, and to shop, which would increase energy consumption. This could also result in the need for new roads and infrastructure further from population centers.

Limit Conflicting Uses: Limiting conflicting uses would result in the proposed enhancement of the wetland and the addition of over 8,000 trees and shrubs to the wetland. Trees provide shade that cools buildings in the summer and serve as a windbreak in the winter. Plants absorb sunlight and transpire during the growing season, which can slightly reduce ambient air temperatures. Trees help capture carbon dioxide, a contributing factor to global warming. Trees also reflect and absorb solar radiation before it heats the ground, buildings, or pavement. Trees planted to the south of a building, as will be the case with the proposed development, can reduce air conditioning costs by blocking the sun during the summer.

Although access to the enhanced wetland will be limited, it can still provide local recreational opportunities, thus reducing the need to drive for outdoor experiences (i.e. passive recreation such as bird watching).

The applicant has asked the City of Tigard for permission to install less than the normally required amounts of on-site parking so as to avoid additional impacts to the wetland. The understanding is that fewer people will rely on owning their own vehicles. The development property has excellent access to transportation corridors for public transportation, pedestrian and bike routes, and local shopping areas, which will reduce energy consumption.

Allow Conflicting Uses: Allowing conflicting uses would increase the footprint and the density of the proposed development. This would diminish the need to expand the UGB and ensure that people were more centrally located to businesses, jobs and schools. The need for new infrastructure to support the increase in population would be less. However, the loss of over

8,000 trees and shrubs, which are proposed to be planted could negatively impact local climate conditions. The larger property may not be buffered from the south by shade, which could increase energy costs during the summer and winter.

3.0 COMPARISON WITH OTHER COMPARABLE SITES WITHIN THE TIGARD PLANNING AREA AND ALTERNATIVE SITE PLANS

DBG Oak Street, LLC conducted a thorough analysis of other comparable sites within the Tigard planning area and concluded that none are available. Two potentially available properties were identified as comparable to the proposed development site. Both properties are zoned MUR-1 (no maximum density; 50 units per acre minimum density). Despite the lack of a maximum density requirement, the small size of these parcels and the surrounding pattern of development (detached single-family homes and 2-story multi-family development) make the likelihood of developing this site with over 75 units very unlikely.

The first site, known as the Davis property, is located on several parcels to the east, west, and south of the proposed development site. The LWI maps large wetland areas within these parcels, including Ash Creek and a large pond. The applicant expects that these parcels contain at least as much wetland, if not more, than the proposed development site. Although these parcels together total an acreage large enough for the proposed development, the landowner was unwilling to sell the property when the proposed development was being designed.

The second site potentially available to the applicant is the Hunziker Road site. This site is located approximately 1.5 miles southeast of the proposed development, west of Highway 217. Although only encumbered by 1.25 acres of wetland (WD2011-0270), this parcel is steeply sloped. As such, creating a relatively flat area for the development of high density housing would require a large amount of earthwork. Because of the location of the wetland in the west-central portion of the site, it is likely that the entire wetland would need to be filled to create a flat, developable area.

The Hunziker Road property is zoned I-P industrial park, which does not allow for multi-family development. This parcel is the largest remaining industrial site within the City of Tigard, and the applicant inquired about the potential for a zoning change. Initial conversations with City staff indicated that they are not supportive of a zoning change. The site abuts a low density residential development, which could make it difficult and controversial for adjacent high-density residential development.

Lastly, the presence of Highway 217 and Highway 99W between the Hunziker Road site and the Washington Square Regional Center and the associated traffic congestion in that area functionally disconnects these properties from the Regional Center. It is unlikely that the City of Tigard would allow enough roadway improvements (i.e. sidewalks and bike lanes) to make this area attractive for non-vehicular traffic. The lack of readily available sites of sufficient size and zoning led the applicant to choose the proposed development site as the preferred development site.

4.0 ESEE DECISION

Prohibiting conflicting uses within the impact area would preserve the existing wetland, but will remove the opportunities to enhance the resource. The property could not be developed with a higher density, so the pressure to expand the UGB could be slightly increased. Local businesses would not benefit from the larger population base. Construction jobs will be fewer. The open space would be preserved in its current condition, which will preserve property values for adjacent property owners.

Limiting conflicting uses would allow for the development of 215 dwelling units and the planting of greater than 8,000 trees and shrubs in the adjacent wetland. The goals of the *Washington Square Regional Center Implementation Plan*, which calls for higher densities closer to urban centers, would be realized. The enhancement to the resource would ensure that wildlife habitat is improved and the travel corridor along Ash Creek is preserved. When mature, the trees and shrubs will attenuate flood flows. The trees will also moderate air temperatures during the summer, which will decrease energy costs. The increased population density and the focus on mass transit and car share programs will decrease energy reliance.

Allowing conflicting uses within the impact area will increase the population density and ensure that local businesses receive the maximum economic gains. Short term construction jobs will be increased. The loss of the open space would negatively impact wildlife habitat (e.g. travel corridor) and wetland functions, such as groundwater recharge, water quality treatment, and hydrologic enhancement. Impacts from increased development in the floodplain could negatively impact adjacent properties. The loss of a visual buffer and open space could negatively impact adjacent property values and investment values. The loss of the open space could diminish recreational opportunities, such as bird watching. The lack of trees to the south of the proposed development could decrease shading and increase energy costs during the summer.

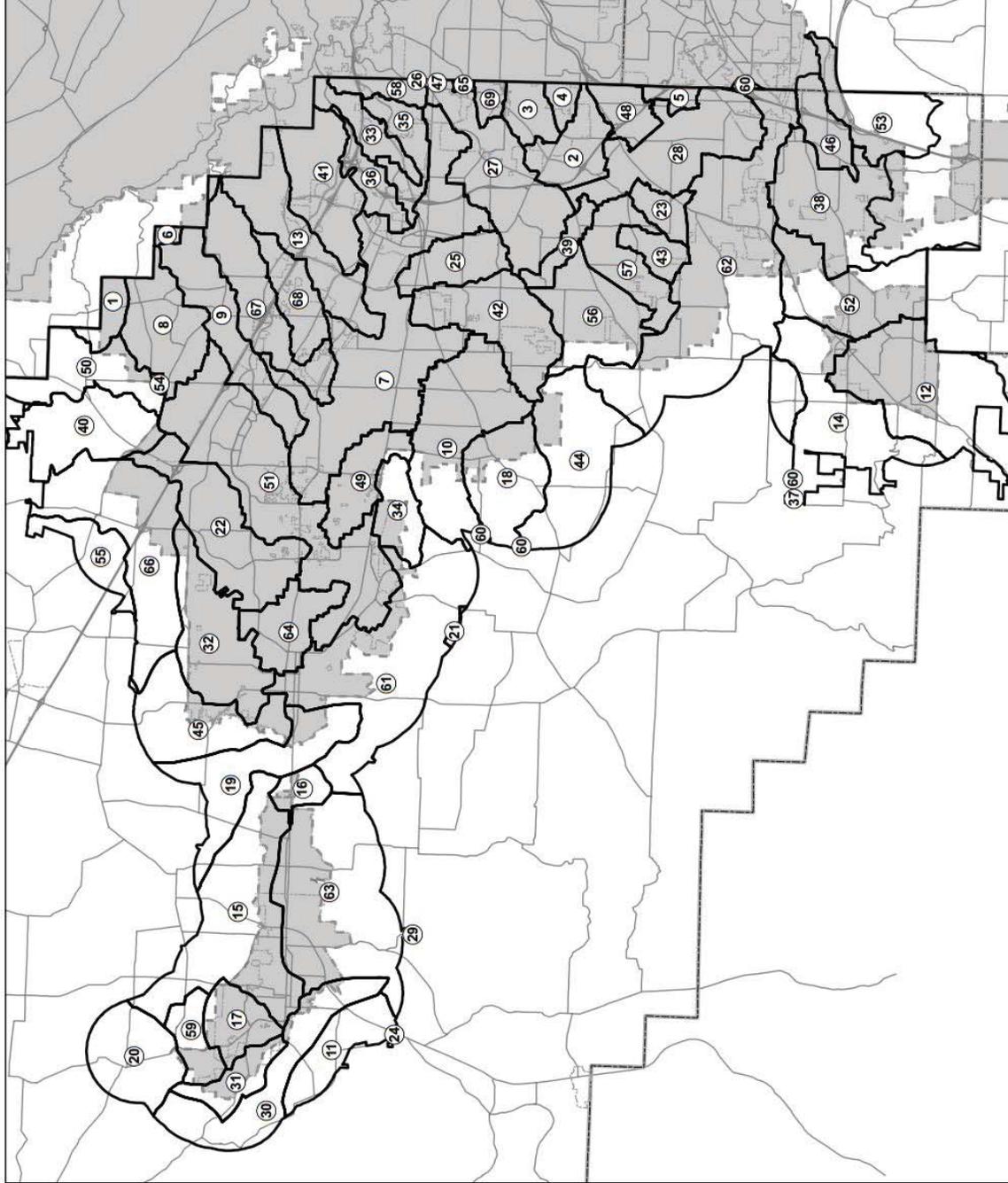
Decision: The analysis concludes that **limiting conflicting uses** would result in the most positive consequences of the three decision options. A limit decision will avoid many of the negative consequences attributed to either allowing or prohibiting all conflicting uses. Through the application of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

Appendix A

Figures



Figure 4b:
Local Site / Streamshed Boundaries

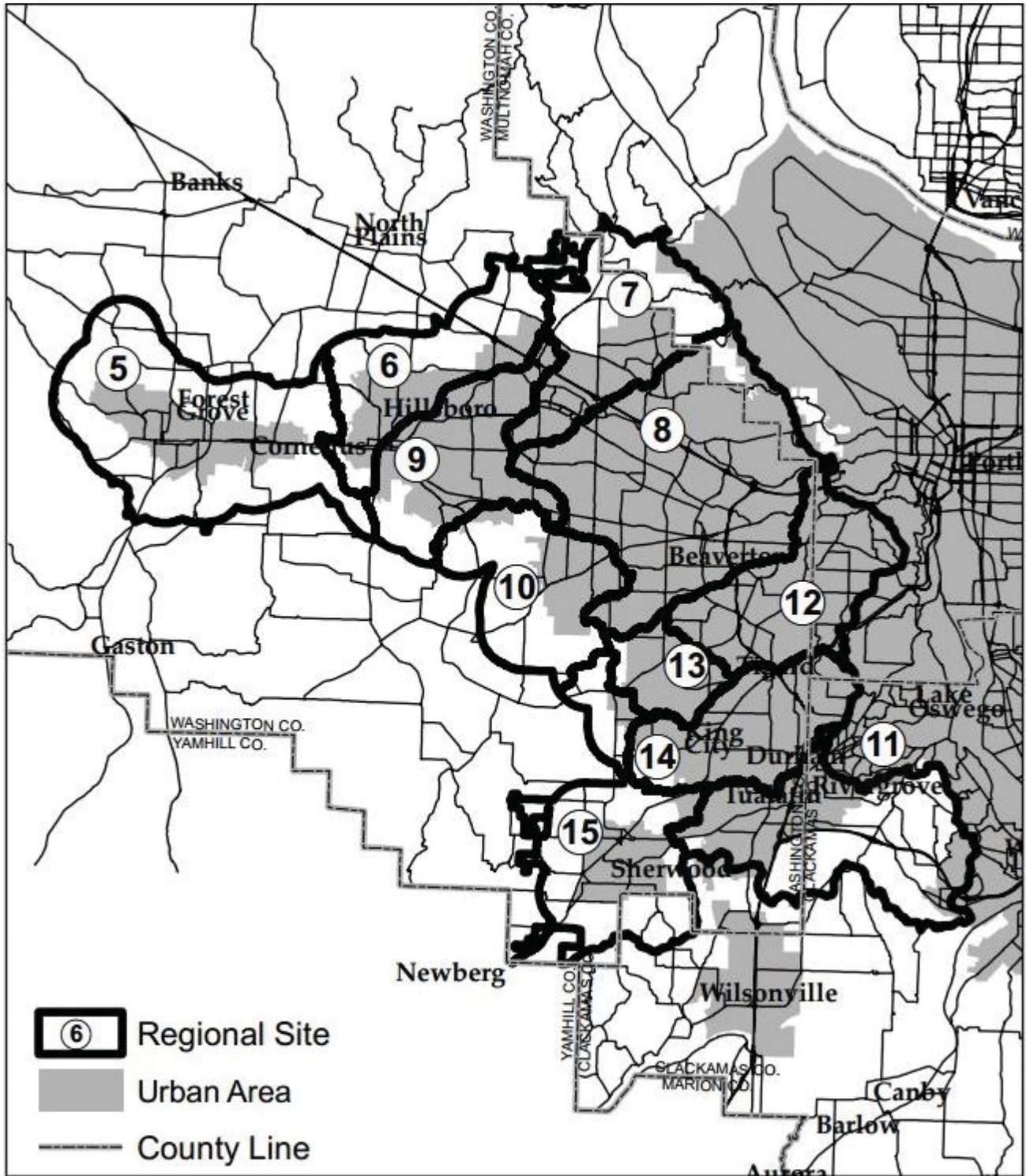


- 24 Streamshed Boundary
- Urban Area
- City Limits
- County Line
- Urban Growth Boundary



FIGURE
1

Tualatin Basin Goal 5/ Natural Resources ESEE Analysis - Streamshed Boundaries
A+O Apartments, Tigard, Oregon
Tualatin Basin Partners for Natural Places and by Angelo Eaton & Associates, 2005



5341

5/21/14



Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 180
 Wilsonville, OR 97070

Metro's Goal 5 Inventory Regional Sites
 A+O Apartments, Tigard, Oregon
 Metro,

FIGURE
 2

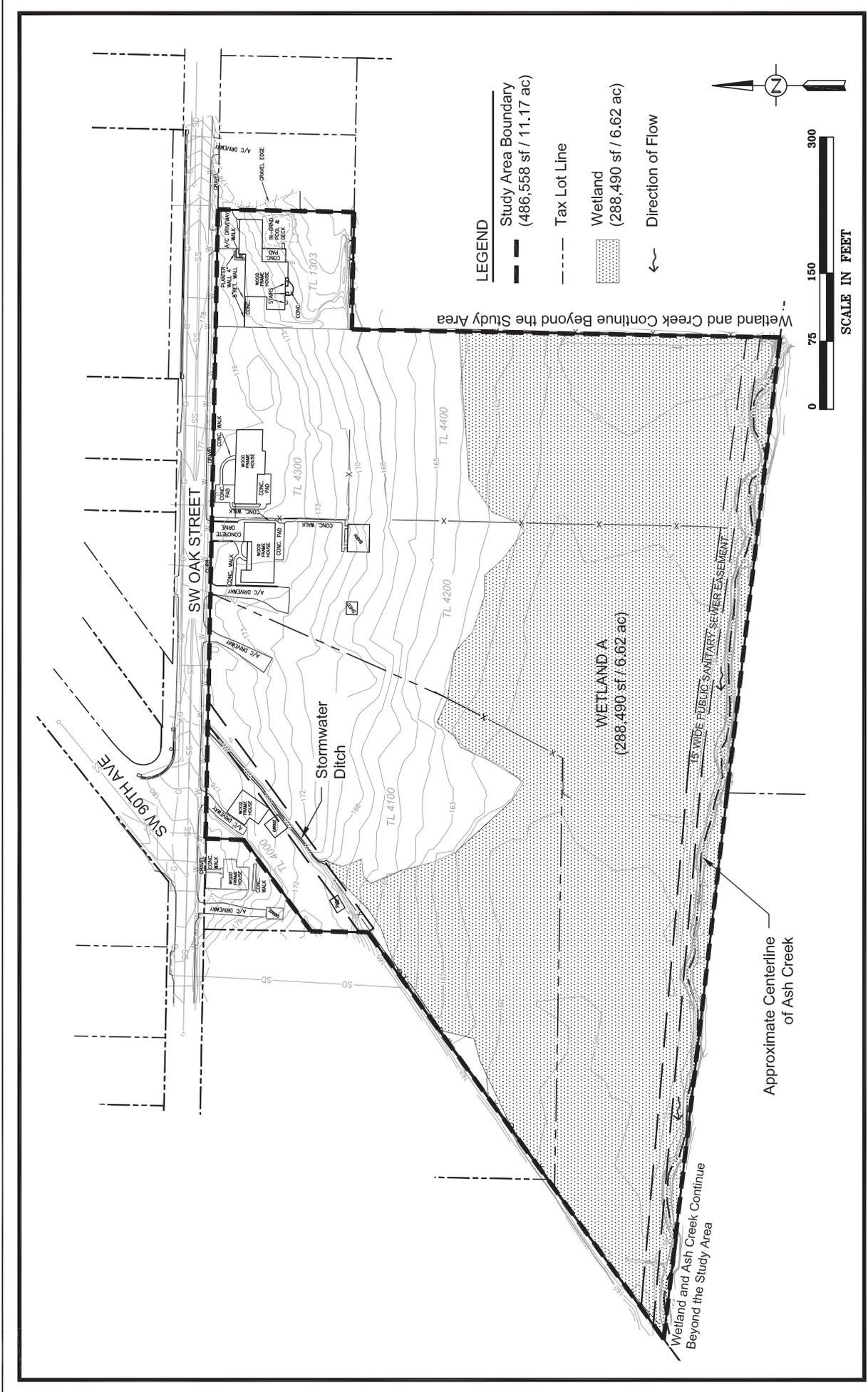


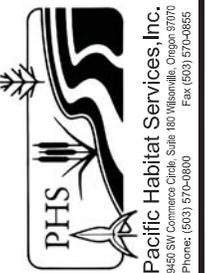
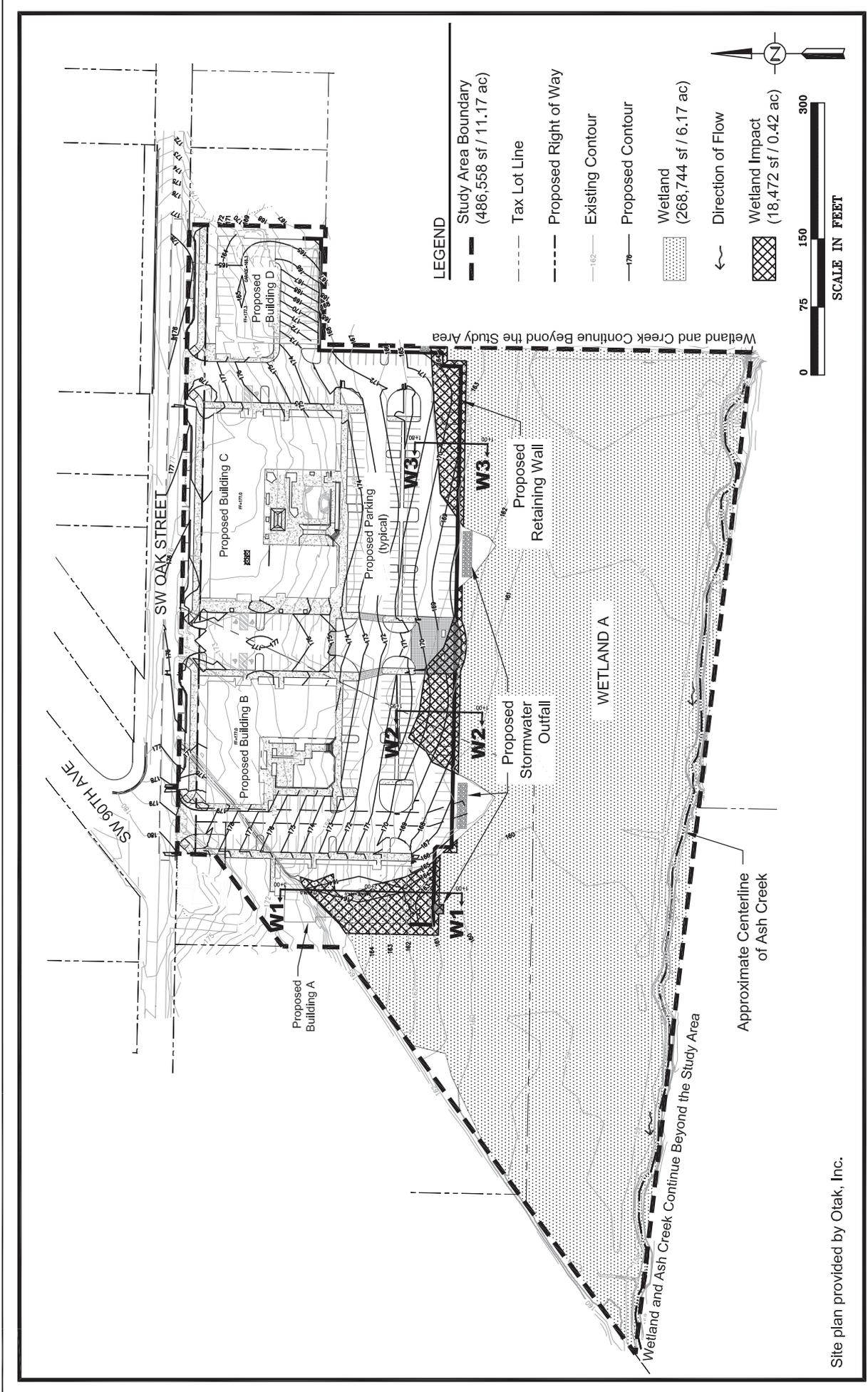
FIGURE 3

Existing Conditions
A+O APARTMENTS - Tigard, Oregon

5-14-2014

Site plan provided by Otak, Inc.

PHS
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180, Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax: (503) 570-0855



Site plan provided by Otak, Inc.

FIGURE 4

Proposed Site Plan, Wetland Impacts and Cross-Section Locations
A+O APARTMENTS - Tigard, Oregon

5-14-2014

1996 Urban Mixed Use approx. 100 d.u./acre



OVERALL SITE PLAN

MASTER PLAN



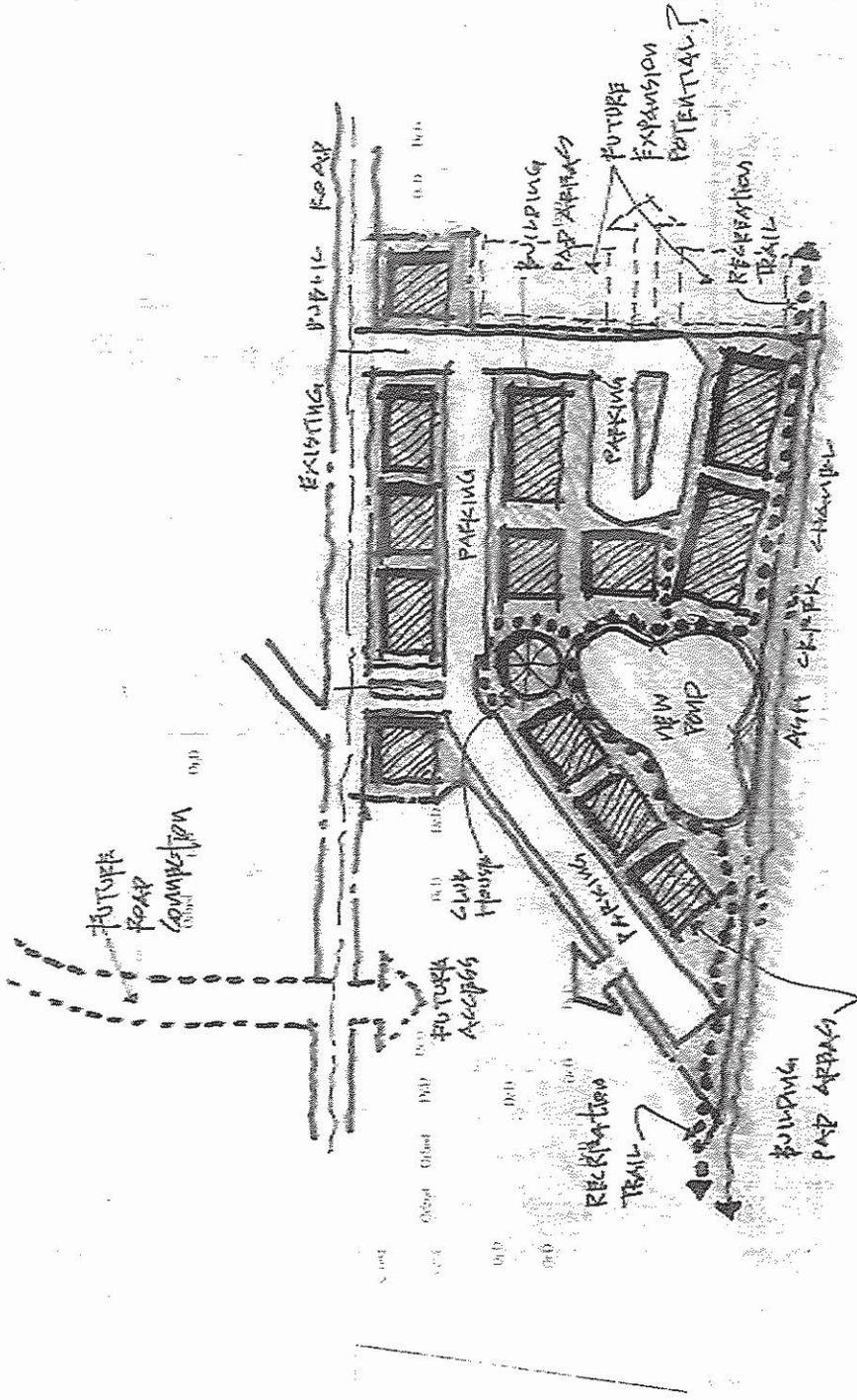
Pacific Habitat Services, Inc.
 8465 SW Commercial Circle, Suite 180 Wilsonville, Oregon 97070
 Phone: (503) 570-0800 Fax: (503) 570-0855

Alternative Plan Provided by OTAK, Inc.

FIGURE 5A

Alternative Site Plan (Alternative 8)
 A+O APARTMENTS - Tigard, Oregon

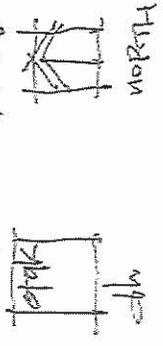
05-14-2014



SITE DIAGRAM

P B G DEVELOPMENT

1" = 200' - 9/11/12



Pacific Habitat Services, Inc.
 9450 SW Commercial Circle, Suite 160, Wilsonville, Oregon 97070
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 Fax: (503) 570-0655

Alternative Plan Provided by OTAK, Inc.

Alternative Site Plan (Diagram)
 A+O APARTMENTS - Tigard, Oregon

FIGURE
5C

05-14-2014

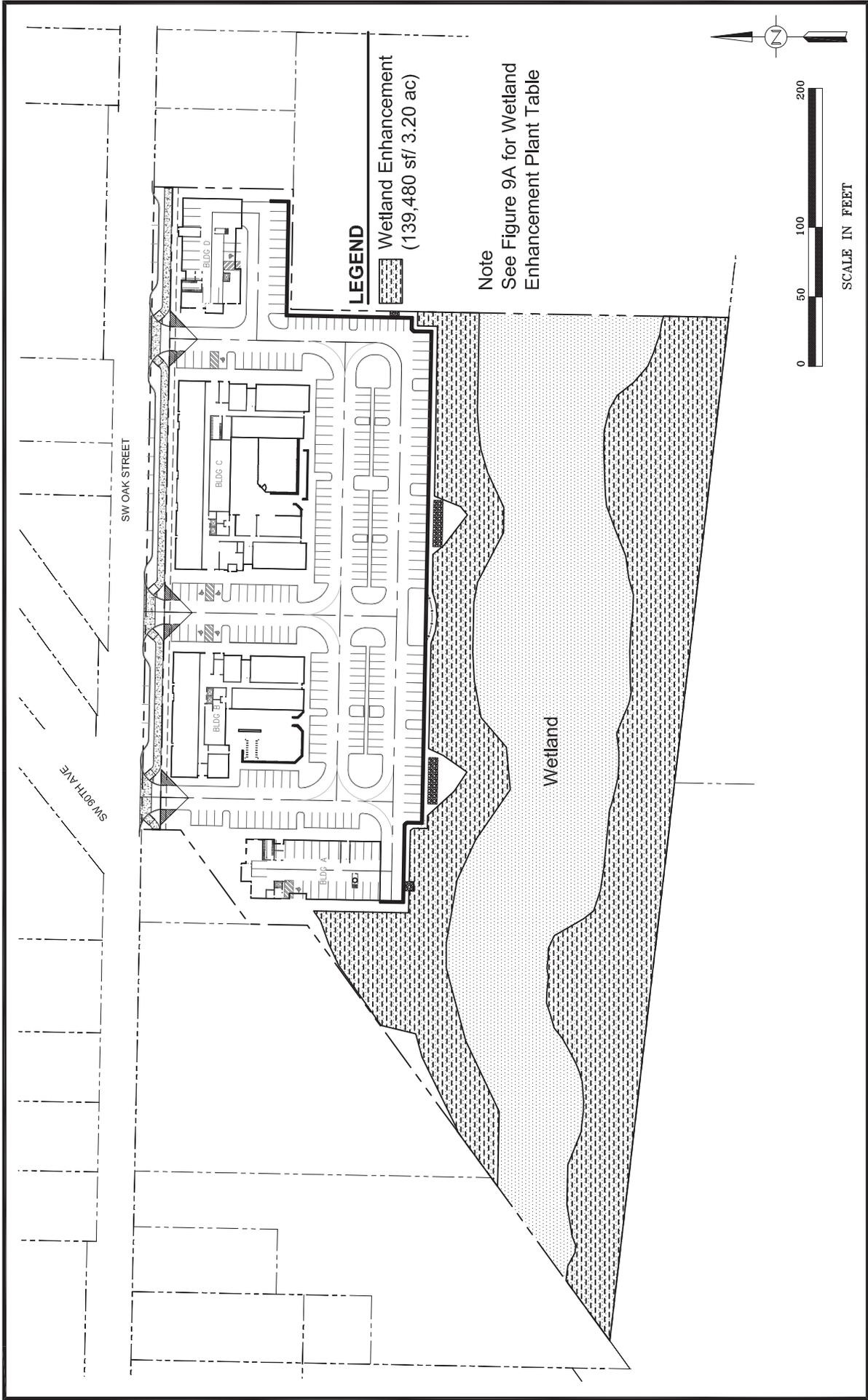


FIGURE 6

Wetland Enhancement Planting Plan
A+O APARTMENTS - Tigard, Oregon

5-14-2014

Site plan provided by Otak, Inc.

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Appendix B

Vegetated Corridor Alternatives Analysis Memorandum





9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

PACIFIC HABITAT SERVICES, INC

(800) 871-9333 • (503) 570-0800 • Fax (503)570-085

June 27, 2014

Damon Reische and Amber Wierck
Clean Water Services - Environmental Review
2550 Southwest Hillsboro Highway
Hillsboro, Oregon 97123

Re: A+O Apartments; CWS File No. 14-001441
PHS Number: 5341

Damon and Amber:

Pacific Habitat Services, Inc. (PHS) has prepared this memorandum to address the mitigation requirements pursuant to the development of the proposed A+O Apartments in Tigard, OR (Figures 1 and 2). As discussed in the Natural Resources Assessment (NRA), the project proposes to construct 215 multi-family residential dwelling units within four, 4-story buildings.

Plant Community A (48,228 square feet) encompasses the corridor adjacent to the northern and western boundary of Wetland A. Approximately 44,295 square feet of permanent vegetated corridor encroachment will result from the construction of the parking areas and stormwater treatment outfalls (Figure 3). Mitigation for this encroachment will be accomplished through the enhancement of Wetland A.

Mitigation for the encroachment will be accomplished through the enhancement of Wetland A. Wetland enhancement (Figure 4) will consist of two areas planted to CWS' densities for native trees and shrubs. The southern planting area is located along Ash Creek, within the southern portion of Wetland A. Under current conditions, the riparian area adjacent to Ash Creek is narrow, and dominated by Oregon ash (*Fraxinus latifolia*), one-seed hawthorn (*Crataegus monogyna*), and Himalayan blackberry (*Rubus armeniacus*). The northern planting area is located along the northern portion of Wetland A, in an area dominated by non-native grasses, including reed canarygrass (*Phalaris arundinacea*), meadow foxtail (*Alopecurus pratensis*), tall fescue (*Festuca arundinacea*), and creeping bentgrass (*Agrostis stolonifera*).

A central planting area, located in the central portion of Wetland A, will consist of three smaller areas that will be planted with native herbaceous species. This area of Wetland A is dominated by non-native grasses, very similar to the northern planting area. Small areas will be cleared, and plugs of native herbaceous species will be planted within the mixed grasses.

The following table shows the proposed planting densities.

Wetland Enhancement for Northern and Southern Areas – 3.20 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
<i>Alnus rubra</i>	Red alder	5-6'	10'	139
<i>Crataegus douglasii</i>	Douglas hawthorn	5-6'	10'	349
<i>Fraxinus latifolia</i>	Oregon ash	5-6'	10'	446
<i>Salix lasiandra</i>	Pacific willow	5-6'	10'	349
<i>Thuja plicata</i>	Western redcedar	5-6'	10'	112
			Total	1,395
Shrubs/Small Trees				
<i>Cornus alba</i>	Red osier dogwood	2-3'	5'	2,092
<i>Spiraea douglasii</i>	Douglas spiraea	2-3'	5'	1,744
<i>Lonicera involucrata</i>	Twinberry	2-3'	5'	1,394
<i>Physocarpus capitatus</i>	Ninebark	2-3'	5'	1,744
			Total	6,974

Wetland Enhancement for Central Area – 0.38 acre (16,670 SF)

Botanical Name	Common Name	Minimum rooting size	Planting density (on center)	Quantity
Herbs				
<i>Juncus effusus</i>	Soft rush	4" plugs	Cluster	3,000
<i>Scirpus microcarpus</i>	Small-fruited bulrush	4" plugs	Cluster	2,500
<i>Juncus patens</i>	Spreading rush	4" plugs	Cluster	1,919
			Total	7,419

The encroachment into the vegetated corridor meets the following criteria, as required under a Tier II analysis:

1. The proposed encroachment area is mitigated in accordance with Section 3.08.

As discussed above, mitigation for permanent impacts to the vegetated corridor will be achieved through the enhancement of Wetland A with native trees and shrubs. Section 3.08.4 allows for enhancement of the existing vegetated corridor as mitigation, at a ratio of no less than 2:1. This project is proposing wetland enhancement at a ratio of 3.5:1 (3.6 acres). Two acres of the enhancement area is proposed for required mitigation; the additional 1.6 acres of enhancement is proposed for public benefit to water quality. The enhancement of Wetland A meets CWS' requirements for mitigation and public benefit as described below.

Wider, forested riparian buffers, with densely planted native trees and shrubs, prevent and reduce pollutants, garbage, and human/domestic animal disturbance within wetlands and creeks. Forested riparian areas also provide habitat functions for a variety of wildlife.

The existing vegetated corridor, north of Wetland A, is in degraded corridor condition. Vegetation consists of non-native grasses, and Himalayan blackberry; no trees are present. The existing corridor provides little in the way of creek or wetland protection or habitat function. The riparian area adjacent to Ash Creek is narrow, and is dominated by Himalayan blackberry; water quality and wildlife habitat functions and values within the creek and within Wetland A are low. Enhancement of approximately 139,480 acres of Wetland A will more than compensate for the encroachment of the degraded vegetated corridors north of Wetland A.

The southern area of enhancement will elevate many functions and values within Ash Creek. Trees and shrubs will provide shade to protect and improve water quality; native trees and shrubs will improve wildlife habitat; a wider forested riparian buffer will reduce human and domestic animal disturbance within the creek.

The northern area of enhancement, adjacent to the new development, will also provide several important functions. This area is wetland, and native trees and shrubs will increase the wetland's functions for wildlife habitat. This area will act as a buffer, reducing the likelihood that area residents will use the wetland in inappropriate ways.

Planting in the northern and southern mitigation enhancement areas will occur at 100 percent of CWS densities for trees and shrubs. As such, 1,395 trees ($139,480 \times 0.01$) and 6,974 shrubs ($139,480 \times 0.05$) will be planted within Wetland A. Planting in the central enhancement areas will occur at a density that achieves 100% areal coverage; as such, 7,419 plugs will be planted within Wetland A.

2. The replacement mitigation protects the functions and values of the Vegetated Corridor and Sensitive Area.

As discussed above, the vegetated corridor to be impacted is in degraded corridor condition, and is not forested. The vegetated corridor provides very little in the way of protecting the functions and values of the wetland or of Ash Creek. The enhancement of Wetland A as mitigation will occur at a ratio of 3.5 to 1. This large ratio ensures that the functions and values lost through vegetated corridor encroachment will be more than adequately recovered through the enhancement mitigation process. Increasing the width of the riparian corridors adjacent to Ash Creek will greatly improve the functions and values of this area. Native trees and shrubs will provide shade, protecting water quality. A wider, forested riparian area along Ash Creek will reduce human/domestic animal disturbance in the area. Native plantings in the northern enhancement area will increase the wetland's overall functions and values, as well as provide elevated wildlife habitat.

3. Enhancement of the replacement area, if not already in Good Corridor Condition, and either the remaining Vegetated Corridor on the site or the first 50 feet of width closest to the resource, whichever is less, to a Good Corridor Condition.

The wetland enhancement area will be planted to CWS densities for trees and shrubs. The southern enhancement area will occur within the 50 feet closest to Ash Creek, with widths ranging from 50- to 110-feet from Ash Creek. The northern enhancement area will occur south of the development area. The remaining VC will be planted to good corridor condition, at CWS' densities for trees and shrubs.

4. A District Stormwater Connection Permit is likely to be issued based on proposed plans.

The applicant reasonably expects to obtain a District Stormwater Connection Permit based on proposed plans for the project.

5. Location of development and site planning minimizes incursion into the Vegetated Corridor.

The proposed development plan is located in the northern portion of the site. Retaining walls were used to minimize impacts to wetlands and the vegetated corridor. Permanent impacts are necessary to meet the housing goals and density of the Washington Square Regional Plan Center, minimum parking requirements (assuming the 10% parking reduction variance is approved), neighborhood compatibility with building heights, as well as stormwater treatment outfalls.

Encroachment into the adjacent vegetated corridor has been minimized to the maximum extent practicable. Vegetated corridor encroachments are limited to those necessary for construction of the plan as proposed, to accommodate buildings, parking areas, stormwater treatment outfall, and garbage/recycling dumpster areas. The overall development has sought to maximize the developable area on the northern portion of the site because the southern portion is encumbered by the remaining portion of Wetland A and its vegetated corridor. The encroachment is required to adequately site the proposed buildings, drive aisles (access and emergency vehicles), and parking areas within the developable northern portion of the site. The multi-family residential “product” proposed on-site is dimensioned to meet the market demands of this specific housing type and address the neighborhood compatibility concerns of the nearby property owners. Any decrease to the unit count may impact the marketability of this development. As such, the proposed encroachment is limited to the greatest practical extent to make this project economically feasible.

A site alternatives analysis is provided (see Attachment 1) that shows a matrix of development alternatives (A-D) that were considered, and a qualitative comparison of impacts, as well as comments regarding building type, parking, stormwater treatment, and site design options.

6. No practicable alternative to the location of the development exists that will not disturb the Sensitive Area or Vegetated Corridor.

Alternative site designs were considered, and the current design was chosen due to site constraints. There are multiple benefits of locating the development at the proposed site, which would be negated if the development were moved off of this site. The site will be a residential development, which is in keeping with adjoining land uses. The project site is located within District C (Lincoln Center-Ash Creek) one of five districts within the *Washington Square Regional Center Plan*. The Regional Center Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. The sites location is within walking distance from public transportation, and is centrally located among commercial and retail development, public schools, public parks, as well as many commercial businesses that provide employment opportunities for future tenants.

7. The proposed encroachment provides public benefits.

The public benefit of vegetated corridor encroachment includes supporting City and Regional Goals for “smart growth” via affordable housing. The site is located near the Washington Square Mall, which will provide close-in access to retail, restaurant, office, and service businesses, much of it within walking distance of the site.

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

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

Allowing encroachment into the vegetated corridor allows for maximum build out of the site and for the greatest developmental density. Maintaining the high density as proposed reduces the need for development of larger tracts of land and reduces the need for automobile travel. These are not only financial, social, and commercial benefits realized by the public, but are also an overall air and water quality benefit because it requires less disturbance of land, the development of less impervious surface, and the generation of fewer pollutants associated with auto travel.

As discussed above, the enhancement of Wetland A at a ratio of 3.5:1 will elevate the functions and values within Wetland A and Ash Creek, providing water quality improvements for public benefit.

If you have any questions, please feel free to call.

Sincerely,



Amy Hawkins, PWS
Project Manager

Attachments:
Figures 1-4
Alternatives Analysis Matrix and Exhibits

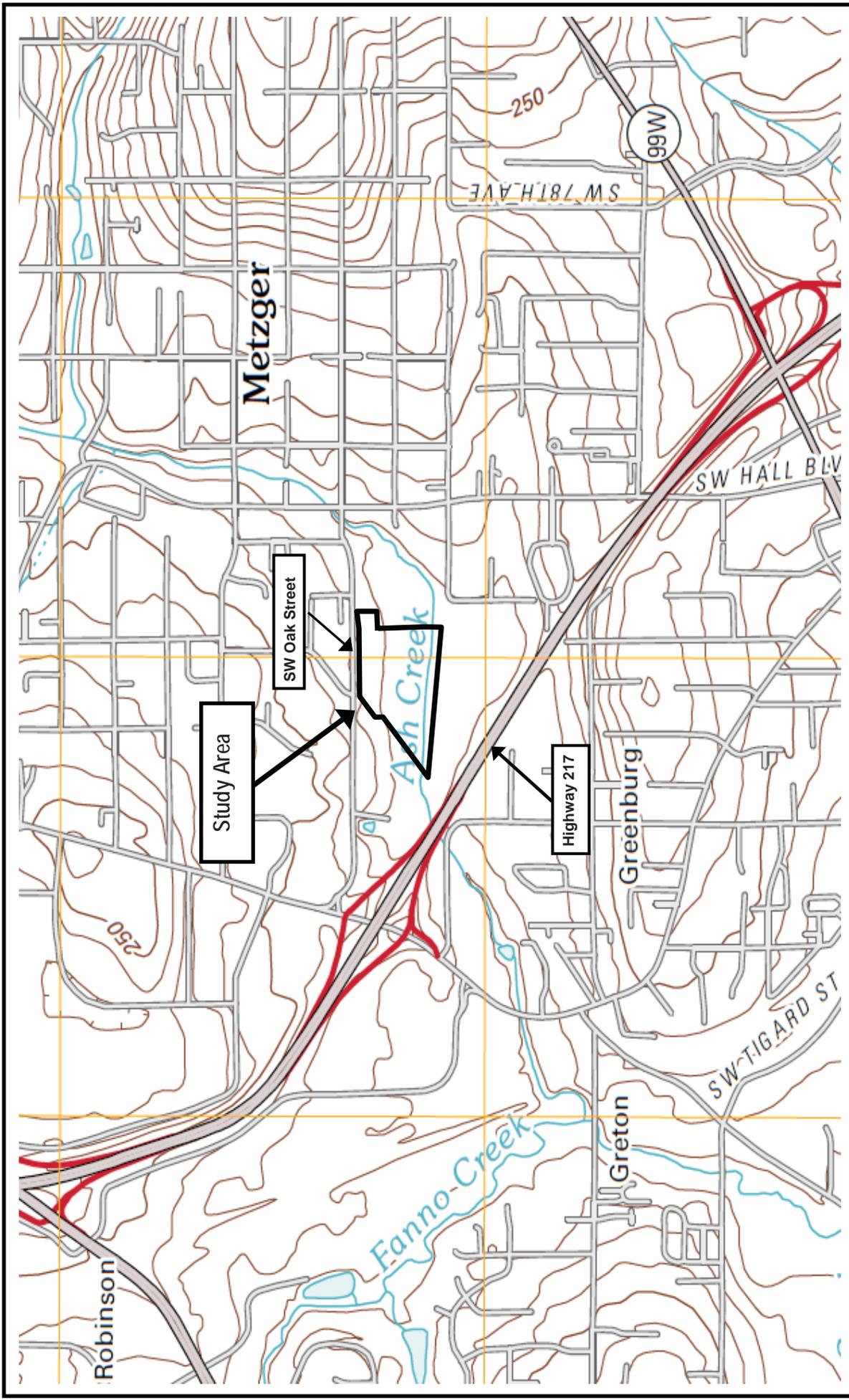
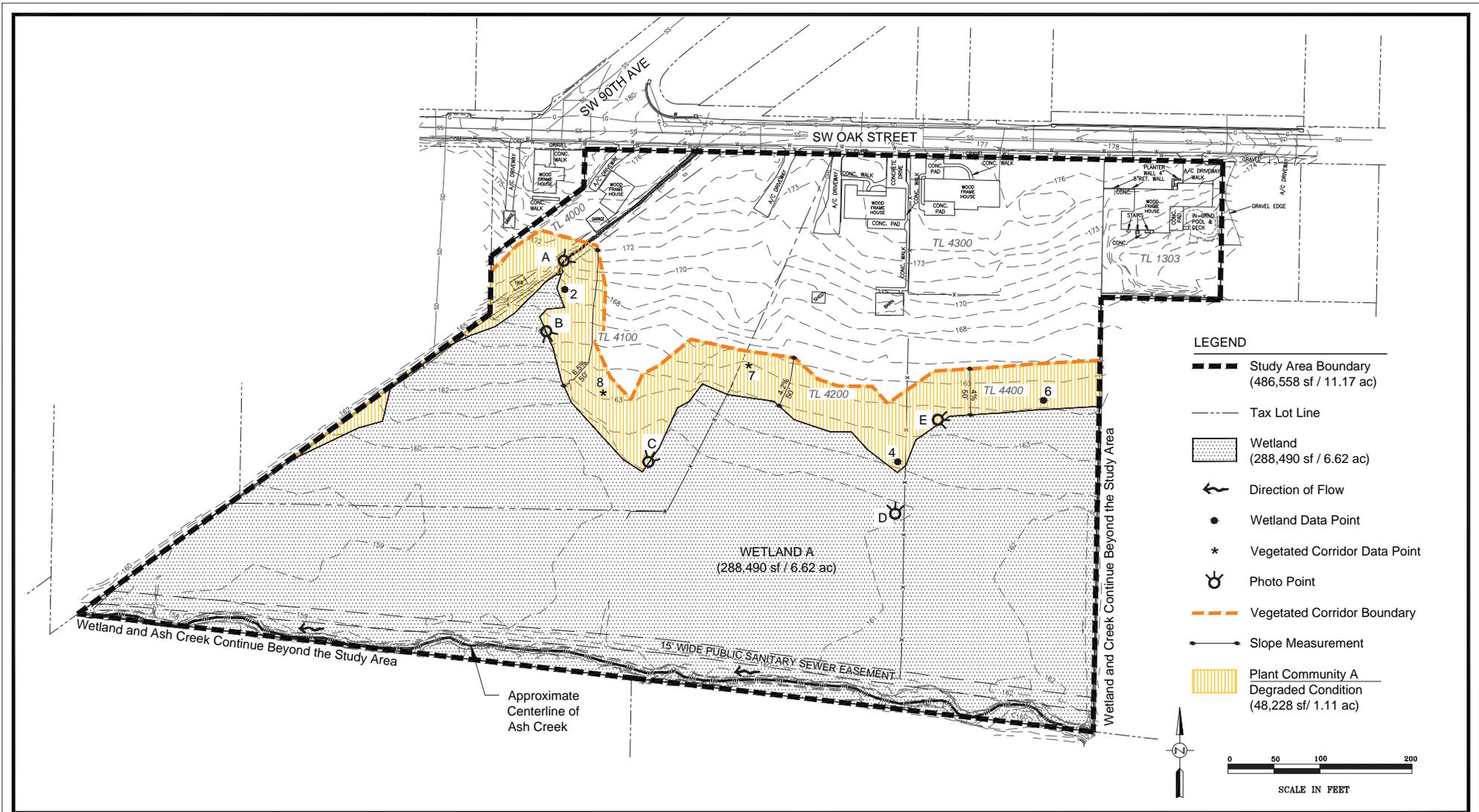


FIGURE
1

General Location and Topography
SW Oak Street Development Site - Tigard, Oregon
(USGS Beaverton, Oregon Quadrangle, 2011)



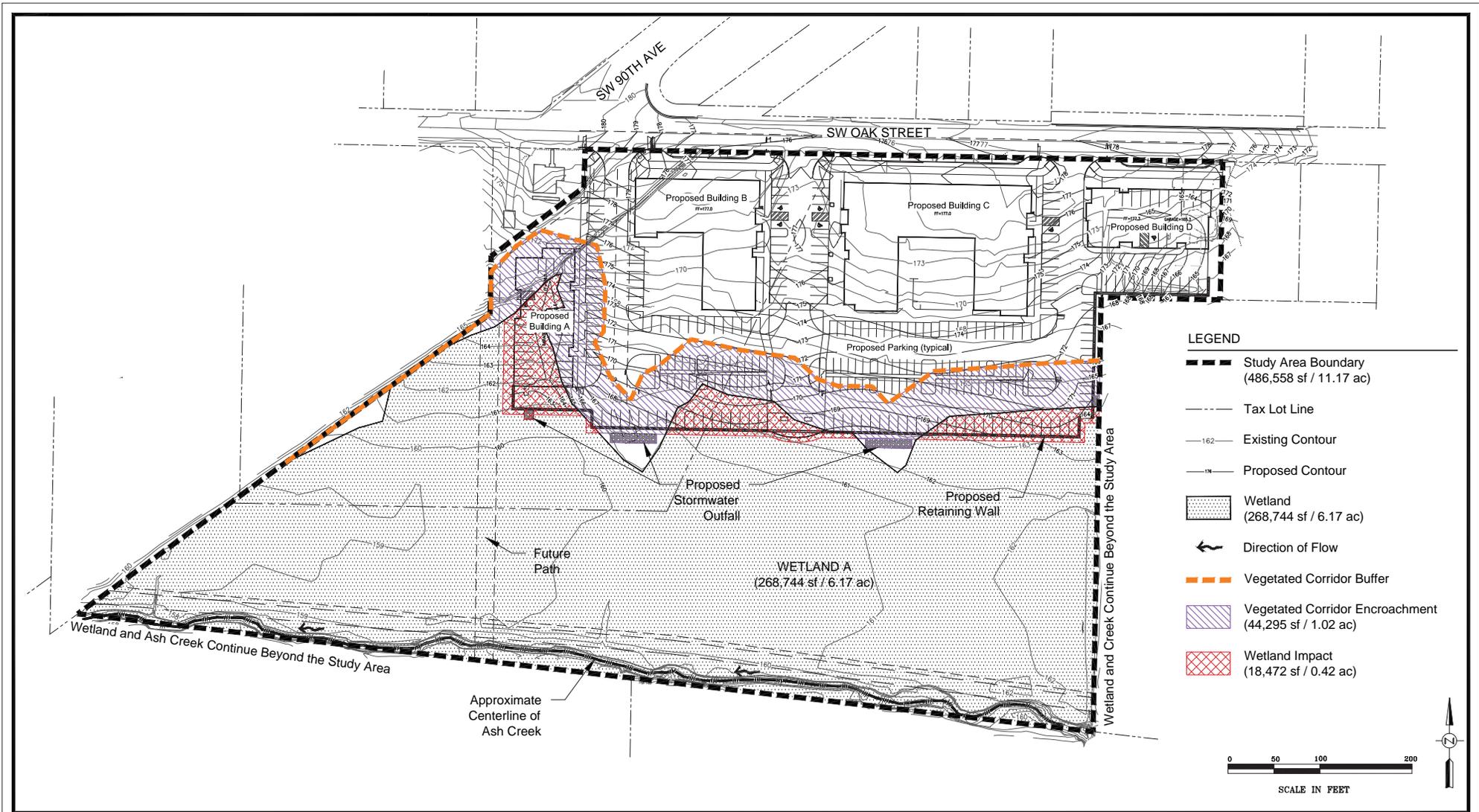
Site plan provided by OTAK Inc.

Pacific Habitat Services, Inc.
 9420 SW Commerce Circle, Suite 180, Tigard, Oregon 97176
 Phone: (503) 570-0850 Fax: (503) 570-0855

Existing Conditions
 A+O APARTMENTS - Tigard, Oregon

FIGURE
 2

5-16-2014



Site plan provided by OTAK Inc.

Pacific Habitat Services, Inc.
9420 SW Commerce Circle, Suite 180, Tigard, Oregon 97176
Phone: (503) 570-0850 Fax: (503) 570-0855

Site Plan and Wetland/Vegetated Corridor Impacts
A+O APARTMENTS - Tigard, Oregon

FIGURE
3

5-19-2014

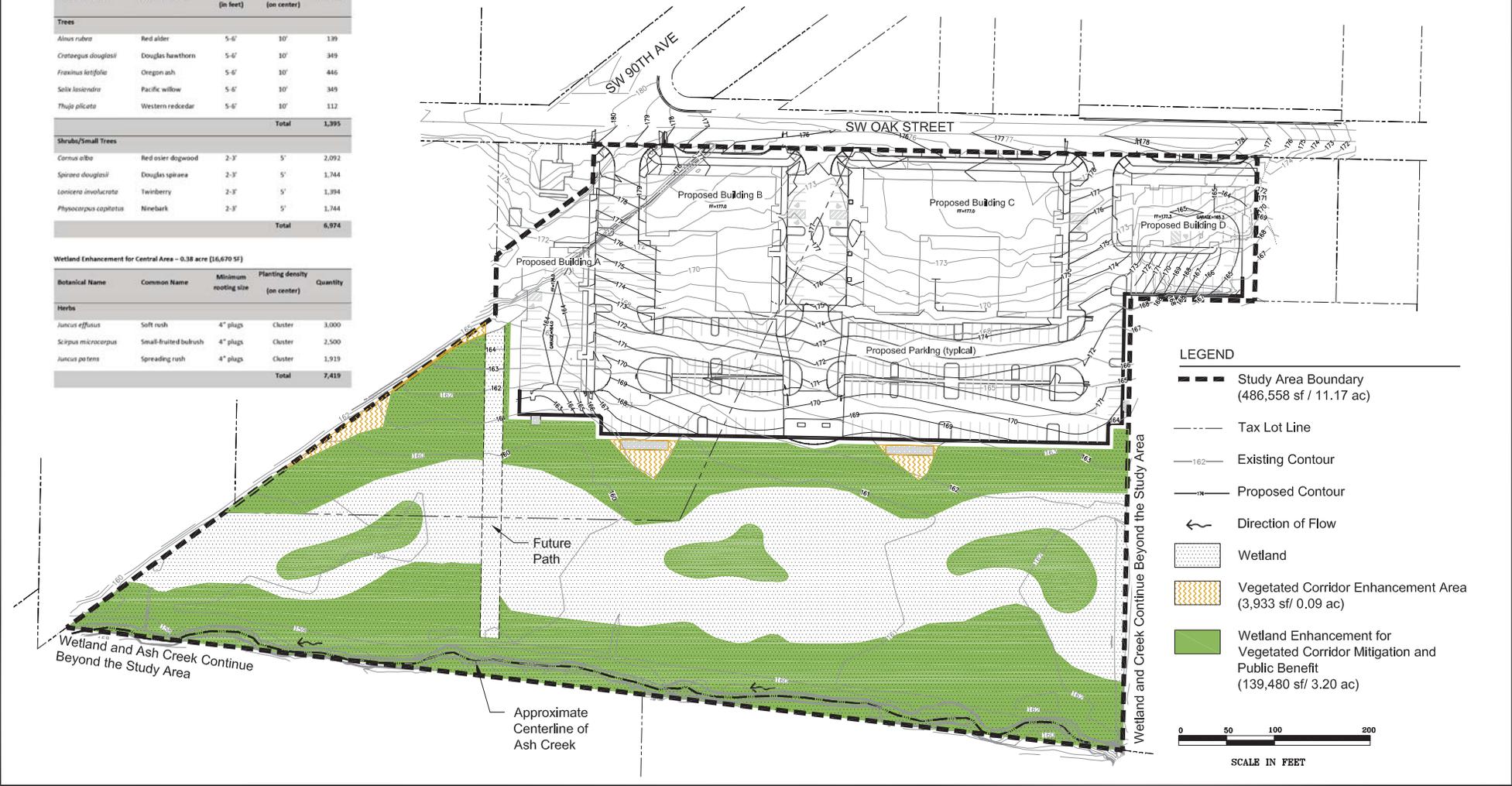
Wetland Enhancement for Northern and Southern Areas – 3.20 acres (139,480 SF)

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Trees				
<i>Alnus rubra</i>	Red alder	5'-6'	10'	139
<i>Crotonus douglasii</i>	Douglas hawthorn	5'-6'	10'	349
<i>Fraxinus latifolia</i>	Oregon ash	5'-6'	10'	446
<i>Salix lasioandra</i>	Pacific willow	5'-6'	10'	349
<i>Thuja plicata</i>	Western redcedar	5'-6'	10'	112
Total				1,395

Botanical Name	Common Name	Height (in feet)	Planting density (on center)	Quantity
Shrubs/Small Trees				
<i>Cornus alba</i>	Red osier dogwood	2'-3'	5'	2,092
<i>Spiraea douglasii</i>	Douglas spiraea	2'-3'	5'	1,744
<i>Looselia involucrata</i>	Twinsberry	2'-3'	5'	1,394
<i>Physocarpus opulifolius</i>	Ninebark	2'-3'	5'	1,744
Total				6,974

Wetland Enhancement for Central Area – 0.38 acre (16,670 SF)

Botanical Name	Common Name	Minimum rooting size	Planting density (on center)	Quantity
Herbs				
<i>Juncus effusus</i>	Soft rush	4" plugs	Cluster	3,000
<i>Scirpus microcarpus</i>	Small-fruited beakrush	4" plugs	Cluster	2,500
<i>Juncus patens</i>	Spreading rush	4" plugs	Cluster	1,919
Total				7,419



Site plan provided by OTAK Inc.

On-Site Wetland and Riparian Planting Plan
A+O APARTMENTS - Tigard, Oregon

FIGURE
4

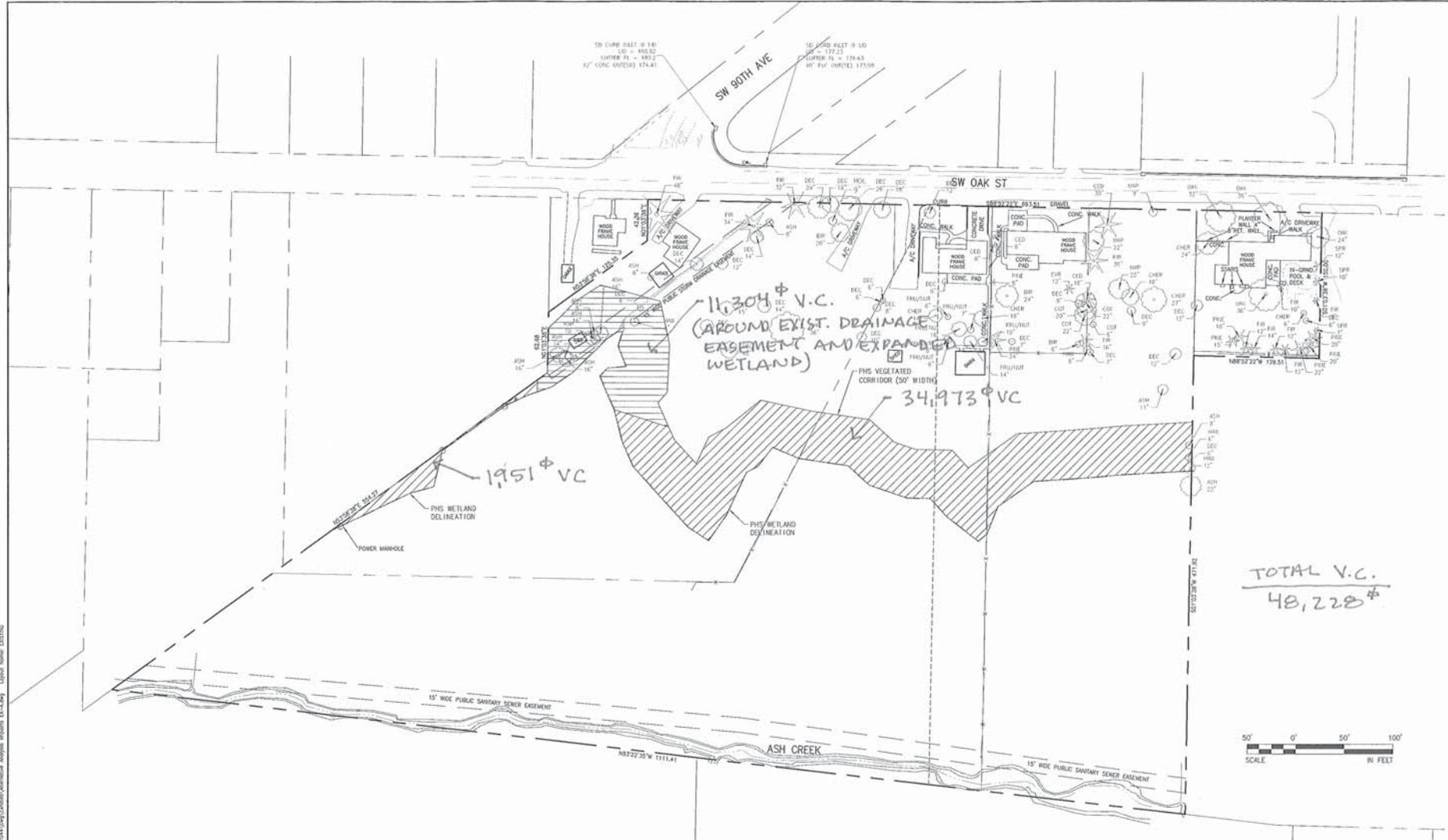
5-19-2014

A+O Apartments (Orland Property) - Site Alternatives Analysis

Otak #17044
6/25/14

Alternative	Description Comments	Approx. Net Developable Site Area (ac)	Minimum Density (50 units/acre)	Buildings	Units	Parking Types	Minimum Parking Required	Parking Provided	% below Minimum Parking	Total Vegetated Corridor (sf)	Vegetated Corridor Encroachment (sf) (around existing drainage easement/expanded wetland area)	"Remaining" Vegetated Corridor (sf)	Undisturbed Vegetated Corridor (sf)	Vegetated Corridor Encroachment "Remaining" VC (sf)	Vegetated Corridor Encroachment Total (sf)
Existing		n/a	n/a	n/a	n/a	n/a	n/a	n/a		48,228					
Alternative A	Residential (apartments). Buildings adjacent to Oak Street. 9-story and 4-story buildings over 2-parking levels. Surface and structured parking. Very dense layout. "High-rise" buildings. Not compatible with existing neighboring properties. (assumes 200 unit as reasonable number to meet Wash Square plan goals/objective for housing). Building/structured parking is financially infeasible.	2.8	140	2	200	surface, structured	300	300	0.0%	48,228	-	48,228	48,228	0% of remain VC -	0% of total VC -
Alternative B	Residential (apartments). Building adjacent to Oak Street. 3 story buildings. Surface parking, tuck under parking and tandem parking. Lower unit count does not meet goals of Wash Sq plan, parking well below minimum required. Tandem parking reduces footprint, but not practical parking for unit mix.	3.1	155	4	170	surface, tuck-under, tandem	299	207	30.8%	48,228	11,304	36,924	31,058	16% of remain VC 5,866	36% of total VC 17,170
Alternative C	Residential (apartments). Building adjacent to Oak Street. Surface parking. 3 and 4 story buildings. Increased studio/one bdrm units to condense building layout. Lower unit count does not meet goals of Wash Sq plan, minimum parking not met but close to 10% variance threshold. Tandem parking removed since not practical with increased studio/one bedroom units. Plan incorporates surface landscape areas for stormwater treatment (swales, rain gardens)	4.2	212	4	230	surface	324	289	10.8%	48,228	11,304	36,924	4,670	87% of remain VC 32,254	90% of total VC 43,558
Alternative D	Residential (apartments). Buildings adjacent to Oak Street. 4 story buildings. Surface parking and added structured parking. Reduce site/surface area allocated for storm water treatment, go to underground filter vaults. Provides enough area to meet City's active/passive open space requirements. Maximize use of compact spaces to reduce parking limits. Parking under smaller buildings. Minimum parking not met, but within target 10% variance threshold.	3.9	196	4	215	surface, structured under bldg, maximizes compact spaces	306	278	9.2%	48,228	11,304	36,924	3,933	89% of remain VC 32,991	92% of total VC 44,295
Alternative D-1	Same as Alternative D, but reduces VC encroachment at south boundary of parking area, reduces parking count. Not efficient preservation of vegetated corridor, creates "pockets" of VC at base of wall, requires irregular shaped wall construction. Reduces parking below 10% variance threshold.	3.8	192	4	215	surface, structured under bldg, maximizes compact spaces	306	258	15.7%	48,228	11,304	36,924	7,633	79% of remain VC 29,291	84% of total VC 40,595

REF LIST
 10/20/14
 17044-001
 17044-002
 17044-003



NO.	DATE	BY	REVISION COMMENTS

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

A+O APARTMENTS
 CITY OF TIGARD, OREGON
 ALTERNATIVES ANALYSIS IMPACT AREAS



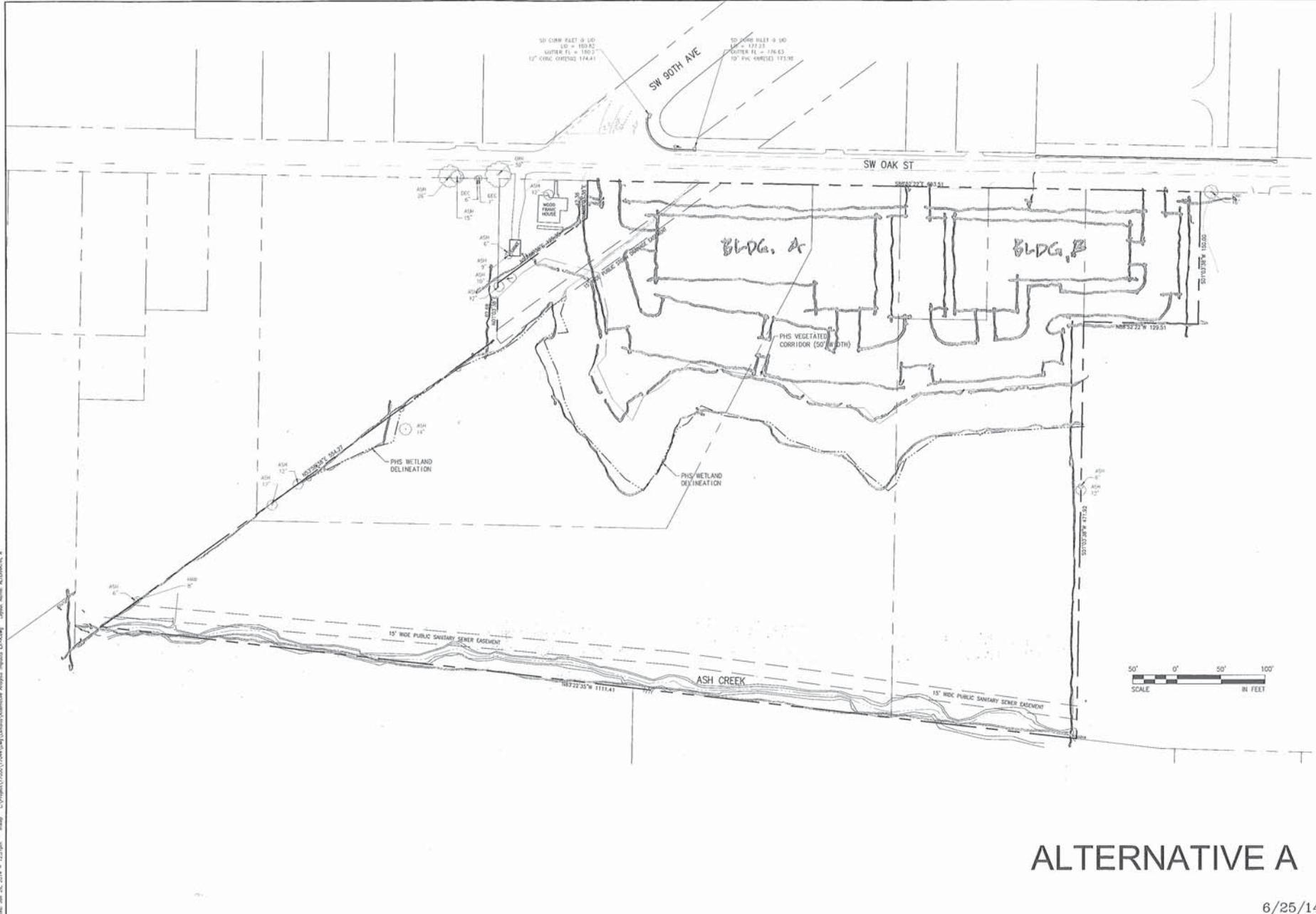
EXISTING CONDITIONS

6/25/14

17044
 Project No. Drawing No.
 EX-1
 Sheet No.
 © Otak, Inc. 2014

Plotfile: Jun 27, 2014 - 8:17am - C:\Project\17044\Drawings\17044-001.dwg - Layer Name: EXSTING

17044-1A
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ALTERNATIVE A

6/25/14

NO.	DATE	BY	REVISION COMMENTS

DBC OAK STREET, LLC
 2164 SW PARK PLACE
 PORTLAND, OR 97204
 (503) 244-5554

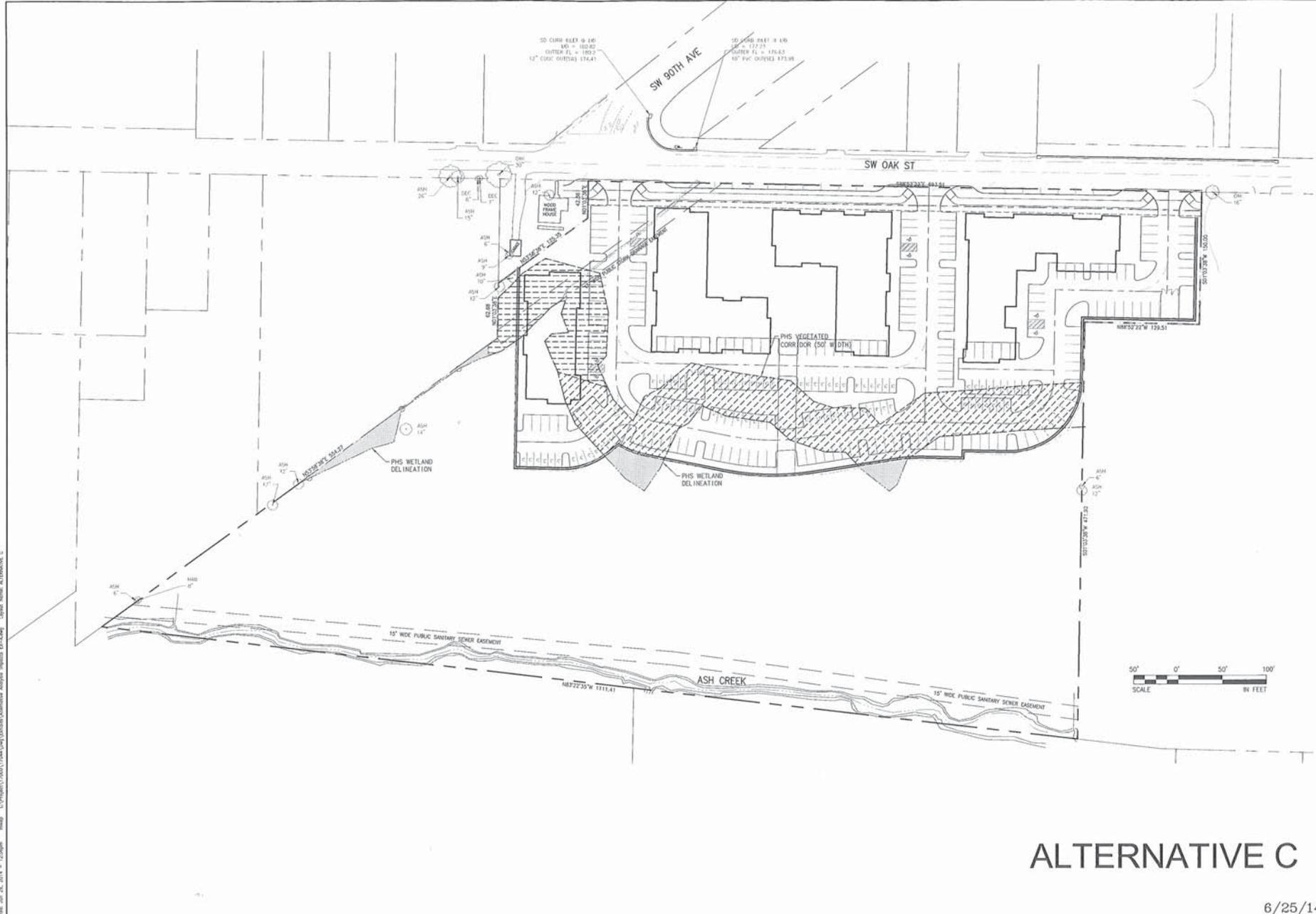
A+O APARTMENTS
 CITY OF TIGARD, OREGON
 ALTERNATIVES ANALYSIS IMPACT AREAS


 otak
 HanelGlobal Partner
 805 SW 2nd Ave, Ste. 300
 Portland, OR 97204
 Phone: (503) 387-6605
 Fax: (503) 415-2301
 www.otak.com

17044
 Project No. Drawing No.
EX-1A
 Sheet No.
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Printed: Jun 25, 2014, 1:23:30pm Filepath: L:\Projects\17044\17044-1A\Drawings\Alternatives Analysis Impact Areas\17044-1A.dwg User: Admin ALTERNATIVE A

SHEET LIST
 Location: 50
 Description:
 170441001
 170441002
 170441003



ALTERNATIVE C

6/25/14

NO.	DATE	BY	REVISION COMMENTS

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

A+O APARTMENTS
 CITY OF TIGARD, OREGON
 ALTERNATIVES ANALYSIS IMPACT AREAS



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 Portland, OR 97204
 Phone: (503) 287-9555
 Fax: (503) 415-2381
 www.otak.com

17044
 Project No. Drawing No.
EX-1C
 Sheet No.
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Printed: Jul 28, 2014 - 12:56pm map U:\Projects\17044\17044\Map\17044\Map\17044\Map\17044.dwg User: Admin ALTERNATIVE C

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

A RESOLUTION AND FINAL ORDER APPROVING THE A + O APARTMENTS PLANNED DEVELOPMENT SENSITIVE LANDS REVIEW (SLR) 2014-00002 AND PLANNED DEVELOPMENT REVIEW (PDR) 2014-00003, ADOPTING FINDINGS AND IMPOSING CONDITIONS.

WHEREAS, the proposed construction of a 215 unit planned development south of SW Oak Street will impact the Ash Creek floodplain, drainage ways, and Tigard significant wetlands; and

WHEREAS, the proposed impacts to locally significant wetlands are being separately addressed by Ordinance 15- which may result in changes to the Wetlands and Stream Corridors Comp Plan Map; and

WHEREAS, Section 18.775.070 of the City of Tigard Community Development Code requires sensitive lands permits for development within 100-year floodplain, within drainageways, and within wetlands; and

WHEREAS, Chapter 18.350 of the City of Tigard Community Development Code requires applicable planned development approval criteria to be met; and

WHEREAS, the Tigard City Council has found the following to be the applicable review criteria: Community Development Code Chapters: 18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements. Comprehensive Plan Goals: Goal 5 Natural Resources, Goal 6 Environmental Quality, Goal 7 Hazards, Goal 8 Parks Recreation and Open Space; Statewide Planning Goal 5; applicable Federal (USACE), Oregon Department of State Lands, and Metro (Titles 3 and 13) statues and regulations.

WHEREAS, the Tigard Planning Commission held a public hearing on December 15, 2014 and recommended approval of PDR2014-00003 and SLR2014-00002, by motion with a 4-3 vote in favor.

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

SECTION 1: Applications for Sensitive Lands Review, SLR2014-00002, and Planned Development Review, PDR2014-00003, are hereby approved with conditions as set forth in the December 8, 2014 staff report and as amended by the City Council.

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

SECTION 3: This resolution shall be effective immediately.

RESOLUTION NO. 15 -

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

Carol A. Krager, City Recorder

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

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

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

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



120 DAYS = 1/28/2015

SECTION I. APPLICATION SUMMARY

FILE NAME: A + O Apartments Planned Development

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

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

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

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

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

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

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

**ZONE/
COMP PLAN
DESIGNATION:**

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

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

**APPLICABLE
REVIEW
CRITERIA:**

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

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

SECTION II. STAFF RECOMMENDATION

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

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

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

1. Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.
2. The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.
3. Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.
4. Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.
5. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).
6. Prior to any ground disturbance work, the applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.
7. The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.
8. The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, as recommended by the Planning Commission and approved by City Council.

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

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

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

10. Prior to any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.
11. Prior to any work on site, the applicant shall obtain approval from the City Engineer for the Oak Street design which is anticipated to include a 20 foot paved half width, plus 8 foot planter with street trees and underground utilities, and 12 foot sidewalk in a 40 foot right of way half width.
12. Prior to any work on site, the applicant shall obtain city approval of a design access report.
13. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.
14. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.
15. Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.
16. Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.
17. Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.
18. Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.
19. Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.
20. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

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

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

21. Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.
22. Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.
23. Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

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

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

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

25. Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance
26. Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include 20 foot paved with, 8 foot planter with trees lights and utilities in a 40 foot row width.
27. Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.
28. Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.
29. Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.
30. Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.
31. Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

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

SECTION III. BACKGROUND INFORMATION

Site History and Description

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

Vicinity Information:

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

Proposal Description:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION V. ISSUES SUMMARY

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

Wetland Impacts (CPA)

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

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

Planned Development (PDR)

Parking Exemption

TDC18.350.050.4. requires that “The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.”

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

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

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

Funding future transportation

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

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

SECTION VI. SUMMARY OF APPLICABLE CRITERIA

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

A. COMP PLAN AMENDMENT REVIEW CRITERIA

18.775.130 Sensitive Lands, Plan Amendment Option

B. SENSITIVE LANDS REVIEW CRITERIA

18.775.070.B Floodplain

18.775.070.D Drainageways

18.775.070.E Wetlands

C. PLANNED DEVELOPMENT REVIEW CRITERIA

18.350 Planned Developments

18.520 Commercial Zoning districts

18.630 Washington Square Regional Plan Standards

18.705 Access, Egress and Circulation

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

SECTION VII. APPLICABLE REVIEW CRITERIA AND FINDINGS

A. COMP PLAN AMENDMENT REVIEW CRITERIA

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

Applicable Provisions Of The City's Implementing Ordinances:

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

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

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

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

18.775.130 Plan Amendment Option

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

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

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

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

This provision is met.

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

within the Tigard Planning Area;

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

This provision is met.

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

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

This provision is met.

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

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

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

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

This provision is met.

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

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

This provision is met.

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

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

This provision can be met.

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

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

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

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

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

B. SENSITIVE LANDS REVIEW CRITERIA

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

18.775.020 G. Sensitive lands permits issued by the hearings officer.

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

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

2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:

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

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

18.775.030 Administrative Provisions

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

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

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

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

18.775.040 General Provisions for Floodplain Areas

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

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

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

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

18.775.050 General Provisions for Wetlands

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

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

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

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

18.775.070 Sensitive Land Permits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

According to the applicant's narrative, the proposed development plan for the A+O Apartments minimizes impacts to wetland/floodplain/drainageways by pushing the proposed area of development towards SW Oak Street. This results in impact to an existing ditch in existing public drainage easement on the western portion of the site. It is proposed that the existing ditch/drainageway be relocated into a public storm sewer pipe with an outfall to the wetlands to the south. The proposed alteration of this section of the drainageway on the southern portion of the site is limited to only the area that is necessary to construct the proposed storm sewer to replace the existing open drainage ditch, and therefore will limit drainageway disturbances to only what is necessary for the proposed use. This criterion is met.

3. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

According to the applicant's narrative, the proposed development plan for the A+O Apartments will replace an existing open drainage ditch into a public storm drainage pipe located in a public drainage easement that will extend the existing public storm drainage system and convey existing runoff from the upstream basin. The proposed public

storm drainage pipe will outfall to a rip-rap pad and drain into wetlands and Ash Creek. The plans provide for appropriate erosion control plans designed to City and CWS standards so that the proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property. This criterion is met.

4. The water flow capacity of the drainageway is not decreased;

According to the applicant's narrative, the open drainage ditch to be removed will be replaced with a public storm pipe in a new alignment that will have adequate capacity to convey to the upstream runoff. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, a small portion of the existing drainage ditch at its southern end will not be covered by structures or impervious surfaces. This portion will be replanted with seed mix to prevent erosion. The area to be replaced and put into a storm drainage pipe will be covered by pavement and landscaping associated with the proposed apartments designed consistent with the requirements of Chapter 18.475 and related standards as addressed elsewhere in this report. This criterion is met.

6. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;

According to the applicant's narrative, the existing drainage ditch will be replaced with a public storm sewer pipe in a new alignment (to be covered by a public drainage easement). The proposed storm drainage pipe has been sized to provide adequate capacity to convey the maximum anticipated flow from upstream basin in accordance with the 1981 Master Drainage Plan. The public easement will be located within the drive-aisle/parking area of the proposed multi-family development. The City will have access to public storm manholes for maintenance of the proposed public storm sewer. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the city shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

The proposed development plans propose the dedication of a public pedestrian easement to the City of Tigard for the development of the City's planned Washington Square Regional Center Trail. Because the alignment across the property is not yet known, the City will require a blanket ped/bike easement over the entirety of Wetland A. This criterion is met.

FINDINGS: According to the analysis above, the drainageways criteria are met.

18.775.070.E Within wetlands. The director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:

Pursuant to TDC 18.775.050, General Provisions for Wetlands, wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map," and to a the 50-foot vegetated corridor for

Wetland A, as shown in Figure 3 of Pacific Habitat Services' Natural Resource Assessment for the subject site. The proposed development would impact .42 acres of significant wetlands and 1.02 acres of vegetated corridor. Therefore, the following wetland regulations apply to a total of 1.44 acres of the site.

1. Compliance with all of the applicable requirements of this title;

As determined through the findings in this staff report, the proposed development is in compliance or can be conditioned to comply with all of the applicable requirements of this title. This criterion is met.

2. The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the comprehensive plan floodplain and wetland map nor is within the vegetative corridor established per "Table 3.1 Vegetative Corridor Widths" and "Appendix C: Natural Resources Assessments" of the CWS "Design and Construction Standards," for such a wetland;

The applicant has requested wetlands to be removed from the designation of locally significant wetlands on the City of Tigard "Wetlands and Streams Corridors" Map by the Comprehensive Plan Amendment portion of this application. If that request is approved, these wetlands will no longer be designated as significant wetland on the Plan's floodplain and wetland map. As such, a sensitive lands permit can be approved in accordance with this section for both the wetland and its associated vegetative corridor. This criterion is met.

3. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;

According to the applicant's narrative, the proposed filling of 0.42 acres of wetlands is limited to only what is necessary to "square up" the developable portion of the site to accommodate the proposed 215-unit apartment complex and related parking and recreation facilities without creating any more wetland site disturbance than is absolutely necessary. The proposal includes ground level parking under two of the proposed residential buildings, a request for an exception to the minimum required number of on-site parking spaces in order to limit the area of development, and a retaining wall along the full width of the project's southern development boundary to limit impacts to sensitive areas. Given the findings in the applicant's ESEE analysis, this criterion is met.

4. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;

According to the applicant's narrative, the 0.42 acres of proposed encroachment into the wetlands on the site has been designed to be on the edges of or outside of the floodplain on the site. A storm sewer system has been proposed to replace the surface drainage through the wetlands on the western portion of the site. These measures have been designed in order that on-site and off-site drainage will not be adversely affected by the proposed wetlands modifications. This criterion is met.

5. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;

According to the applicant's narrative, an erosion control plan addressing the City and Clean Water Services' erosion control requirements will be submitted as part of final grading plans, as well as part of any state or federal permit applications. Disturbed areas will be replanted if not covered by impervious surfaces. This criterion is met.

6. All other sensitive lands requirements of this chapter have been met;

All other applicable sensitive lands approval standards related to the proposed development application are reviewed in findings within this staff report. This criterion is met.

7. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

A CWS Service Provider Letter for the project is included in the applicant's submittal (Appendix D). The development team has submitted an application for an Oregon DSL/ US Army Corps of Engineers Joint Permit application (Appendix F). This criterion is met.

8. The provisions of Chapter 18.790, Tree Removal, shall be met;

The provisions of Chapter 18.790, Urban Forestry Plan, are addressed further in this staff report, below. This criterion is met.

9. Physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, recreation and open space policies of the comprehensive plan have been satisfied.

The following Comprehensive Plan policies address physical limitations and natural hazards, floodplains and wetlands, natural areas, and parks, and recreation and open space. Findings address satisfaction of these policies with regard to the proposed plans for wetland modifications.

Natural Resources

- 1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:
 - A. contribute to the City's scenic quality and its unique sense of place;**
 - B. provide educational opportunities, recreational amenities, and buffering between differential land uses;**
 - C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and**
 - D. result in healthy and naturally functioning systems containing a high level of biodiversity.****
- 7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.**
- 8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.**
- 11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.**

The City addresses the above policies dealing with wetlands, water resources, riparian areas and wildlife habitat through the development and administration of the sensitive lands permit process. The application of and satisfaction of the standards of that permitting process to the A+O Apartments development plans, including proposed modifications to the wetlands, habitat, and floodplain area on the site, are a demonstration that these plan policies have been satisfied. In addition, application of the planned development parking exemption has been requested to help minimize the development footprint.

Hazards

- 1. The City shall not allow development in areas having the following development limitations except where the developer demonstrates that generally accepted engineering techniques related to a specific site plan will make the area suitable for the proposed development:
 - A. areas having a severe soil erosion potential;**
 - B. areas subject to slumping, earth slides, or movement;**
 - C. areas having slopes in excess of 25%; or**
 - D. areas having severe weak foundation soils.****

The City of Tigard's development review application process implements this policy through the requirement of a geotechnical report as part of the required impact assessment of a proposed development. The current application includes a site specific geotechnical report prepared by Geotechnical Resources, Inc. that report demonstrates that

the proposed development site will be suitable for development without undue soil erosion and that the site does not contain slopes in excess of 25%; areas subject to slumping, sliding, or earth movement; or weak soils.

7. The City shall comply with the Federal Emergency Management Agency (FEMA) flood regulations, which include standards for base flood levels, flood proofing, and minimum finished floor elevations.

8. The City shall prohibit any land form alterations or developments in the 100- year floodplain which would result in any rise in elevation of the 100-year floodplain.

9. The City shall not allow land form alterations or development within the 100-year floodplain outside the zero-foot rise floodway unless:

A. The streamflow capacity of the zero-foot rise floodway is maintained; and

B. Engineered drawings and/or documentation shows there will be no detrimental upstream or downstream effects in the floodplain area.

10. The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.

11. The City shall comply with Metro Title 3 Functional Plan requirements for balanced fill and removal in the floodplain.

The City has addressed these above policies dealing with floodplain development and landform alterations through the development and administration of the sensitive lands permit process. The application of and satisfaction of the approval standards of the sensitive lands permitting process to the A+O Apartments development plans, including proposed modifications to the floodplain area on the site, are a demonstration that these plan policies have been satisfied.

Parks Recreation and Open Space

8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:

A. developed areas with facilities for active recreation; and

B. undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.

22. City-owned property may be used for private wetlands mitigation considered on a case-by-case basis.

This policy allows, but does not require developers to provide local wetlands mitigation. The applicant has proposed off-site mitigation with this project. The City Parks Director has commented that private wetland mitigation on city-owned property has proved difficult administratively in the past and that city property will need to be used in the future for city projects that require mitigation. In this case, city owned property is not available for private wetland mitigation.

Goal 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.

Policy 1. The City shall create and interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban centers and regional recreational opportunities utilizing both public property and easements on private property.

The proposed development plans for the A+O Apartments include the provision of a public pedestrian trail easement within the privately owned wetland area adjacent to Ash Creek. This trail easement segment is provided to serve the Washington Square Regional Center Trail that is called for in the Parks Master Plan and is called for as multi-use path M-9 on maps and tables of the Tigard 2035 Transportation System Plan. The development plans also provide for a public pedestrian path easement for the future development of a connecting trail between SW Oak Street and the future Washington Square Regional Center Trail.

FINDINGS: As shown in the analysis above, the wetlands criteria are met.

CONCLUSION: Staff recommends that the Planning Commission find, and recommend to Council, that the applicable sensitive lands review criteria for floodplain, drainageways, and wetlands are met or can be met as conditioned, subject to a determination that Goal 5 protections can be removed, as requested by the applicant.

C. PLANNED DEVELOPMENT REVIEW CRITERIA

The following criteria apply to the proposed Planned Development Concept and Detailed Plan Reviews (PDR) for the 215 unit planned development.

18.350 PLANNED DEVELOPMENTS

18.350.020 Process

A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.

D. Concurrent applications for concept plan and detailed plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the planned development application (i.e., the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.

The applicant has elected to develop this project through the planned development process. In this case, the applicant is also applying for a concurrent review of the planned development concept plan and the detailed development plan. Separate concept plans and detailed plans have been submitted, requiring separate actions by the commission and council.

18.350.050 Concept Plan Approval Criteria

A. The concept plan may be approved by the commission only if all of the following criteria are met:

1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.

The Planned Development Concept Plan, Sheet P2.2, illustrates areas on the site that are intended to be preserved as open space in the form of wetlands and enhanced wetland; active open space and recreation areas near the proposed building locations; and passive landscape areas. The applicant's narrative, along with the applicable supplemental reports in the Appendix, describe how the natural open space, active open space, and passive open space areas are to be used and how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

2. The concept plan identifies areas of trees and other natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.

The planned development concept plan illustrates how the plans for the 6.2 acres in the southern portion of the site will protect and enhance the natural areas on the site. This criterion is met.

3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.

The Planned Development Concept Plan, Sheet P2.2, along with the aerial photo of the site and its environs, Sheet P2.1, illustrates how the proposed development will fit into the street and land use pattern of the neighborhood. This criterion is met.

4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

The plans for the project include the provision of an 8-foot wide sidewalk along the site's frontage. The Planned Development Concept Plan, Sheet P2.2, illustrates the general areas on the site where the applicant is offering to provide public pedestrian easements for the future development of a trail along Ash Creek, and a trail to connect between that trail and the sidewalk along SW Oak Street. Primary pedestrian routes through the site are also illustrated. However, given the applicant's request for a parking exemption of 9.1%, staff recommends that the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.

The planned development concept plan illustrates the proposed development pattern for four multi-story multi-family residential buildings on the northern portion of the site, along with associated recreation and parking facilities. The concept plan provides for approximately 4.16 acres of the site to be developed with multi-family dwellings at a net density of between 50 and 60 units per net acre, and for approximately 6.2-acres of the site to be retained as wetlands and floodplain associated with Ash Creek. Limited public access to the wetlands area is provided for through the provision of public pedestrian access easements to be dedicated to the City of Tigard for future trail development. This criterion is met.

6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.

The proposed development plan for the A+O Planned Development provides for the long term preservation of wetlands and floodplain associated with Ash Creek, along with significant enhancements to the wildlife habitat values of the wetlands through the removal of invasive vegetation and the planting of significant number of native trees. This work to restore the wetlands on the site would not occur unless there was a development project occurring primarily on the upland portion of the site, along with a relatively minor amount of wetland filling to create additional developable area. The practicality of intensive development of the upland portion of the site is dependent upon the proposed wetland filling to create a more usable development footprint, and is also dependent upon having flexibility with regard to certain development standards such as by reducing the amount of on-site parking to be provided; by not providing individual decks or porches for all units as would be required through the Site Development Review approval standards; and by accounting for shared open spaces through looking at the larger development plan.

In addition, it is noted that proposed A+O Apartments Planned Development will further the objectives of the Washington Square Regional Center plan by providing desired relatively intense residential development in close proximity to shopping opportunities at Washington Square and other nearby centers; close proximity to employment opportunities at Washington Square, Lincoln Center, and other nearby office and commercial centers; and within close proximity to transit opportunities on SW Greenburg Road, SW Locust Street, and SW Hall Boulevard. While the proposed development will be fairly intensive compared to the existing neighborhoods consisting primarily of detached single-family residences to the south and east of the site, the proposed A+O

Planned Development will provide a step down in intensity from Washington Square and Lincoln Center to those existing neighborhoods. The A+O Planned Development will be developed at a density (52 units/acre) which is low in the range of residential densities allowed by the MUE-1 and MUR-1 zoning districts applied to the site of the proposed development (50 units/acre minimum, no maximum). This criterion is met.

FINDINGS: According to the analysis above, the concept plan approval criteria are substantially met. However, staff recommends that the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014, as conditioned below.

CONCLUSION: Staff recommends the Planning Commission find that the proposed Concept Plan substantially meets the approval criteria and recommend approval of the Concept Plan to the City Council, subject to consideration of an enhanced mobility plan.

18.350.060 Detailed Development Plan Submission Requirements

C. Compliance with specific development standards. The detailed development plan shall show compliance with base zone provisions, with the following modifications:

1. Lot dimensional standards. The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.

There is no applicable minimum lot size in the underlying MUE-1 and MUR-1 districts. The site size will be 10.95 acres after dedication of additional road right-of-way for SW Oak Street. This standard is met.

2. Site coverage. The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks.

The concept plan provides for less than 40% of the gross planned development site area to be developed and over 60% of the site to be retained as natural and enhanced wetlands. Therefore, the proposed concept plan clearly meets this standard. Additionally, 25% percent of the portion of the site which is planned to be developed with the apartments will be landscaped and not covered by buildings or pavement. This standard is met.

3. Building height. In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be set back from the perimeter of the site a distance of at least 1-1/2 times the height of the building.

No increase in building height is request beyond that allowed by the underlying zones. This standard is met.

4. Structure setback provisions:

No exceptions to the applicable base zone setback standards are requested. All buildings within the proposed A+O Apartments Planned Development will be required to meet all applicable setback and building separation standards of the underlying zones and of the Uniform Building Code and Fire Code. No garage entrances will enter onto SW Oak Street. Both parking garages will have entrances internal to the site. This standard is met.

5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.

No exceptions are requested to any other standards of the base MUE-1 and MUR-1 zoning districts. This standard is met.

18.350.070 Detailed Development Plan Approval Criteria

A detailed development plan may be approved only if all the following criteria are met:

A. The detailed plan is generally consistent with the concept plan.

According to the applicant's narrative, the proposed detailed development plan has been designed to be completely consistent with the concept plan, except for providing additional details on how the site is to be developed. No changes to the residential densities, amounts of open space and landscaping, land usage; effects upon environmentally sensitive areas or hazardous areas; or the proposed pattern of development are proposed. This criterion is met.

B. All the provisions of the land division provisions, Chapters 18.420, Partitions, and 18.430, Subdivisions, shall be met if applicable;

No land division is proposed. Therefore, the provisions of Chapters 18.420 and 18.430 are not applicable to the proposed final development plan. This criterion is met.

C. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the commission that promotes the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.

2. Chapter 18.705, Access, Egress and Circulation. The commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).

No exception to the applicable access, egress and circulation standards is requested.

3. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

No density bonus is requested.

4. Chapter 18.745, Landscaping and Screening. The commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.

No exception to the applicable minimum landscaping requirements is requested.

5. Chapter 18.765, Off-Street Parking and Loading Requirements. The commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if:
a. The minimum number of parking spaces is not reduced by more than 10% of the required parking; and

An exception to the minimum required on-site parking space standard is requested to allow the proposed A+O Apartments to be served by 278 on-site parking spaces rather than the 306 on-site spaces which normally would be required for this type and size of development. The requested 28 fewer parking spaces would represent a 9.1 percent reduction from the normally required amount of on-site parking. Criterion (a) is met.

b. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or

The proposed mix of apartment units in the project with a relatively high number of smaller unit types (64 studios and 98 1-bedroom units) and the absence of larger dwelling units should result in fewer residents per dwelling unit than would be typically expected in a suburban multi-family project. Therefore, it is reasonable to anticipate that the lesser number of residents per unit would translate to a lesser demand for on-site parking spaces as compared to a typical suburban multi-family development. The applicant argues that the City of Tigard's minimum parking space standard is oriented more to the demand for parking spaces for a typical multi-family project with larger dwelling units than is currently proposed. Criterion (b) is met.

c. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or

The applicant has not identified any opportunities for shared parking.

d. Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or

According to the applicant's narrative, the site is relatively well served by transit as is reported and detailed in Impact Assessment Report F. A portion of the site is located within one-quarter mile of several transit stops. This is illustrated by the Transit Availability Map in that report which shows one-quarter mile radii from the closest transit stops to the site at: 1) the west side of SW Greenburg Road at the entrance to the Washington Square shopping center; and 2) at the intersection of SW Hall Boulevard and SW Locust Street. The TriMet Trip Planner service provided on TriMet's website says that there currently are three transit stops within one-half mile walking distance of the SW 8900 SW Oak Street within the site for TriMet Bus Route 43 on Hall Boulevard or SW Locust Street. The TriMet Trip Planner indicates that there are three transit stops within six-tenths of a mile walking distance for TriMet Bus Routes 76 and 78 on SW Greenburg Road. Maps of these routes and basic schedules are included in the Impact Assessment report. The proximity of the site to these bus transit stops and the frequency of transit service means that good public transportation service will be available to serve the proposed multi-family development.

However, staff finds that the availability of transit may not be sufficient to ensure its use. In considering the parking exemption and the potential for mitigating the adverse effects on adjoining uses, staff recommends the applicant provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

e. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.

The request for the reduction in the number of required parking spaces derives from efforts to minimize the amount of wetland area needed to be filled to provide on-site parking. Multiple attempts were made to lay out the site plan to provide all of the normally required parking on-site without providing on-street parking. All such alternative plans would have required additional wetland filling and/or increased building heights to provide additional parking. Additional wetland filling would not have been in the public's interests in preserving this existing resource area. Criterion (e) is met.

FINDING: The proposed 9.1% (28 spaces) exception to the minimum parking requirement is less than 10% allowed. The proposed mix of studio and one bedroom units and the availability of nearby transit can reasonably be expected to lower the demand for on-site parking. It is in the public interest to preserve wetlands to the south of the development site (Wetland A). Therefore, the commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone. However, staff finds that the availability of transit may not be sufficient to ensure its use and recommends the following condition of approval:

CONDITION: The applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site,

including but not limited to measures identified in TriMet's comment letter dated December 4, 2014.

6. Chapter 18.780, Signs. The commission may grant an exception to the sign dimensional requirements in the applicable zone.

No exception to the dimensional standards for signs is requested.

7. Chapter 18.795, Visual Clearance Areas. The commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;

No exception to the vision clearance requirements is requested.

8. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks, and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the city engineer to grant an exception. The commission has the authority to reject an exception request. The commission can only grant an exception to street sanctions if it is sanctioned by the city engineer. The city engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

An exception to the public street improvement standards is requested to allow a narrower than the normal WSRC Plan minor collector street.

TDC Section 18.630.100 states the recommended roadway functional classification map and street cross-sections in the Washington Square Regional Center (WSRC) Plan shall govern the improvement and construction of major streets within the WSRC Plan District. The WSRC Plan calls for a minor collector section along SW Oak Street which includes 43.5-feet from centerline right-of way and a 29.5-feet from centerline paved width (5.5-foot half center lane, 11-foot travel lane, 5-foot bike lane, 8-foot parking).

The applicant proposes a modified minor collector section for this street to provide 40-feet from centerline collector street right-of-way, and 26-feet of pavement from centerline to curb (12-foot travel lane, 6-foot bike lane, 8-foot parallel parking). The 3.5-foot reduction in the street width is the result of removing the center lane in the street section (subtract the 5.5-foot half center lane) and widening the travel lane (add 2-feet to travel lane). A supplemental memo to the Transportation Impact Study addressing turn lane warrants is included in report C in the Impact Assessment portion of the applicant's submittal.

The City Engineer agrees with the applicant's assertion that the center turn lane is not warranted but has determined an alternative design will better serve multimodal transportation options: the SW Oak Street half section will 40 feet from center line and include a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

a. Public safety will not be compromised; and

The Washington Square Regional Center (WSRC) description refers specifically to improving accessibility to the Lincoln Center commercial district. Not having a left-turn along the site frontage does not impact the ability to provide multimodal access into the office/commercial uses. The WSRC also highlights improving access to residential areas specifically for pedestrians and cyclists with autos as a secondary consideration ("as well.") and the need for traffic management techniques to protect neighborhood streets. The proposed design helps accomplish these objectives by: 1) Removal of center left-turn lane reduces north-south pedestrian crossing distance/exposure; 2) Narrower cross section reduces potential traffic speeding issues through more compact environment and reduces appearance of a wide street that might otherwise encourage cut-through traffic; and 3) still accommodates on-street parking and sidewalks.

SW Oak Street is currently posted with 25 MPH speed signs. This speed will help keep travel on the street safe with on-street parking. This criterion is met.

b. In the case of public streets, maintenance costs will not be greater than with a conforming design; and

Maintenance costs would not be anticipated to be increased due to the reduced right-of-way and street width that are requested. The reduced 3.5-feet of pavement width would require less street sweeping and pavement overlay/maintenance in the future. This criterion is met.

c. The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

The reduced pavement width will also decrease the impervious surface which will reduce stormwater runoff from Oak Street. The proposed planter strip width will provide area for LIDA-facilities (stormwater planters, swales) that can provide stormwater quality treatment for the impervious area within the public right-of-way. In addition, the narrower right-of-way allows the proposed development to be constructed further north, reducing impacts to wetlands located to the south of the site. This criterion is met.

FINDING: The city engineer has determined that the applicant's proposed exception to the street standards is not permissible. Instead, the City Engineer adopts a revised section for SW Oak Street 40 feet from center line including a 20-foot paved width with a 12-foot travel lane and 8 feet of on-street parking, an 8 foot LIDA planter and a 12-foot wide separated bike/ped path.

For those chapters not specifically exempted under the planned development chapter, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested. The following standards apply to the proposed planned development.

18.520 COMMERCIAL ZONING DISTRICTS

B. Use table. A list of permitted, restricted, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

The western portion of the site is zoned MUE-1 and the eastern portion of the site is zoned MUR-1, as illustrated on the Existing Conditions/Site Assessment Plan, Sheet P1.1.

Table 18.520.1 of the Community Development Code lists use types that are permitted, restricted, conditional, and prohibited in the various commercial zoning districts in the City of Tigard. Household living is listed as a permitted use in both the MUE-1 and MUR-1 districts in this table, with a footnote which says that all permitted and conditional uses may be subject to special development standards of Section 18.630. The proposed multi-family residential use is considered a Household Living use type, and thus is permitted in both zoning districts applied to the site.

18.520.040 Development Standards

A. Compliance required. All development must comply with:

- 1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370;**
- 2. All other applicable standards and requirements contained in this title.**

Any development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

MUE-1	Standard	Proposed
Minimum lot size:	None	10.85 acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-foot min. total site width

Minimum/maximum setbacks:		
Minimum front yard:	0	10.5-feet (Buildings B and C)
Maximum front yard setback:	20 feet	10.5-feet (Buildings B and C)
Minimum side yard:	0	28-feet (Building A west side)
Minimum rear yard:	0	over 300-feet to south property line
Minimum building height:	2 stories	4-stories
Maximum building height:	200 feet	53-feet
Maximum site coverage:	85%	75% of total apartment site
Minimum landscape requirement:	15%	25% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./net acre total
Maximum density:	None	53.1 d.u. /net acre total

MUR-1

Minimum lot size:	None	10.85-acres total site area (4.44 acres apartment development site)
Minimum lot width:	None	693.5-feet min. total site width
Minimum/maximum setbacks:		
Minimum front yard:	0	6.9-feet Building D stair tower)
Maximum front yard setback:	20 feet	11.2-feet (remainder of Building D face)
Minimum side yard:	0	15-feet (Building D east side)
Minimum rear yard:	0	over 300-feet to south
Minimum building height:	2 stories	4 stories
Maximum building height:	75 feet	53-feet
Maximum site coverage:	80%	75% of total apartment site
Minimum landscape requirement*:	15%	20% of total apartment site
Minimum density:	50 d.u./net acre	53.1 d.u./acre total
Maximum density:	None	53.1 d.u./acre total

FINDING: Table 18.520.2 above, shows that the proposed development plans are consistent with the applicable development standards in the MUR-1 and MUE-1 zoning districts. The applicant has not applied for any variances or adjustments in accordance with Chapter 18.370. All other applicable standards and requirements contained in this title are addressed further in this staff report. The applicable commercial development standards are met.

18.630 WASHINGTON SQUARE REGIONAL CENTER PLAN DISTRICT

18.630.010 Purpose and Applicability

A. Purpose.

- 1. This chapter will implement the vision, concepts and principles contained in the Washington Square Regional Center Plan, and the recommendations contained in the Phase II Implementation Plan Summary Report, prepared by a task force appointed by the City of Tigard.**
- 2. Metro's Regional Urban Growth Management Functional Plan target growth capacity for the Washington Square regional center will be met by permitting mixed use development within the regional center at densities appropriate for an urban center.**
- 3. A mixed use regional center will contain a variety of districts that vary in scale, predominant use, and character. Distinct districts, connected to each other and to the rest of the region by a multi-modal transportation system, will provide a range of working, living and shopping opportunities.**
- 4. Improved multi-modal transportation links, higher densities, variety of land uses, and enhanced environmental qualities will all contribute to create a desirable, livable community in the face of dramatic population and employment growth.**
- 5. New mixed-use zoning districts, along with existing residential zoning districts in established areas, are appropriate for the regional center.**

B. Design principles. Design standards for public street improvements and for new development and renovation projects have been prepared for the Washington Square Regional Center Plan District. These design standards address several important guiding principles adopted for the Washington Square

Regional Center Plan District, including creating a high-quality mixed use area, providing a convenient pedestrian and bikeway system, and utilizing streetscape to create a high quality image for the area.

C. Development conformance. All new developments, including remodeling and renovation projects resulting in new non-single-family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the development and building codes, developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center.

As reviewed in this staff report, the project meets or has been conditioned to meet the design standards in this Chapter and other development standards required by the development and building codes and would contribute to the character and quality of the area. In addition, developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. The applicant's submittal did not address this provision.

Both public comment and the WSRC plan identify the continuation of SW Lincoln Street through to SW Oak Street as a critical future transportation infrastructure improvement. Public commenters worry that the limited capacity of SW 90th Avenue will not be able to handle increased traffic generated by the development. The Regional Center Plan identifies a collector system at Oak-Lincoln-Locust to distribute east/west traffic between Locust and Oak Streets and improve accessibility to the Lincoln Center commercial district and to improve access to residential areas for bicyclists and pedestrians, as well as autos.

According to the WSRC plan, District C, Lincoln Center-Ash Creek, is an area "slated for high density office and residential development. Adjacent to a residential neighborhood, it will be important for this area to provide easy pedestrian and bicycle access between homes and jobs. A particular goal is to protect the Metzger neighborhood from impacts of increased traffic, while assuring free-flowing vehicular movement throughout the district." In addition, "Metro has established goals for the region to reduce the number of trips by auto relative to those made by transit, pedestrian and bike travel. Pedestrian and bike facilities developed in concert with new housing and offices will be a step toward achieving these regional goals."

The applicant's traffic analysis concludes that intersections remain functional with the development's added traffic, but does recommend improvements to the SW Oak and 90th Avenue intersection. However, it does not satisfactorily address the additional traffic on SW 90th, a 50-foot local street, as the primary route north to SW Locust for southbound Greenburg/Hwy 217 trips originating from the proposed development.

To meet required participation in funding future transportation and public improvements projects (subject to rough proportionality) the applicant could consider, for example, a range of improvements associated with Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement.

The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality.

18.630.020 Development Standards

A. Compliance required. All development must comply with:

- 1. All applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370 and subsections C through E of this section;**
- 2. All other applicable standards and requirements contained in this title.**

Development standards of Section 18.630 which are applicable to the proposed uses of this site are addressed below in the responses to the standards of Section 18.630. The staff report otherwise ensures compliance with all other applicable standards and requirements contained in this title. This standard is met.

18.630.040 Street Connectivity

A. Purpose. The standards provide a way for creating continuity and connectivity within the Washington Square regional center (WSRC). They provide incremental street and accessway development that is consistent with WSRC needs and regional and state planning principles for connectivity. The primary objective is to create a balanced, connected transportation system that distributes trips within the WSRC on a variety of streets.

B. Demonstration of standards. All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Section 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

1. Design option.

a. Local street spacing shall provide public street connections at intervals of no more than 530 feet.

b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.

2. Performance option.

a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.

b. The shortest vehicle trip over public streets from a major building entrance to a collector or greater facility is no more than twice the straight-line distance.

c. The shortest pedestrian trip on public right-of-way from a major building entrance to a collector or greater facility is no more than 1-1/2 the straight-line distance.

The site of the proposed development is located on the south side of SW Oak Street. Ash Creek and its associated floodplain and wetlands are located on and to the south of the subject site, with Oregon State Highway 217 – a controlled access highway- located further to the south. These existing conditions make the development of further streets to the south impracticable. Local streets to the north include SW 90th Avenue directly to the north, SW 87th Avenue to the east, and the planned intersection with the SW Lincoln Street to the west. SW Oak Street in front of the subject site is designated a collector street. All of the proposed buildings will have major entrances within 100 feet of SW Oak Street. This standard is met.

18.630.050 Site Design Standards

Compliance. All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan may be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010.C.2, governing criteria for granting a variance, is satisfied.

A. Building placement on major and minor arterials.

1. **Purpose.** Architecture helps define the character and quality of a street and can make a strong statement about the overall community and city at large. The placement and design of buildings provides the framework for the streetscape and defines the edges of the public right-of-way. Architecture and ground floor uses can activate the street, either by its design presence or by those who come and go from it. At intersections, investing in building frontages can create gateways and special places that add to the character of the area.

2. **Standard.** Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.

The site fronts only on SW Oak Street. SW Oak Street is a collector (minor arterial). Buildings B, C, and D occupy approximately 66% of the frontage. This standard is met.

B. Building setback.

1. **Purpose.** Buildings and investment in architecture is most conspicuous when it is visible from the street. The presence of buildings closely sited at the edge of the right-of-way creates an envelope for the street and a sense of permanence.

2. **Standard.** The minimum and maximum building setback from public street rights-of-way shall be in accordance with Table 18.520.2.

As addressed above under the Section 18.520, the front yard setbacks from SW Oak Street are met.

C. Front yard setback design.

1. **Purpose.** The front yard is the most conspicuous face of a building and requires special attention. Places for people and pedestrian movement helps create an active and safer street. Higher level of landscape anticipates a more immediate visual result.
2. **Standard.** For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to the applicable standard in subsection E of this section. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.

The front yard area between the sidewalk along SW Oak Street and the fronts of proposed buildings B, C and D and parking areas to the sides of buildings will be landscaped with a combination of lawn, planter beds, and trees which will enhance the pedestrian environment along SW Oak Street. This standard is met.

D. Walkway connection to building entrances.

1. **Purpose.** As density increases and employee and resident populations increase, it is expected that more people will move between businesses within the WSRC. Provisions should be made to encourage people to walk from business to business, and housing to business rather than use automobiles.
2. **Standard.** A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner adjacent to a public street intersection are required. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.

According to the applicant's narrative and plans, all building entrances will be connected to the public sidewalk along SW Oak Street by a network of internal site sidewalks. All private sidewalks between the building entrances and SW Oak Street sidewalk will be at least six feet wide and constructed of concrete. This standard is met.

E. Parking location and landscape design.

1. **Purpose.** The emphasis on pedestrian access and a high quality streetscape experience requires that private parking lots that abut public streets should not be the predominant street feature. Where parking does abut public streets, high quality landscaping should screen parking from adjacent pedestrian areas.
2. **Standard.** Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified by the city where this requirement applies. In general, streets with higher functional classification will be identified as primary streets unless specific design or access factors favor another street. If located on the side, parking is limited to 50% of the primary street frontage. When abutting public streets, parking must be behind a landscaped area constructed to an L-1 parking lot screen standard. The minimum depth of the L-1 landscaped area is eight feet or is equal to the adjacent building setback, whichever is greater. All other site landscaping shall be landscaped to an L-2 general landscaping standard. The L-1 and L-2 standards are more fully described in Section 18.630.090. (Ord. 12-09 § 1)

According to the applicant's narrative and plan set, all parking areas on the project will be located to the sides or rear of proposed buildings, or within first level parking garages of buildings A and D. Parking areas to the sides of buildings are no further forward than even with the adjacent front building elevation. Parking areas adjacent to buildings along SW Oak Street are will be screened by landscaped areas which include low level screening plant materials consistent with the L-1 parking area screening and planting size standards. All planting areas between parking areas and SW Oak Street are at least 10-feet deep, except where reduced to accommodate required patios

for ground level dwelling units. All other site landscaping will be provided at sizes consistent with the L-2 planting standard.

However, the applicant states that “landscape materials in these areas will need to be kept trimmed to allow for clear vision areas at the intersections of these driveways with SW Oak Street.” According to the Preliminary Landscape Plan (Sheet L1.2) Blue Oat Grass and Kinnikinnick are specified. Pursuant to 18.630.090, Landscaping and Screening, within these landscaped areas “L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.” Visual Clearance Areas require 3-8 foot clear and allow trees. This standard is not met.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.630.060 Building Design Standards

All new buildings constructed in the MUC, MUE and MUR zones within the WSRC shall comply with the following design standards. Variance to these standards may be granted if the criteria found in 18.370.010.C.2, criteria for granting a variance, is satisfied.

A. Ground floor windows.

1. **Purpose.** Blank walls along the street frontage tend to be neglected, and are not pedestrian friendly. Windows help keep “eyes on the street” which promotes safety and security, and can help create a lively street frontage by displaying activities and products within the building. Lighting at night from ground floor windows also adds to the presence of activity and the sense that someone is home.
2. **Standard.** All street-facing elevations within the building setback (0 to 10 feet) along public streets shall include a minimum of 50% of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50% of the ground floor window requirement may be met on an adjoining elevation as long as the entire requirement is located at a building corner.

According to the applicant’s narrative, only building D will have a portion of its front building face along SW Oak Street located within 10-feet of the street property line – and that is the stair tower which will be set back 6.5 feet. The front building elevations of buildings B, C, and D will all be located between 10 feet and 11.2 feet back of the street property line. Nevertheless, measured between three feet and nine feet above grade, buildings B and C will provide a minimum of 50% of their ground floor wall areas with windows and doorway openings at these distances which are just beyond 10-feet – so technically they are not subject to this standard. Buildings A and D are set back more than 10 feet; therefore, these building are not required to satisfy this standard. This standard is met.

B. Building façades.

1. **Purpose.** Straight, continuous, unarticulated walls lack interest, character and personality. The standard provides minimum criteria for creating a diverse and interesting streetscape.
2. **Standard.** Façades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least one foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building’s structural system. No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.

According to the applicant’s narrative, all facades that face a public street provide at least one of the variations listed in the standard at intervals of no less than every 50 feet along the facade. None of the proposed buildings will exceed a length of 205 feet; therefore, the pedestrian connection through a building standard is not applicable to any of the proposed buildings. This standard is met.

C. Weather protection.

- 1. Purpose.** Weather protection is encouraged to create a better year-round pedestrian environment and to provide incentive for people to walk rather than drive.
- 2. Standard.** Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

Weather protection is provided at all entrances to the buildings through the use of overhangs or canopies as shown on the building elevations plans. This standard is met.

D. Building materials.

- 1. Purpose.** High quality construction and building materials suggest a level of permanence and stature appropriate to a regional center.
- 2. Standard.** Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet.

The project does not use materials listed above in the standard as prohibited exterior finish materials. Plain concrete is used as a foundation material, but the plain concrete will not be revealed for more than two feet. Proposed building materials will include Hardie board, Hardie panels, and vertical metal panels. Deck and patio railings will be constructed of acrylic or metal, as identified on Sheet A3.10. This standard is met.

E. Roofs and roof lines.

- 1. Purpose.** Roof line systems that blur the line between the roof and the walls of buildings should be avoided. This standard simply states that roofing materials should be used on the roof and that wall finish materials should be used on building walls. The premise is that future buildings in the WSRC should have a look of permanence and quality.
- 2. Standard.** Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

The materials of roofs and roof lines are different from the materials used on the building elevations so as to avoid blurring the distinction between the roof and walls as required by the standard. This standard is met.

F. Roof-mounted equipment.

- 1. Purpose.** Roof top equipment, if not screened properly, can detract from views of adjacent properties. Also roofs and roof mounted equipment can be the predominant view where buildings are down slope from public streets.
- 2. Standard.** All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.

According to the applicant's narrative, all roof-mounted equipment is screened from the view of adjacent public streets. This standard is met.

18.630.070 Signs

A. Sign standards. In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:

- 1. Zoning district regulations.** Residential only developments within the MUC, MUE and MUR zones shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MUC zone shall meet the sign requirements for the commercial zones, 18.780.130.C; nonresidential development within the MUE zone shall meet the sign requirements of the C-P zone, 18.780.130.D and nonresidential development within the MUR zones shall meet the sign requirements of the C-N zone, 18.780.130.E.

2. **Sign area limits.** The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted.
3. **Height limits.** The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted.
4. **Sign location.** Freestanding signs within the Washington Square regional center shall not be permitted within required L-1 landscape areas.

According to the applicant's narrative, an integral wall sign is provided on the west elevation of building C at the building's corner near SW Oak Street. The area of the western building face is 2,388 square foot. The area of the proposed sign is 143 square feet, or less than 6 percent of the total wall face. The sign area does not exceed 15% of the area of the building face on which it is mounted and will not extend above the building's roofline. To verify these specifications meet the applicable sign standards a sign application will be required prior to installation of any signage. This standard is met.

18.630.090 Landscaping and Screening

Applicable levels. Two levels of landscaping and screening standards are applicable. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other subsections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

- A. **L-1 parking lot screen.** The L-1 standard applies to setbacks on public streets. The L-1 standard is in addition to other standards in other chapters of this title. The setback shall be a minimum of eight feet between the parking lot and a public street. L-1 trees shall be considered parking lot trees and spaced between 30 and 40 feet on center within the setback. All L-1 trees shall be a minimum of 3½-inch caliper at the time of planting. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.
- B. **L-2 general landscaping.** The L-2 standard applies to all other trees and shrubs required by this chapter and Chapter 18.745 (except those required for the L-1 parking lot screen). For trees and shrubs required by Chapter 18.745, the L-2 standard is an additional standard. All L-2 trees shall be 2½-inch caliper at the time of planting. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

These landscape standards apply to the areas adjacent to SW Oak Street between Buildings B and C, and between C and D. As reviewed above, the applicant has not met the standard for L-1 and has been conditioned to meet it.

FINDING: The Washington Square Regional Center Plan District standards are not all met but can be met with the following conditions of approval.

CONDITIONS: The applicant shall submit a revised development plan to meet required participation in funding future transportation and public improvements projects, such as the SW Lincoln Street extension, subject to rough proportionality, a recommendation by the Planning Commission and approval by the City Council.

The applicant shall submit a revised landscape plan showing the L-1 areas between Buildings B and C, and between C and D are consistent with L-1 standards.

18.705 ACCESS, EGRESS, AND CIRCULATION

18.705.020 Applicability of Provisions

- A. **When provisions apply.** The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.

The proposal is for 215 multi-family units and associated access and parking, which is considered development;

therefore these standards apply.

18.705.030 General Provisions

- D. Public street access.** All vehicular access and egress as required in 18.705.030.H and I shall connect directly with a public or private street approved by the city for public use and shall be maintained at the required standards on a continuous basis.

As shown in the applicant's site plan, the three proposed driveways are directly connected to SW Oak St. This standard is met.

F. Required walkway location. On-site pedestrian walkways shall comply with the following standards:

1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments.
2. Within all attached housing (except two-family dwellings) and multifamily developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.
3. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.
4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, other pervious paving surfaces, etc. Any pervious paving surface must be designed and maintained to remain well-drained. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

As shown in the Preliminary Site Plan (Sheet P2.0) walkways will connect from all primary (and secondary) multi-family building entrances to the parking areas and common open spaces and facilities planned to serve the project. Primary crossings of driveway aisles will be marked by paint or contrasting pavement. These standards are met.

H. Access management.

1. An access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the city and AASHTO (depending on jurisdiction of facility).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting

adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

2. Driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from city engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. This standard is met.

- 3. The minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet.**
- 4. The minimum spacing of local streets along a local street shall be 125 feet.**

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

I. Minimum access requirements for residential use.

1. Vehicular access and egress for single-family, duplex or attached single-family dwelling units on individual lots and multifamily residential uses shall not be less than as provided in Tables 18.705.1 and 18.705.2.

**TABLE 18.705.2
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
MULTIFAMILY RESIDENTIAL USE**

Dwelling Units	Min. Number of Driveways Required	Min. Access Width	Min. Pavement Width
1-2	1	15'	10'
3-19	1	30'	24' if two-way, 15' if one-way: curbs and 5' walkway required
20-49	1 or 2	30' 30'	24' if two-way 15' if one-way: curbs and 5' walkway required
50-100	2	30'	24' curbs and 5' walkway required

Standards for parking greater than 100 cars is not specified in Table 18.705.2. The proposed three accesses with a 24-foot paved width would provide a level of access similar to that required for the largest development size listed. The standard is met.

FINDING: Based on the analysis above, the Access, Egress and Circulation standards are not all met but can be met through the following conditions of approval:

CONDITIONS: Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

18.715 DENSITY COMPUTATIONS

18.715.010 Purpose

The purpose of this chapter is to implement the comprehensive plan by establishing the criteria for determining the number of dwelling units permitted.

18.715.020 Density Calculation

- A. Definition of net development area.** Net development area, in acres, shall be determined by subtracting the following land area(s) from the total site acres:
 - 1. All sensitive land areas:
 - a. Land within the 100-year floodplain,
 - b. Land or slopes exceeding 25%,
 - c. Drainage ways, and
 - d. Wetlands,
 - e. Optional: Significant tree groves or habitat areas, as designated on the City of Tigard "Significant Tree Grove Map" or "Significant Habitat Areas Map";
 - 2. All land dedicated to the public for park purposes;
 - 3. All land dedicated for public rights-of-way. When actual information is not available, the following formulas may be used:
 - a. Single-family development: allocate 20% of gross acreage,
 - b. Multifamily development: allocate 15% of gross acreage or deduct the actual private drive area;
 - 4. All land proposed for private streets; and
 - 5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.
- B. Calculating maximum number of residential units.** To calculate the maximum number of residential units per net acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot in the applicable zoning district.
- C. Calculating minimum number of residential units.** As required by Section 18.510.040, the minimum number of residential units per net acre shall be calculated by multiplying the maximum number of units determined in subsection B of this section by 80% (0.8).

The project site is zoned with a combination of the MUE-1 (7.88-acres) and MUR-1 (3.4 acres) zoning districts. Pursuant to Table 18.502.2, the minimum density for both zones is 50 units per net site acre, and no maximum. Based on the following density calculation, a minimum of 205 units are required.

Gross site area	11.17 acres
<u>-Public right-of-way dedication</u>	<u>0.32 acres</u>
Net site area	10.85 acres

Initial net site area	10.85 acres
-Remaining jurisdictional wetlands/floodplain	6.20 acres
-Private drive area (drive aisles required for fire access only)	<u>0.60 acres</u>
Net/Net site area	4.05 acres

Minimum units required 50 units/acre x 4.05 acres =205 units

proposed density 215 units/4.05 acres = 53.1 units/acre

FINDING: The proposal is for 215 units, or 53.1 dwelling units per net acre. This exceeds the minimum density required. This standard is met.

18.725 ENVIRONMENTAL PERFORMANCE STANDARDS

These standards require that federal and state environmental laws, rules and regulations be applied to development within the City of Tigard. Section 18.725.030 (Performance Standards) regulates: Noise, visible emissions, vibration and odors.

Noise. For the purposes of noise regulation, the provisions of Sections 7.41.130 through 7.40.210 of the Tigard Municipal Code shall apply.

Visible Emissions. Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

Vibration. No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

Odors. The emissions of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

Glare and heat. No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and; 1) there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and 2) these regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

Insects and rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

FINDING: The proposal is for multi-family development, which is permitted within the MUR-1 and MUE-1 zones. These Environmental Performance standards will apply to the apartments after construction and be subject to compliance with the applicable code enforcement provisions.

18.745 LANDSCAPING AND SCREENING

18.745.030 General Provisions

- A. **Maintenance responsibility.** Unless otherwise provided by the lease agreement, the owner, tenant and his or her agent, if any, shall be jointly and severally responsible for the ongoing maintenance of all landscaping and screening used to meet the requirements of this chapter according to applicable industry standards.
- B. **Installation requirements.** The installation of all landscaping and screening required by this chapter shall be as follows:
 - 1. All landscaping and screening shall be installed according to applicable industry standards;
 - 2. All plants shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-2004, and any future revisions); and
 - 3. All landscaping and screening shall be installed in accordance with the provisions of this title.
- C. **Certificate of occupancy.** Certificates of occupancy shall not be issued unless the requirements of this chapter have been met or other arrangements have been made and approved by the city such as the posting of a bond.

18.745.040 Street Trees

- A. Street trees shall be required as part of the approval process for Conditional Use (Type III), Downtown Design Review (Type II and III), Minor Land Partition (Type II), Planned Development (Type III), Site Development Review (Type II) and Subdivision (Type II and III) permits.
- B. The minimum number of required street trees shall be determined by dividing the linear amount of street frontage within or adjacent to the site (in feet) by 40 feet. When the result is a fraction, the minimum number of required street trees shall be determined by rounding to the nearest whole number.
- C. Street trees required by this section shall be planted according to the Street Tree Planting Standards in the Urban Forestry Manual.
- D. Street trees required by this section shall be provided adequate soil volumes according to the Street Tree Soil Volume Standards in the Urban Forestry Manual.
- E. Street trees required by this section shall be planted within the right of way whenever practicable according to the Street Tree Planting Standards in the Urban Forestry Manual. Street trees may be planted no more than 6 feet from the right of way according to the Street Tree Planting Standards in the Urban Forestry Manual when planting within the right of way is not practicable.
- F. An existing tree may be used to meet the street tree standards provided that:
 - 1. The largest percentage of the tree trunk immediately above the trunk flare or root buttresses is either within the subject site or within the right of way immediately adjacent to the subject site;
 - 2. The tree would be permitted as a street tree according to the Street Tree Planting and Soil Volume Standards in the Urban Forestry Manual if it were newly planted; and
 - 3. The tree is shown as preserved in the Tree Preservation and Removal site plan (per 18.790.030.A.2), Tree Canopy Cover site plan (per 18.790.030.A.3) and Supplemental Report (per 18.790.030.A.4) of a concurrent urban forestry plan and is eligible for credit towards the effective tree canopy cover of the site.
- G. In cases where it is not practicable to provide the minimum number of required street trees, the Director may allow the applicant to remit payment into the Urban Forestry Fund for tree planting and early establishment in an amount equivalent to the City's cost to plant and maintain a street tree for three (3) years (per the Street Tree Planting Standards in the Urban Forestry Manual) for each tree below the minimum required.

As shown in the Landscape Plan (Sheets L1.1/2) the applicant proposes planting of fifteen katsura trees along the site's SW Oak Street frontage within planter strips between the curb and sidewalk in order to provide the required number of street trees and planting locations consistent with Section 18.745.040. This standard is met.

18.745.050 Buffering and Screening

A. General provisions.

- 1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.
- 2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix.
- 3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.

E. Screening: special provisions.

1. Screening and landscaping of parking and loading areas:

- a. Screening of parking and loading areas is required. In no cases shall nonconforming screening of parking and loading areas (i.e., nonconforming situation) be permitted to become any less

conforming. Nonconforming screening of parking and loading areas shall be brought into conformance with the provisions of this chapter as part of the approval process for conditional use (Type III), downtown design review (Type II and III), planned development (Type III), and site development review (Type II) permits only. The specifications for this screening are as follows:

- i. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;
- ii. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;
- iii. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;
- iv. All parking areas, including parking spaces and aisles, shall be required to achieve at least 30% tree canopy cover at maturity directly above the parking area in accordance with the parking lot tree canopy standards in the Urban Forestry Manual.

As indicated in Table 18.745.1, a Type D buffer is required for parking lots with 50+ spaces along the south perimeter of the property. According to Table 18.745.2, a 10-20 foot buffer with a 6 foot hedge, fence, or wall with trees and shrubs for screening is required. As shown on the Landscape Plan (Sheets L1.1/2), the applicant proposes an alternative to the buffer and screening standards to account for the retaining wall and limited space afforded the project's proximity to wetlands to the south. The applicant proposes that slats will be added to the proposed 42 inch high chain link fence atop the retaining wall after a pathway is placed through the wetland (unlikely to occur in the near future) and before proposed screening trees planted at the base of the retaining wall become an effective screen on their own. Given the information provided, it is unclear whether the proposed alternative screening plan would sufficiently reduce or eliminate the adverse impacts of visual pollution created by the elevated parking lot as seen from the south from other vantage points besides the potential trail. To ensure the alternative screening plan is sufficient, the applicant shall provide a site line analysis that demonstrates they will be effectively screened from view.

2. Screening of service facilities. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area.

4. Screening of refuse containers. Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

The applicant states that the refuse containers within the project will be screened from views by 6-foot tall CMU block enclosures. This standard is met.

FINDING: Based on the analysis above, the Landscaping and Screening standards have not been fully met but can be met through the following condition of approval.

CONDITION: The applicant shall provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south.

18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE

18.755.010 Purpose and Applicability

B. Applicability. The mixed solid waste and source separated recyclable storage standards shall apply to new multi-unit residential buildings containing five or more units and nonresidential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

The applicant proposes using the “franchised hauler review method” method provided for by Code Section 18.755.040.F. The 215-unit multi-family project will be served by two roughly 200 square foot trash and recycling enclosures conveniently located for use by all residents. The outdoor trash enclosures will be constructed of split-faced CMU block, with wood and metal accents. The apartment management company will contract for twice a week trash and recycling pick-up by Pride Disposal – the franchised hauler serving the area of the site. This method and frequency of pickup was suggested by representatives of Pride Disposal because of the site constraints posed by the site’s slope making the location of additional collection facilities impractical and difficult to access by Pride Disposal’s collection vehicles. A comment letter from Pride Disposal regarding the plans for solid waste collection and recycling facilities is enclosed as Impact Assessment Report D.

FINDING: As shown in the analysis above, the proposed mixed solid waste and recycling plan meets the standard.

18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.765.030 General Provisions

E. Visitor parking in multifamily residential developments. Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

The applicant has requested parking space exemption of 9.1% (28 spaces) as allowed under the Planned Development chapter. Provided the exemption is granted, the proposed development will meet the minimum parking standard, including the visitor parking requirement of 40 spaces (.15 x 266 minimum required spaces).

G. Disabled-accessible parking. All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the state building code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.

Disabled parking space are provided consistent with the state requirements. This standard is met.

18.765.040 General Design Standards

B. Access drives. With regard to access to public streets from off-street parking:

As shown in the Preliminary Site Plan (Sheet P2.0), proposed parking areas are designed consistent with the applicable dimensional and design requirements of Figure 18.765.1 including parking space sizes and drive aisle widths for parking space orientation of 90 degrees. As permitted by that figure’s allowance of up to 50% compact spaces, the proposed development plan provides for 115 of the total 278 on-site parking spaces to be compact spaces, or 48 percent of the spaces proposed. The general design standards are met.

18.765.050 Bicycle Parking Design Standards

A. Location and access. With regard to the location and access to bicycle parking:

- 1. Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures;**
- 2. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways;**
- 3. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate the parking area;**
- 4. Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.**

B. Covered parking spaces.

- 1. When possible, bicycle parking facilities should be provided under cover.**

2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.

C. Design requirements. The following design requirements apply to the installation of bicycle racks:

1. The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required;

2. Bicycle racks must be securely anchored to the ground, wall or other structure;

3. Bicycle parking spaces shall be at least two and one-half feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;

4. Each required bicycle parking space must be accessible without moving another bicycle;

5. Required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement;

6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.

D. Paving. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete, other pervious paving surfaces, or similar material. This surface must be designed and maintained to remain well-drained.

E. Minimum bicycle parking requirements. The total number of required bicycle parking spaces for each use is specified in Table 18.768.2 in 18.765.070.H. In no case shall there be less than two bicycle parking spaces. Single-family residences and duplexes are excluded from the bicycle parking requirements. The director may reduce the number of required bicycle parking spaces by means of an adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in 18.370.020.C.5.e.

Pursuant to Table 18.765.2, one bicycle parking space is required for every two multi-family dwelling units, or a minimum of 108 bicycle parking spaces are required. As shown in the Preliminary Site Plan (Sheet P2.0), 108 covered bike parking spaces are provided. This standard is met.

18.765.070 Minimum and Maximum Off-Street Parking Requirements

H. Specific requirements. See Table 18.765.2.

Table 18.765.2 requires a minimum of 1 parking space for each studio unit below 500 sq. ft. in size; 1.25 parking space for each 1-bedroom unit; 1.5 parking spaces for each 2-bedroom unit; and 1.75 parking spaces for each 3-bedroom unit for multi-family development projects. The proposed multi-family project will include 64 studios; 98 1-bedroom units; and 53 2-bedroom units. There will be no 3-bedroom units. Therefore, a minimum of 266 parking spaces are required based solely upon the unit types and counts. In addition, an additional 15% on top of the required parking spaces based on unit sizes and numbers is required as visitor parking facilities. Therefore, a grand total of 306 parking spaces are required. The proposed development plan provides for a total of 278 on-site parking spaces to be provided including: a) 37 garage parking spaces and b) 241 surface parking spaces. The proposed plan therefore will provide 28 fewer on-site parking spaces than would typically be required for the size and make-up of the proposed multi-family residential development. The applicant has requested an exception to the required number of on-site parking spaces as allowed under Code Section 18.350.070.C.5 for Planned Developments, above. Provided the exception is granted, the proposed development can meet the standard.

D. Exclusions to minimum vehicle parking requirements. The following shall not be counted towards the computation of the minimum parking spaces as required in subsection H of this section:

1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except; religious institutions may count on-street parking around the perimeter of the use.

The applicant acknowledges that the on-street parking provided by the SW Oak Street improvement may not count toward the required minimum parking spaces.

FINDING: As shown in the analysis above, the Off-Street Parking and Loading Requirements can be met.

18.790 URBAN FORESTRY PLAN

18.790.030 Urban Forestry Plan Requirements

A. Urban forestry plan requirements. An urban forestry plan shall:

- 1. Be coordinated and approved by a landscape architect (the project landscape architect) or a person that is both a certified arborist and tree risk assessor (the project arborist), except for minor land partitions that can demonstrate compliance with effective tree canopy cover and soil volume requirements by planting street trees in open soil volumes only;**

The urban forestry plan for the A+O Apartments has been prepared by David Haynes, RLA – a registered landscape architect in the State of Oregon. Appendix E of the applicant’s submittal includes an Urban Forestry Plan Supplemental Report. Sheets TC.1 through TC.3 of the application plan set provide the required tree canopy plan and calculations. Soil volume specifications for trees to be planted are included on Sheet TC.3. This standard is met.

- 2. Meet the tree preservation and removal site plan standards in the Urban Forestry Manual (UFM);**

The Urban Forestry Plan Supplemental Report of Appendix E of the applicant’s submittal includes the results of an on-site assessment of the sizes, condition ratings, and preservation ratings for all of the existing trees on and immediately adjacent to the proposed development site portion of the subject property. An assessment of existing trees located within the area to be preserved as wetlands was not conducted. Sheet TC.1 is a Tree Preservation and Removal Site Plan. Protective measures for trees to be retained are included on this plan. The required right-of-way/street improvements for SW Oak Street, as well as the applicant requested additional road width for on-street parking, will necessitate the removal of several existing mature trees. This standard is met.

- 3. Meet the tree canopy site plan standards in the Urban Forestry Manual; and**

The proposed landscaping plan provides for anticipated tree canopy coverage of the parking area to cover 57,282 square feet of the 98,317 square foot total parking lot area, or 58 percent of the parking lot. The minimum parking lot tree canopy cover area required is 33 percent in both the MUE-1 and MUR-1 zoning districts applied to the site. In addition the proposed landscaping plan provides for total anticipated tree canopy coverage of 78,785 square feet of the total 180,774 square feet of development area, or 44% of the development area. Finally, the minimum 1,000 cubic feet of soil per tree standard for the Tree Canopy Site Plan has also been met. Therefore, the proposed Tree Canopy Plan satisfies the standards of Section 18.790.030.A.3. This standard is met.

- 4. Meet the supplemental report standards in the Urban Forestry Manual.**

Appendix E of the applicant’s submittal includes an Urban Forestry Plan Supplemental Report prepared by David Haynes, RLA, which includes the required information and analysis required for such a report. This standard is met.

FINDING: Based on the analysis above, the urban forestry plan requirements are met.

18.790.060 Urban Forestry Plan Implementation

- B. Tree Establishment. The establishment of all trees shown to be planted in the tree canopy site plan (per 18.790.030 A.3) and supplemental report (per 18.790.030.A.4) of the previously approved urban forestry plan shall be guaranteed and required according to the tree establishment requirements in Section 11, part 2 of the Urban Forestry Manual.**

FINDING: The applicant’s proposal does not address tree establishment. Therefore, a condition of approval is added for the applicant to provide a tree establishment bond that meets the requirements of the Urban Forestry Manual Section 11, Part 2.

- D. Urban forest inventory. Spatial and species specific data shall be collected according to the urban forestry inventory requirements in the Urban Forestry Manual for each open grown tree and area of stand grown trees in the tree canopy site plan (per Section 18.790.030.A.3) and supplemental report (per Section 18.790.030.A.4) of a previously approved urban forestry plan.**

Section 11, Part 3 of the Urban Forestry Manual states that prior to any ground disturbance work, the applicant shall provide a fee to cover the city's cost of collecting and processing the inventory data for the entire urban forestry plan. This can be met through a condition of approval.

FINDING: Based on the analysis above, the applicable urban forestry tree inventory and establishment standards have been met. To ensure compliance, the following conditions are applied:

CONDITIONS: Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation.

Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2.

18.795 VISUAL CLEARANCE

18.795.030 Visual Clearance Requirements

- A. **At corners.** Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.
- B. **Obstructions prohibited.** A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

FINDING: The Preliminary Landscaping Plan, Sheets L1.1 and L2.2, illustrates the applicable required clear vision triangles at these intersections. This standard is met.

D. In addition, the following criteria shall be met:

1. Relationship to the natural and physical environment:

- a. **The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;**

According to the applicant's narrative, the proposed development has been designed to preserve as much of the existing wetlands and habitat area on the site as practical, while still providing with an intensive residential development as envisioned with the intensive standards and density allowances of the Washington Square Regional Center Plan and the underlying MUE-1 and MUR-1 zoning districts. Residential development area has been limited to the northern portion of the site near SW Oak Street to minimize impacts on the wetlands and to reduce the area that needs to be committed to automobile circulation. The site slopes downward away from SW Oak Street, thereby necessitating filling the site in order to provide building and site access per ADA requirements and to provide cover/depth for the stormwater management system (water quality and detention) prior to outfall to the south into the wetland area, and to provide relatively level areas for the buildings to be located. This filling of the northern portion of the site along with the relatively dense development pattern necessitated removal of all of the existing

trees. This criterion is met.

b. Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation; and

According to the applicant's narrative, all of the proposed structures will be located on structural fill designed to accommodate the load of the buildings. The underlying ground is stable and not severely sloped. A geotechnical study has been prepared for the proposed development by Geotechnical Resources, Inc. That study is included as report C in the Impact Assessment portion of this report. The recommendations of the study will be utilized in developing the final grading plan for the project. The geotechnical report offers the following conclusion:

"The site is mantled by 1.5 to 23.5 ft of silt, which is underlain by basalt which has decomposed to the consistency of sand. Beneath the decomposed basalt, the site is underlain by predominantly decomposed, extremely soft basalt to the maximum depth explored (26.5 ft). In our opinion, the structural loads of the proposed buildings can be supported by conventional spread footings established in structural fill or in the medium stiff silt or dense to very dense sand that mantles the site. The following sections of this report provide our conclusions and recommendations concerning site preparation and earthwork, foundation support, lateral earth pressures, subdrainage and floor support, pavement design, and seismic design considerations. [Geotechnical Investigation Report by Geotechnical Resources, Inc., page 3]." This criterion is met.

c. Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible.

The four multi-family residential buildings have been situated to maximize sunlight and air into as many dwelling units as practical. This criterion is met.

2. Buffering, screening and compatibility between adjoining uses:

a. Buffering shall be provided between different types of land uses; e.g., between single-family and multifamily residential, and residential and commercial uses;

The preserved open space area on the southern portion of the site will separate the proposed multi-family development project from detached single-family development to the south by over 400-feet. Trees to be planted to the south of and near the base of the retaining wall will help screen the proposed development from views from the south, as will screening materials at the top of the wall and parking area trees. Although the areas immediately to the west of the site are currently developed with detached single-family residences, that area is zoned MUE-1 and is anticipated to be redeveloped with intensive residential, institutional, and/or office development which should be similar in intensity as the proposed A+O Apartments. Nevertheless, landscaping is proposed to be provided on the western portion of the subject site to help provide a buffer between these neighboring uses. This criterion is met.

b. In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered landscape architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745:

- i. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;**
- ii. The size of the buffer needs in terms of width and height to achieve the purpose;**
- iii. The direction(s) from which buffering is needed;**
- iv. The required density of the buffering; and**
- v. Whether the viewer is stationary or mobile.**

Section 18.745.050.E.1 typically requires the screening of parking lots and loading areas from views from adjacent areas. Table 18.745.1 specifies that a Type D buffer of at least 10- feet to 20-feet of width and differing levels of plant materials and fences/walls or hedges between parking lots and areas of single-family development. These buffer standards would therefore apply along the southern and eastern edges of the proposed parking lot because the parking area might be visible from existing single-family development to the southeast and east, and Hwy 217 if not adequately buffered and screened.

The applicant requests an exception to the parking area buffer and screening standards, as provided. The proposed landscape plans were prepared by David Haynes, PLA, a registered landscape architect. The plans propose that an alternative buffer be allowed to the standards of Section 18.745.050.E.1 to screen the parking lots. The parking area will be well separated from the existing neighboring single-family uses to the south and southeast for which buffering and screening is required. The neighboring single-family uses will be located over 400 feet away from the proposed parking area. As such, views of the parking area would be distant and there would be little, if any, discernible noise or odor effects from use of the parking area upon those neighboring properties. In addition, the proposed wetland area plantings of ash trees and the proposed dense planting of western red cedar trees at the base of the proposed retaining wall will provide much more screening of views of the parking area than would a buffer on the actual edge of the parking lot, with such a buffer designed to the relatively narrow width and plant density standards of Table 18.745.1. The western red cedar trees especially will provide adequate evergreen screening of views of the parking area.

In addition, to address concerns on the screening from the future pedestrian path near Ash Creek, it is proposed that fence fillers (slats, fabric, etc.) be provided along the southern edge of the proposed parking lot if the trail is constructed prior to tree growth providing the required landscape buffer/screening to the parking area from the trail. Fence fillers will be added to the chain-link fence on top of the retaining wall and adjacent to the southern edges of the parking area in order to supplement the screening provided by the cedar trees for up to five years, in order for tree growth to provide adequate screening.

FINDING: The applicant submitted an alternative landscape plan to the required parking lot screening, prepared by a registered landscape architect, that arguably attains the same level of buffering and screening or better with alternate materials and methods. Staff finds that the applicant has not considered views from Hwy 217 or the effects of headlight at night and therefore recommends the applicant provide a site line analysis that demonstrates the alternative screening plan would effectively screen the parking lot as seen from the south, as conditioned above.

c. On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:

- i. What needs to be screened;**
- ii. The direction from which it is needed; and**
- iii. Whether the screening needs to be year-round.**

The proposed apartments will include two trash and recycling enclosures within the project's parking area. These enclosures will be constructed of CMU walls with steel gates. Landscaping will be provided adjacent to these trash enclosures to provide near-view screening. Their locations relatively deep into the parking area and site will provide them with adequate screening from adjoining properties, as will the intervening landscaping outside of the parking area. Mechanical equipment on the rooftops of the buildings will be screened from views from neighboring properties by parapets included on the buildings. This criterion is met.

3. Privacy and noise. Nonresidential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;

This is a residential development; therefore, this criterion does not apply.

4. Exterior elevations—Single-family attached and multiple-family structures. Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

- a. Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;**
- b. Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and**
- c. Offsets or breaks in roof elevations of three or more feet in height.**

The exterior elevation articulation standards of this section are superseded by Section 18.630.060.B. The standards of that section are addressed below.

5. Private outdoor area—Residential use:

- a. Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;
- b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
- c. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

As illustrated on the floor plans, Sheets A2.10 through A2.40, all ground level dwelling units will be provided with patios or decks. Minimum sizes of these decks or patios will be 48 square feet. Minimum dimensions of any of the decks or patios will be 6 feet of depth. As practical, decks are oriented to maximize solar exposure, but are designed to provide a reasonable degree of privacy. This criterion is met.

6. Shared outdoor recreation and open space facility areas—Residential use:

- a. Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
 - i. Studio units up to and including two bedroom units, 200 square feet per unit;
 - ii. Three or more bedroom units, 300 square feet per unit.
- b. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
- c. The required recreation space may be provided as follows:
 - i. Additional outdoor passive use open space facilities;
 - ii. Additional outdoor active use open space facilities;
 - iii. Indoor recreation center; or
 - iv. A combination of the above.

The proposed 215 residential units will all be studios, 1-bedroom, or 2-bedroom units. Therefore, the proposed development would be required to provide 43,000 square feet of shared usable outdoor recreation areas to satisfy subsection (a) of this standard. The proposed development plans provide for the following areas to be provided as shared usable outdoor recreation areas:

Open area north and west of Building A:	4,247 sq. ft.
Community gardens, plaza, and other areas south of Building B:	4,307 sq. ft.
Pool, pool deck, plaza, and barbecue pavilion south of Building C:	6,769 sq. ft.
Wetlands overlook plaza south of parking area:	1,478 sq. ft.
<u>Other usable open space and plaza area:</u>	<u>2,478 sq. ft.</u>
Total Usable Active Open Space provided	19,280 sq. ft.

In addition, 2,196 square feet of indoor recreation space is provided within Building C, including the following: an activity/media room (492 square feet); and exercise room (487 square feet); an activity/media room and kitchen (548 square feet); and a rooftop patio (669 square feet).

Total Indoor Recreation Space **2,196 sq. ft.**

Passive recreation areas are provided including the upland areas adjacent to the wetlands and landscape beds throughout the site.

Total outdoor passive recreation space **24,103 sq. ft.**
Total required recreation space **45,579 sq. ft.**

As allowed by subsection 6.c.iv. above, the combined shared usable outdoor recreation areas, additional indoor recreation area, and passive use open space facilities totals 45,579 square feet of combined area, or 212 square feet per each dwelling unit. This exceeds the minimum standard of 200 square feet of shared outdoor recreation and open space facility per unit. This criterion is met.

All of the proposed usable outdoor recreation areas will be located in fairly open areas and should be readily observable from a number of dwelling units, the parking area, and the sidewalks and drive aisles within the development site. This criterion is met.

7. Access and circulation:

- a. The number of required access points for a development shall be provided in Chapter 18.705;**
- b. All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and**
- c. Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.**

The proposed development is consistent with the minimum number of access points required by Chapter 18.705 (minimum of two access points required; three access points provided). The site plan has been designed to provide adequate access for emergency and service vehicles. The project development team met with a representative of the Tualatin Valley Fire and Rescue District during the development of the site plans. Modifications to the plans were made to accommodate the Fire District's concerns. The plans have also been provided to Pride Disposal, the trash and recycling service provider for the site area.

The plans provide for the dedication of a 20-foot wide public pedestrian easement along Ash Creek for future development of a pathway or boardwalk, as called for by the City of Tigard Parks System Master Plan which discusses a Washington Square Regional Center Trail looping around Washington Square, and following Ash Creek as its primary route. An easement for a connecting trail to SW Oak Street is also proposed to be provided. This criterion is met.

8. Landscaping and open space—Residential development. In addition to the buffering and screening requirements of paragraph 2 of this subsection D, and any minimal use open space facilities, a minimum of 20% of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation.

The proposed development plans (Sheet P2.4, Overall Open Space Analysis Plan) call for 48,367 square feet of landscaped area on the site, or 25 percent of the 193,406 square foot development site area. This total landscaped area does not include the minimal use areas below the proposed retaining wall, which also includes the trees and shrubs which have been proposed to provide the required screening and buffering for the parking area. The landscape plan was prepared by and under the direction of David Haynes, PLA, a registered landscape architect in the State of Oregon. This criterion is met.

9. Public transit:

- a. Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:**
 - i. The location of other transit facilities in the area; and**
 - ii. The size and type of the proposed development.**
- b. The required facilities may include but are not necessarily limited to such facilities as:**
 - i. A waiting shelter;**
 - ii. A turn-out area for loading and unloading; and**
 - iii. Hard surface paths connecting the development to the waiting area.**
- c. If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.**

The northeastern portion of the site is located within one-quarter mile of TriMet transit service bus stops at the intersection of SW Hall Boulevard and SW Locust Street, and portions of the northwestern portion of the proposed development site are slightly more than one quarter mile of TriMet transit stops on NW Greenburg Road. There currently is no transit service on SW Oak Street adjacent to the project site. Tri-Met provided a letter dated

December 4, 2014 at the City's request which outlines measures to improve access to transit from the subject site including improved sidewalk connectivity and lighting and obtaining an easement for placement of a transit shelter. The city shared TriMet's comments with the applicant who was amenable to considering the suggested improvements.

As conditioned above, the applicant shall provide a walkability and ridership audit that ensures the plan maximizes methods to promote walkability and transit ridership within a quarter mile of the subject site, including but not limited to measures identified in TriMet's comment letter dated December 4, 2014. Therefore, this criterion is met.

10. Parking:

- a. All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;**
- b. Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.**

The proposed parking areas within the multi-family development project have been designed consistent with the applicable design standards of Chapter 18.765, as reviewed in the findings to that chapter, below. This criterion is met.

- 11. Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.**

The proposed storm drainage system within the apartment project has been designed consistent with the applicable standards of Chapter 18.810, as reviewed in the findings to that chapter, below. This criterion is met.

- 12. Floodplain dedication. Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the city shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.**

The project site includes a substantial area which is within the 100-year floodplain of Ash Creek. The applicant is proposing to preserve the floodplain area on the site within a private open space area for long-term preservation. The plans note that the applicant is willing to provide a public pedestrian easement to the City of Tigard for the future development of a pedestrian path near Ash Creek, plus an easement for a pedestrian connection between that path and SW Oak Street. This criterion is met.

- 13. Shared open space facilities. These requirements are applicable to residential planned developments only. The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:**

- a. Minimal use facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100-year floodplain).**
- b. Passive use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.**
- c. Active use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.**
- d. The open space area shall be shown on the final plan and recorded on the final plat or covenants.**

The Detailed Planned Development Plan for the A+O Apartments planned development provides 318,849 square feet of the total site area, over 67 percent of the 472,688 square foot site area (after deduction of additional SW Oak Street right-of-way only) as shared open space areas, whereas a minimum of 20 percent of the site or only 94,538 square feet would be the minimum shared open space required to be provided for this size planned development site. See Sheet P2.4, Overall Open Space Analysis Plan. The total open space areas to be provided will consist of the following:

- 273,270 square feet as minimal use facilities or 289 percent of the minimum required area as shared open space use facilities
- 24,103 square feet of passive use facilities or 25 percent of the minimum required open space area;
- 21,476 square feet of active use facilities or 22.3 percent of the minimum required open space area.

This criterion is met.

14. Open space conveyance: Where a proposed park, playground or other public use shown in a plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

a. **Public ownership.** Open space proposed for dedication to the city must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of city acceptance shall be made in writing by the parks & facilities division manager prior to final approval. Dedications of open space may be eligible for systems development charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below.

b. **Private ownership.** By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the city in a form acceptable by the city. The terms of the conservation easement must include provisions for the following:

- i. The continued use of such land for the intended purposes;
- ii. Continuity of property maintenance;
- iii. When appropriate, the availability of funds required for such maintenance;
- iv. Adequate insurance protection; and
- v. Recovery for loss sustained by casualty and condemnation or otherwise.

FINDING: The Washington Square Regional Center Implementation Plan (2001) includes the Greenbelt, Parks and Open Space System Concept Plan (Figure 7) which shows greenbelt co-terminus with the wetlands on the subject site. The Tigard Park System Master Plan (2009) Map 3: Park Concept Map shows the Washington Square Regional Trail in a general alignment across the subject property. The Tigard Greenways Trail System Master Plan shows two alternate routes across the subject property, through wetlands (2A) and along SW Oak Street (2B), which is shown as a low priority on the Prioritized Project List, Table 13.

The applicant does not propose open space conveyance, but a ped/bike easement instead. The City Parks Director has determined that a dedication will not be acceptable and that a blanket pedestrian/bike easement over the entirety of Wetland A will be an acceptable reservation. As conditioned, this standard is met.

CONCLUSION: Based on the analysis above, the Detailed Development Plan Approval Criteria are met or can be met, as conditioned.

18.810 STREET AND UTILITY IMPROVEMENTS STANDARDS:

18.810.030 Streets

A. Improvements.

- 1. No development shall occur unless the development has frontage or approved access to a public street**
- 2. No development shall occur unless streets within the development meet the standards of this chapter**
- 3. No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.**

E. Minimum Rights-of-Way and Street Widths: Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Downtown District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1

The development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street include a 20-foot paved width, planter and a 12-foot wide separated bike path. No streets within the development are proposed. This standard is expected to be met.

Street Alignment and Connections:

Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

N. Grades and curves.

- 1. Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet); and**
- 2. Centerline radii of curves shall be as determined by the city engineer.**

The existing grades along the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

18.810.050 Easements

- A. **Easements.** Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse.
- B. **Utility easements.** A property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

18.810.070 Sidewalks

- A. **Sidewalks.** All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.
- B. **Requirement of developers.**
 - 2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).

The Development Review engineer has determined there are no existing sidewalks on the same side of the street as the development within 300 feet of a development site in either direction. This standard is met.

18.810.090 Sanitary Sewers

- A. **Sewers required.** Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in *Design and Construction Standards for Sanitary and Surface Water Management* (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.
- B. **Sewer plan approval.** The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. **Over-sizing.** Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

18.810.100 Storm Drainage

- A. **General provisions.** The director and city engineer shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made, and:
 - 1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
 - 2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
 - 3. Surface water drainage patterns shall be shown on every development proposal plan.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

- C. **Accommodation of upstream drainage.** A culvert or other drainage facility shall be large enough to

accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and the city engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

- D. Effect on downstream drainage.** Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the director and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

Site runoff will be directed to Ash Creek. This standard may be met by condition.

Bike lanes: Subsection 18.810.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

18.810.120 Utilities

A. Underground utilities. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
2. The city reserves the right to approve location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to undergrounding requirement.

1. The developer shall pay a fee in-lieu of undergrounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the

only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.

2. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay the fee in-lieu of undergrounding.

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of \$35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:

Fire and Life Safety:

The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:

Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

Grading and Erosion Control:

CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:

The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

SECTION VIII. IMPACT STUDY

SECTION 18.390.040.B.e requires that the applicant include an impact study. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication of real property interest, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

Section VI of the applicant’s submittal includes Impact Assessment Reports on transportation, wetlands, geotechnical, waste and recycling, and storm drainage. Item F. Impact Assessment Report by Otak, Inc. summarizes the effect of the proposed development on general compatibility, noise, odors, lighting, signage, transit availability, transportation, and utilities.

The applicant has specifically concurred with and has proposed dedication of right-of-way and to make half-street improvements along SW Oak Street.

ROUGH PROPORTIONALITY ANALYSIS

The Transportation Development Tax (TDT) is a mitigation measure required for new development and will be paid at the time of building permits. Based on Washington County implementation figures for 2014/2015, TDTs are expected to recapture approximately 32 percent of the traffic impact of new development on the Collector and Arterial Street system. Based on the use and the size of the use proposed and upon completion of this development, the future builders of the residences will be required to pay TDTs of approximately \$1,098,111 ($\$5,257 \times 215 = \$1,130,255$ new apartment units - \$32,144 for four existing single family dwellings).

Based on the estimate that total TDT fees cover 32 percent of the impact on major street improvements citywide, a fee that would cover 100 percent of this project’s traffic impact is \$3,431,596 ($\$1,098,111 \div 0.32$). The difference between the TDT paid and the full impact, is considered as unmitigated impact.

Estimated Mitigation Value Assessment:

Full Impact	$(\$1,098,111 \div 0.32)$	\$3,431,596
Less TDT Assessment		- 1,098,111
Less mitigated values for off-site improvements (Lincoln Street row + full improvements)		<u>-757,000</u>
Estimate of unmitigated impacts		\$1,576,485

FINDING: The applicant concurs with the dedication of right-of-way and improvement of SW Oak Street, a collector street, as shown in the Preliminary Site Plan (Sheet P2.0) and stated in the narrative. Any improvement to SW Lincoln Street, a collector may be TDT is creditable. Based on the analysis above, the net value of these dedications, assessments, and improvements is roughly proportional to the value of the full impact.

SECTION IX. OTHER STAFF COMMENTS

The City Police Department was notified and did not comment on the project.

The City Public Works Department was notified and commented that the wetland portion of the subject property should have a blanket public pedestrian/bike access easement for implementation of the Washington Square Loop Trail at some point in the future.

The City Development Review Engineer (Contact Greg Berry, 503-718-2468) has reviewed the proposal and provided comment in a Memorandum dated November 26, 2014, which can be found in the land use file and as an

attachment to this decision. The findings and conclusions in the Memorandum have been incorporated into this land use decision.

SECTION X. AGENCY COMMENTS

TriMet reviewed the proposal and provided a comment letter dated December 4, 2014, including recommendations for sidewalk connectivity, lighting and transit station improvements on SW Greenburg.

Metro Planner Gerry Uba reviewed the proposal and commented that “Metro is confident that Clean Water Services will assist the City to implement the amendments appropriately.”

Clean Water Services Jackie Sue Humphreys (503-681-3600) has reviewed this proposal and issued a letter dated November 18, 2014 stating conditions to be met in association with stormwater connection permit authorization, including compliance with the Service Provider Letter dated August 7, 2014 (File No. 14-001441).

Tualatin Valley Fire and Rescue John Wolff (503-259-1504) has reviewed the proposal and offered comments in a letter dated December 3, 2014, that endorses the proposal subject to TVF & R access hydrant location requirements.

Oregon Parks and Recreation Department, State Historic Preservation Office commented in a letter dated November 18, 2014 that in the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. A condition of approval will require notification procedures if cultural objects and/or human remains are found during site grading.

Oregon Division of State Lands provided a letter to the applicant dated June 13, 2014 concurring with the Pacific Habitat Services wetland and waterway boundaries for the subject site.

Frontier John Cousineau (503-643-0371) commented that the project site is within the CenturyLink territory.

Oregon Department of Land Conservation and Development (DLCD), ODOT (Region 1), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality, and the U.S. Army Corps of Engineers were mailed a copy of the proposal but provided no comment.

SECTION XI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

Limiting conflicting uses in Goal 5 protected wetlands (CPA)

The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. Staff agrees with the applicant that limiting conflicting uses to .42 acres of the site could balance adverse impacts to resources with achieving planning goals of the Washington Square Regional Center Plan District. Staff recommends limiting conflicting uses.

Planned Development (PDR)

Parking Exemption

The applicant’s request for a parking exemption of 9.1% may adversely affect on-street parking in the neighborhood. Staff recommends the applicant provide a walkability and ridership assessment that ensures the plan maximizes methods to promote walkability and transit ridership.

Funding future transportation

Developments are required to participate in funding future transportation and public improvement projects necessary within the Washington Square Regional Center. Staff recommends the applicant consider a range of improvements associated with SW Lincoln Street such as providing a full street dedication and improvements from Oak Street to Lincoln, full dedication of the right of way with a constructed bike/ped path, or a constructed bike/ped path within a bike/ped easement, and to construct improvements, subject to rough proportionality.

CONCLUSION

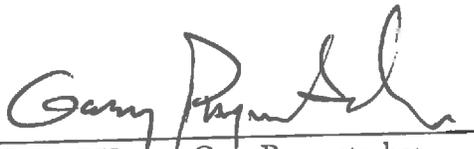
Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan, Sensitive Lands Reviews, and Planned Development are consistent or are conditioned to be consistent with applicable provisions of the Tigard Development Code Chapters: 18.350 Planned Development Review; 18.390.050/.060 Decision Making Procedures; 18.520 Commercial Zoning Districts; 18.630 Washington Square Regional Center Plan District; 18.705 Access, Egress and Circulation; 18.715 Density Computations; 18.720 Design Compatibility; 18.725 Environmental Performance; 18.745 Landscaping and Screening; 18.755 Mixed Solid Waste and Recycling; 18.765 Off-Street Parking and Loading Requirements; 18.775 Sensitive Lands; 18.780 Signs; 18.790 Urban Forestry; 18.795 Visual Clearance; 18.810 Street and Utility Improvements.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to City Council approval of the proposed comprehensive plan amendment, sensitive lands reviews, and planned development to City Council subject to the recommended conditions of approval and the result of any deliberations by the Planning Commission.

Exhibits:

- Exhibit A** The City of Tigard Development Review Engineer Memo dated December 4, 2014
- Exhibit B** TVF&R Letter dated December 3, 2014
- Exhibit C** TriMet letter dated December 4, 2014
- Exhibit D** Planned Development Concept Plan (Sheet P2.2)
- Exhibit E** General Detailed Planned Development Plan (Sheet P2.3)



PREPARED BY: Gary Pagenstecher
Associate Planner

12-8-14
DATE



APPROVED BY: Tom McGuire
Assistant Community Development Director

12/8/14
DATE



City of Tigard Memorandum

To: Gary Pagenstecher, Associate Planner
From: Greg Berry, Project Engineer
Re: SDR 2014-04; A+O Apartments
Date: November 26, 2014

Access Management (Section 18.705)

Section 18.705.030.B requires site plans be presented for approval showing how access requirements are to be fulfilled in accordance with this chapter.

The application includes a site and utility plan for a proposed 215 unit apartment complex.

Section 18.705.030.D states that all vehicular access and egress ... shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.

A driveway directly connected to SW Oak St. will provide access to the site. This standard is met.

Section 18.705.F Required walkways

PLANNING

Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and/or AASHTO (depending on jurisdiction of facility).

Three driveways along Oak Street will provide access to the site. The application includes a preliminary sight distance analysis concluding that, with certain improvements at the SW 90th Street intersection, adequate sight distance is available at the site accesses. It appears that this standard can be met, but sight distance will need to be verified at final design and after construction to verify that no changes have been made or objects added that would obscure visibility.

Prior to any work on site, the applicant's engineer shall submit a preliminary access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Upon completion of the improvements, the applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO. The applicant shall obtain approval of this report prior to final inspection.

Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The driveways are more than 150 feet from and outside the influence area any collector or arterial street. This standard is met.

Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.

SW Oak Street is a collector requiring a minimum spacing of 200 feet. Two of the proposed driveways are separated by 200 feet and the other driveway spacing is 290 feet. The standard is met.

Section 18.705.030.I includes minimum access requirements for residential use. For multifamily use developments with 50 to 100 units, two accesses are required with a minimum paved width of 24 feet with curbs and a 5-foot sidewalk within a 30-foot width.

Standards for the proposed 215 units are not provided. The proposed three accesses with a 24-foot paved width and would provide a level of access similar to that required for the development sizes listed. The standard is met.

Street And Utility Improvements Standards (Section 18.810):

Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

Streets:

Improvements:

Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.

Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.

Minimum Rights-of-Way and Street Widths: Section 18.810.030E requires minimum rights-of-way and street widths for streets adjacent to or within a development.

The development is adjacent to SW Oak Street, a collector within the Washington Square Regional Center Planning District (Chapter 18.630). The Tigard Transportation System Plan requires a bike path.

Required improvements to SW Oak Street includes a 20-foot paved width, planter and a 12-foot wide separated bike path

No streets within the development are proposed.

This standard is expected to be met.

Street Alignment and Connections:

Section 18.630.040 and 18.810.030.H.1 state that full street connections with spacing of no more than 530 feet between connections is required. Exceptions can be made where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Additional street connections in this area are precluded by surrounding existing development.

Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.

The existing grades along the Oak Street frontage are minimal. No grade changes are proposed. This standard is met.

Traffic Study: Section 18.810.030.CC Requires a traffic study for development proposals meeting certain criteria.

The application includes a May 8, 2014, traffic impact study and a September 16, 2014, Left-turn Analysis prepared by Kittelson & Associates, Inc. assessing the traffic impact on the surrounding streets and recommending any required mitigation. The study recommended specific reconfiguration improvements at the SW 90th Avenue approach to SW Oak Street. The Left-turn Analysis concluded that a left-turn lane along Oak Street was unneeded.

This standard may be met by condition.

Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the right-of-way line except:

- Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;
- For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.
- For non-residential blocks in which internal public circulation provides equivalent access.

Additional connections in this area are precluded by surrounding wetlands and existing development.

Easements:

Section 18.810.050 states that easements for sewers, drainage, water mains, electric lines, or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development is traversed by a watercourse or drainageway, there shall be provided a

stormwater easement or drainage right-of-way conforming substantially to the lines of the watercourse.

Section 18.810.050.B states that a property owner proposing a development shall make arrangements with the city, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for mainline easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.

The site is fully served by existing utilities. Applicant has stated that any required easements for utilities will be provided. This standard may be met by condition.

Sidewalks: Section 18.810.070.A requires that sidewalks be constructed to meet City design standards along at least one side of private and industrial streets.

No streets are proposed. This standard is met.

Section 18.810.070.B states that if there is an existing sidewalk on the same side of the street as the development within 300 feet in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality.

No additional sidewalks are required.

Bike lanes: Subsection 18.819.110A requires bike lanes where identified in the Tigard TSP.

The TSP identifies a multiple use path along Ash Creek. An easement for the path is required. Easement documents must be approved prior to construction, and final documents must be approved and recorded prior to occupancy.

Sanitary Sewers:

Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

Sewer Plan approval: Section 18.810.090.B requires that the applicant obtain City Engineer approval of all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

Over-sizing: Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

Private sewer lines from the buildings will be extended to a public line in SW Oak Street. No public sewers are proposed or required.

Storm Drainage:

General Provisions: Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

The site will drain to catch basins in the parking lots and will be directed to private outfalls along the wetland buffer at the south side of the site.

Accommodation of Upstream Drainage: Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

A culvert crossing SW Oak Street currently conveys offsite runoff from the north. The culvert will be replaced and extended as a public storm drain to the wetlands south of the site. An easement will be provided. These standards may be met by condition.

Effect on Downstream Drainage: Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2007 and including any future revisions or amendments).

Site runoff will be directed to Ash Creek. This standard may be met by condition.

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 07-20) which require the construction of on-site water quality facilities. The facilities shall be designed in accordance with the CWS Design and Construction Standards for Sanitary Sewer and Surface Water Management and shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

An underground water quality facility is proposed to treat onsite runoff. Swales in a planter will be used to treat runoff from SW Oak Street. This standard may be met by condition.

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces of more than 1,000 square feet provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention, but a fee-in-lieu would be required.

The applicant's engineer has submitted preliminary detention calculations for an underground system. This standard may be met by condition.

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- The developer shall make all necessary arrangements with the serving utility to provide the underground services;
- The City reserves the right to approve location of all surface mounted facilities;
- All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
- Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

There are existing overhead utility lines along SW Oak Street across the street from the development. Therefore, a fee in-lieu of \$35 per frontage front is required and must be paid prior to final inspection. Submit a determination of the frontage length for approval before issuance of building permits

Fire and Life Safety:

The applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location prior to any work on site.

Public Water System:

Tualatin Valley Water District (TVWD) provides service in this area. The application includes a service provider letter from TVWD stating that adequate capacity is available to provide service to the proposed development.

Prior to any work on site the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site. TVWD approval of construction shall be obtained prior to final inspection.

Grading and Erosion Control:

CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The applicant shall meet the requirements of the Federal Clean Water Act regarding National Pollutant Discharge Elimination System (NPDES) erosion control permits that may be needed for this project.

The applicant shall follow all applicable requirements regarding erosion control, particularly those of the Federal Clean Water Act, State of Oregon, Clean Water Services, and City of Tigard including obtaining and abiding by the conditions of NPDES 1200-C or 1200-C-N permits as applicable.

Site Permit Required:

The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to any work on site and prior to issuance of the building permit.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the City prior to the issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

Sensitive Lands (Section 18.775.070)

Section 18.775.070.B.2 requires that land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge.

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.3 requires that land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map.

Proposed land form alterations are confined to portions of the site designated as MUE-1.

Section 18.775.070.B.4 requires that where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

The applicant has submitted a zero-rise analysis showing that the proposed development will not cause an increase in the 100-year water surface elevation of Ash Creek. This requirement is met.

Section 18.775.070.B.5 requires that land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan.

Dedication of a public pedestrian easement is proposed. Since there are no current plans for a pathway, an easement will be required over the entirety of the floodplain. An approved easement agreement is required before beginning work and must be recorded before final inspection.

Section 18.775.070.B.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained;

The applicant has submitted applications for these permits. Approved permits will be required before beginning any work

Section 18.775.070.B.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed. .

Section 18.775.070.D.2 requires that the extent and nature of the proposed land form alteration or development in a drainageway will not create site disturbances to the extent greater than that required for the use.

The disturbance will be limited to that required to replace the portion of the drainageway along the western side of the site with a public with a public storm drain. This requirement is expected to be met.

Section 18.775.070.D.3 requires that he proposed land form alteration or development within the drainageway will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property.

Relocating the drainageway to a storm drain and providing an adequate outfall is expected to prevent these adverse effects.

Section 18.775.070.D.4 requires that the water flow capacity of the drainageway is not decreased.

The storm drain receiving the flow from the drainageway will have adequate capacity. This requirement will be met.

Section 18.775.070.D.5 where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.

Restoration will be required at the southern end of the drainageway. This work is expected to be required by the permits of other agencies.

Section 18.775.070.D.6 requires that the drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan.

The public storm drain replacing the drainageway will be sized to have the required capacity.

Section 18.775.070.D.7 requires that the necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands and CWS approvals shall be obtained for work within a drainageway.

U.S Army Corps of Engineers, Division of State Lands and CWS permit applications have been submitted. Approved permits will be required before any work begins.

Section 18.775.070.D.8 requires that where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan.

A public pedestrian easement for the Washington Square Regional Central Trail is proposed. .

Recommendations:

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ANY WORK ON SITE:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to any work on site, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements, public utility issues, and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. Failure to provide accurate information to the Engineering Department will delay processing of project documents.

Prior to any work on site, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Clean Water Services, and the Oregon Division of State Lands) for all work to be done on site.

Prior to any work on site, the applicant shall obtain approval from the City Engineer for the street design which is anticipated to include a 20-foot paved half width plus an 8-foot planter and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to any work on site, the applicant shall obtain approval from the City Engineer of an design access report.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the sanitary sewer system to serve the site and any downstream impacts.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for the final design of the storm drainage system to serve the site and any downstream impacts.

Prior to any work on site the applicant shall obtain city and CWS approval of the complete design of the stormwater detention facilities and maintenance plans for them, including maintenance requirements and provisions for any treatments used.

Prior to any work on site, the applicant shall obtain approval from the City Engineer and other appropriate agencies for an easement over the entirety of the undeveloped area along Ash Creek for the construction, operation and maintenance of a multiple use path.

Prior to any work on site, the applicant shall provide documented approval from the Tualatin Valley Water District (TVWD) of the design of water service to the site.

Prior to any work on site, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for the planned access and hydrant location.

Prior to any ground disturbance on the site, the applicant shall obtain an erosion control permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition (and any subsequent versions or updates)."

Prior to any work on site, the applicant shall provide an approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to issuance of building permits, the applicant shall obtain all permits and service provider letters necessary from all appropriate agencies (such as Washington County, Tualatin Valley Water Department and Clean Water Services) for all work to be done on site.

Prior to issuance of building permits, the applicant shall obtain approval from Tualatin Valley Fire and Rescue.

Prior to issuance of building permits, the applicant shall obtain city and CWS approval of plans for the construction of the stormwater treatment facilities.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO FINAL INSPECTION:

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

Prior to final inspection, all elements of the proposed infrastructure (such as transportation, sanitary sewer, storm drainage, water, etc.) shall be in place and operational with accepted maintenance plans. The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to city acceptance of the development's improvements or any portion thereof for operation and maintenance.

Prior to final inspection, the applicant shall obtain city approval of complete construction of the transportation infrastructure, which is anticipated to include a 20-foot paved half width plus an 8-foot planter with trees, lights, underground utilities and 12-foot sidewalk in a 40-foot right-of-way half width.

Prior to final inspection, the applicant shall obtain approval from the City Engineer and other appropriate agencies of the construction of the sanitary sewer system to serve the site and mitigation of any downstream impacts.

Prior to final inspection, the applicant shall obtain city and CWS approval of the complete construction of the stormwater treatment facilities and maintenance plans.

Prior to final inspection, the applicant shall obtain city approval of the complete construction of the proposed driveways. The applicant's engineer shall submit a final access report to City engineering staff which verifies design of driveways and streets to be used by site traffic are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by the City and AASHTO.

Prior to final inspection, the applicant shall provide approval from Tualatin Valley Fire & Rescue (TVF&R) for access and hydrant location and any necessary construction prior to final inspection.

Prior to final inspection, the applicant shall record the approved easement agreement for the construction, operation and maintenance of a public path across the entirety of the site floodplain.



December 3, 2014

City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

Re: A + O Apartments Planned Development

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
- 2) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)
- 3) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)
- 4) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) ***Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as your water purveyor. Fire flow calculation worksheets as well as instructions are available on our web site at www.tvfr.com.***
- 5) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. ***Determine number of hydrants required from fire flow calculations and distribute to meet minimum distance and spacing requirements. An additional hydrant may need to be installed on SW 95th to meet this requirement.***

Considerations for placing fire hydrants may be as follows:

North Operating Center
20665 SW Blanton Street
Aloha, Oregon 97007-1042
503-259-1400

Command & Business Operations Center
and Central Operating Center
11945 SW 70th Avenue
Tigard, Oregon 97223-9196
503-649-8577

South Operating Center
7401 SW Washo Court
Tualatin, Oregon 97062-8350
503-259-1500

Training Center
12400 SW Tonquin Road
Sherwood, Oregon 97140-9734
503-259-1600

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
 - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- 6) **PRIVATE FIRE HYDRANTS:** To distinguish private fire hydrants from public fire hydrants, private fire hydrants shall be painted red. (OFC 507.2.1, NFPA 24 & 291)
 - 7) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)
 - 8) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)
 - 9) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
 - 10) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)
 - 11) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)
 - 12) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)
 - 13) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

ADDITIONAL COMMENTS: The above listed criteria are preliminary potential applicable conditions that MAY apply to this project.

If you have questions or need further clarification, please feel free to contact me at 503-259-1504.

Sincerely,



John Wolff
Deputy Fire Marshal

Copy: TVF&R File

December 4, 2014

Gary Pagenstecher
Associate Planner
13125 SW Hall Blvd.
Tigard, OR 97223

RE: Case File Number, CPA 2014-2

Thank you for the opportunity to comment on the proposed development on SW Oak St. TriMet Bus Lines 76 & 78 serve the area with a bus stops located on SW Greenburg Rd at Washington Square Rd. These stops see an average of 80 people boarding and alighting on weekdays. In addition 4 lifts of riders in mobility devices occur on an average month at this location. Activity may increase with development.

TriMet is interested in maintaining this stop and hopes to safely encourage ridership through supportive development. The purpose of our recommendations is to minimize traffic impacts of new development and maximize ridership by encouraging patterns that are transit, bicycle, and pedestrian supportive.

TRIMET STAFF RECOMMENDATIONS

Ensure sidewalk connectivity: Presently the south side of Oak Street has gaps in the sidewalk infrastructure. Developer should ensure that there is a safe and comfortable pathway to walk to Greenburg Rd from the new development.

Consider sidewalk lighting: The nature of the streetscape is conducive to shadows. Proper lighting will ensure new residents feel comfortable walking to and from the bus.

Consider negotiating an easement with the owner of the property at 10250 SW Greenburg Rd for the purpose of a shelter: Shelter from the elements can make taking transit much more palatable. There is not sufficient public right-of-way for a shelter. This is the property adjacent to the bus stop where residents of this development would most likely board. If an easement were to be obtained and a 5' deep by 20' wide concrete pad were placed behind the right-of-way, TriMet could place and maintain a shelter for residents wishing to take the bus.

Again, thank you for your time and consideration. If you have any questions, please contact me at 503-962-6478.

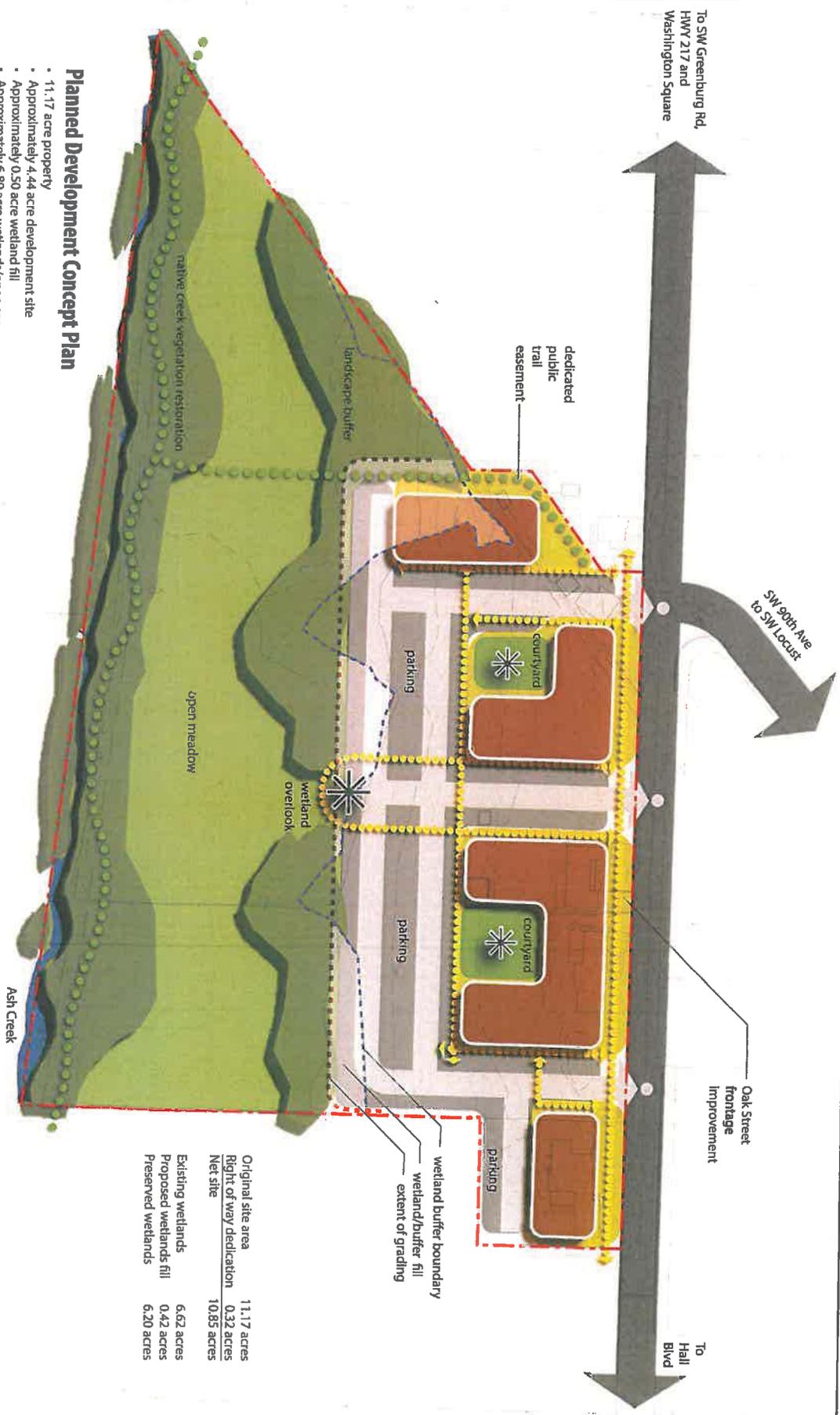
Sincerely,



Grant O'Connell, Planner II
Transit Development
Capital Projects

17044_P17044P202.dwg
 User: db
 Date: 9/18/14
 Project: A+O
 Sheet: P2.2

Plot Date: Sep 18, 2014 - 1:59pm
 User: db
 Project: A+O
 Sheet: P2.2



Planned Development Concept Plan

- 11.17 acre property
- Approximately 4.44 acre development site
- Approximately 0.50 acre wetland fill
- Approximately 6.80 acre wetlands/open space
- Multi-family buildings, 4 story
- 210-225 dwelling units total
- Density target 50-55 dwelling units/acre
- Pool and other recreation opportunities
- Enhanced wetland meadow
- Future trail easement to Ash Creek trail or boardwalk
- Oak Street frontage improvement

Original site area	11.17 acres
Right of way dedication	0.32 acres
Net site	10.85 acres
Existing wetlands	6.62 acres
Proposed wetlands fill	0.42 acres
Preserved wetlands	6.20 acres

PLANNING SUBMITTAL 9/18/14

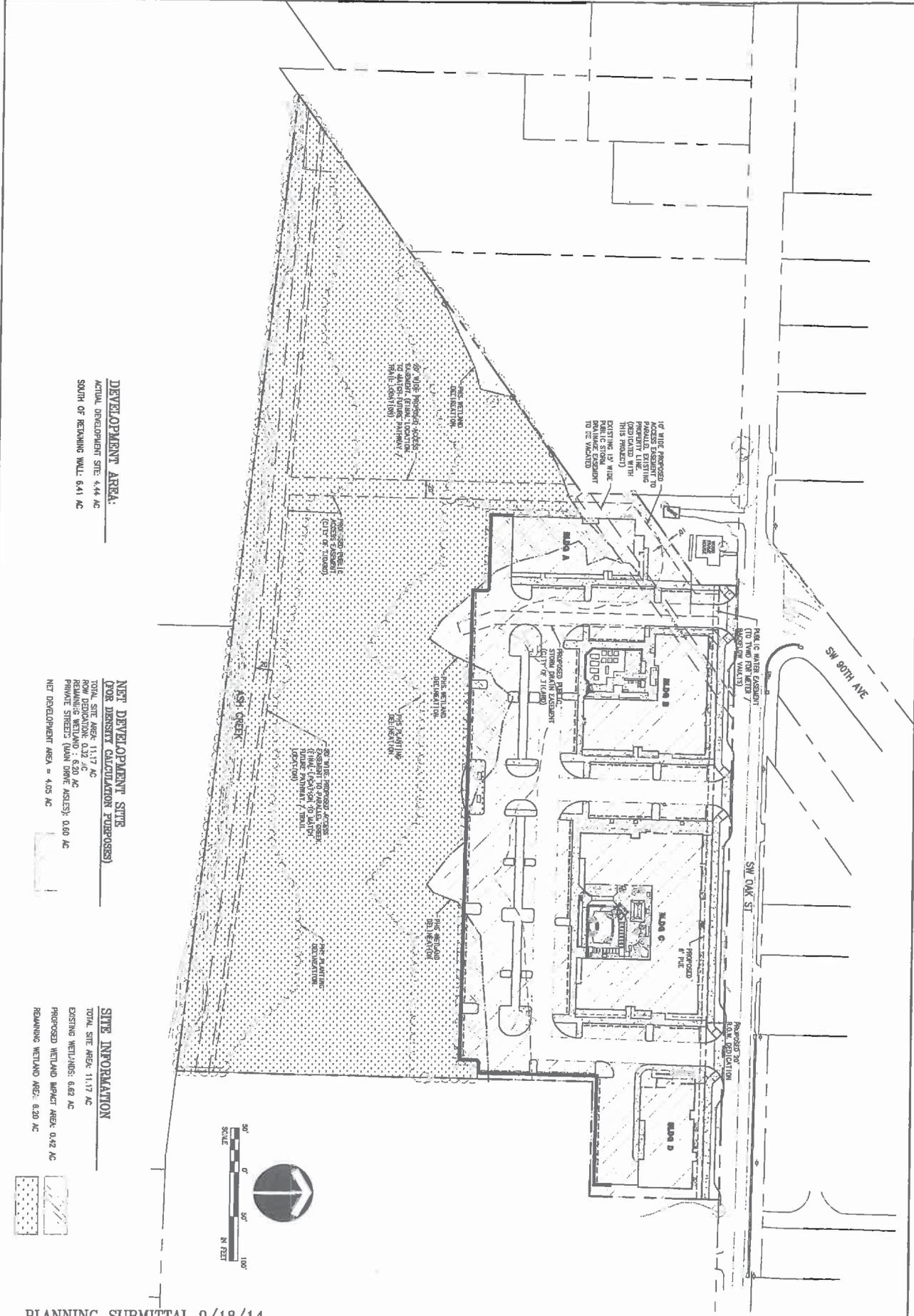
A+O APARTMENTS
 CITY OF TIGARD, OREGON
 PLANNED DEVELOPMENT CONCEPT PLAN

DBG OAK STREET, LLC
 2164 SW PARK PLACE
 PORTLAND, OR 97204
 (503) 244-2654

NO.	DATE	BY	REVISION COMMENTS

600 SW 3rd Ave, 3rd Fl.
 Tigard, OR 97224
 Phone: (503) 635-2000
 www.tigard.com

17044_P17044P202
 Project No. Drawing No.
P2.2



DEVELOPMENT AREA:
 ACTUAL DEVELOPMENT SITE: 4.44 AC
 SQUARE OF REMAINING W.L.: 6.41 AC

NET DEVELOPMENT SITE (FOR DENSEST CALCULATION PURPOSES)
 TOTAL SITE AREA: 11.17 AC
 ROW DEDICATION: 0.17 AC
 REMAINING WETLAND: 6.50 AC
 PRIVATE STREETS (MAIN DRIVE ASILES): 0.80 AC
 NET DEVELOPMENT AREA = 4.05 AC

SITE INFORMATION
 TOTAL SITE AREA: 11.17 AC
 EXISTING WETLANDS: 6.52 AC
 PROPOSED WETLAND IMPACT AREA: 0.42 AC
 REMAINING WETLAND AREA: 6.20 AC



PLANNING SUBMITTAL 9/18/14

A+O APARTMENTS
 CITY OF TIGARD, OREGON
 OVERALL DETAILED PLANNED DEVELOPMENT PLAN

DBG OAK STREET, LLC
 2164 SW PARK PLACE
 PORTLAND, OR 97204
 (503) 244-2554

NO.	DATE	BY	REVISION COMMENTS

Exhibit E

Sheet No. P2.3
 9/18/14

 Manufactured Home
 800 St 2nd Ave. St. 300
 Portland, OR 97204
 Tel: (503) 418-2884
 Fax: (503) 418-2884
 www.oak.com
 Project: 17064-013
 Date: 9/18/14

February 10, 2015

Steven L. Pfeiffer
SPfeiffer@perkinscoie.com
D. (503) 727-2261
F. (503) 346-2261

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.

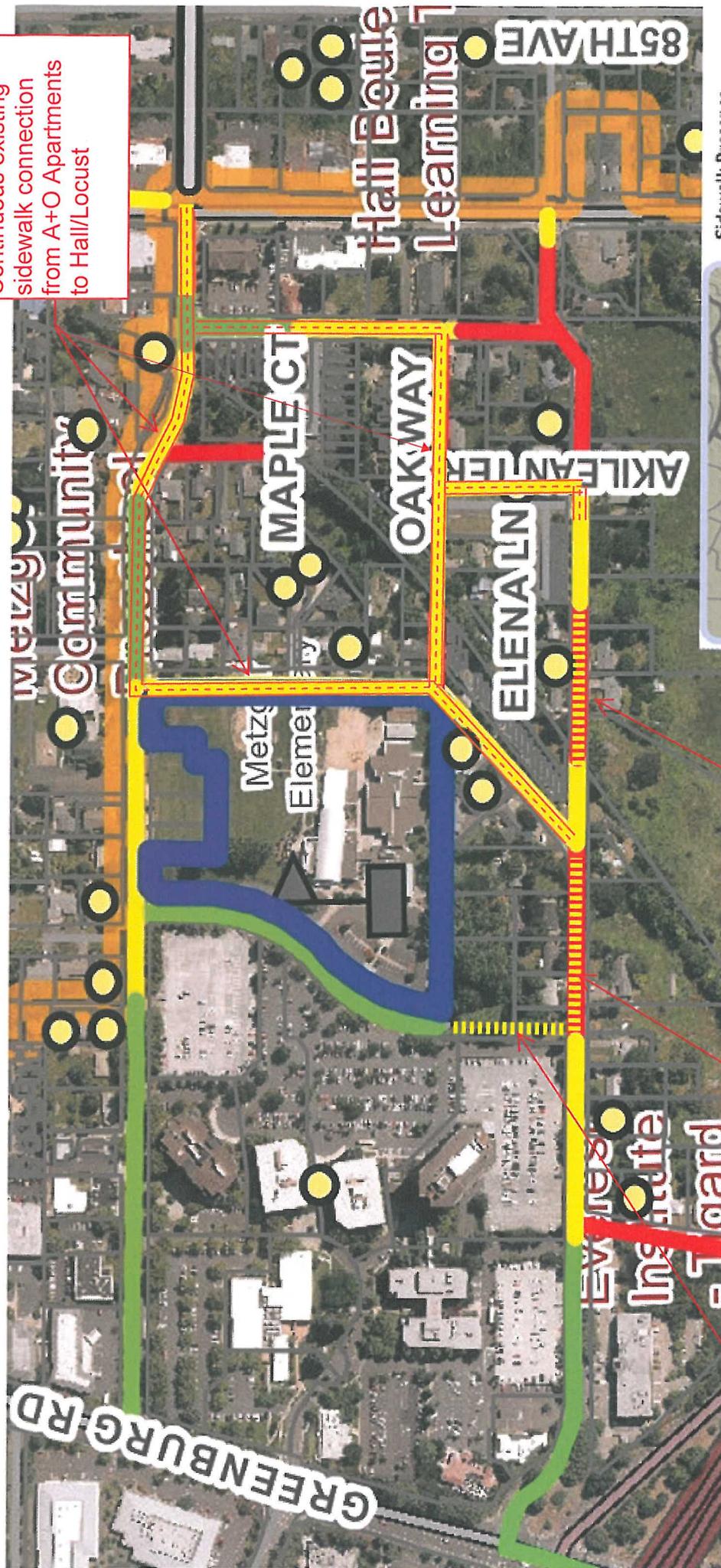
Recommended Condition of Approval No. 8 (based upon recommended condition of approval submitted by Ryan O'Brien, Emerio Design)

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

1/2 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

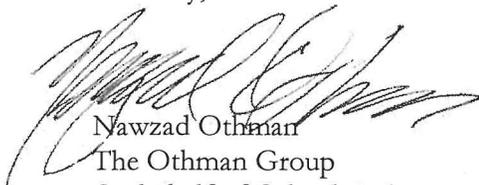
RE: SW Lincoln Street north of SW Oak Street

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

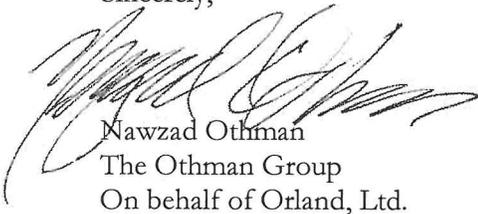
Mayor John Cook and City Council
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97224

RE: Multi-use path connecting between SW Lincoln Street and SW Oak Street

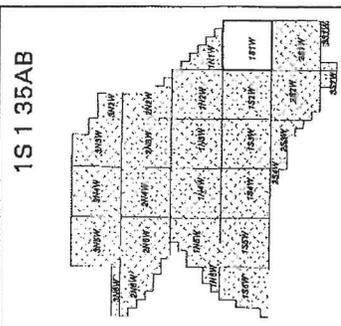
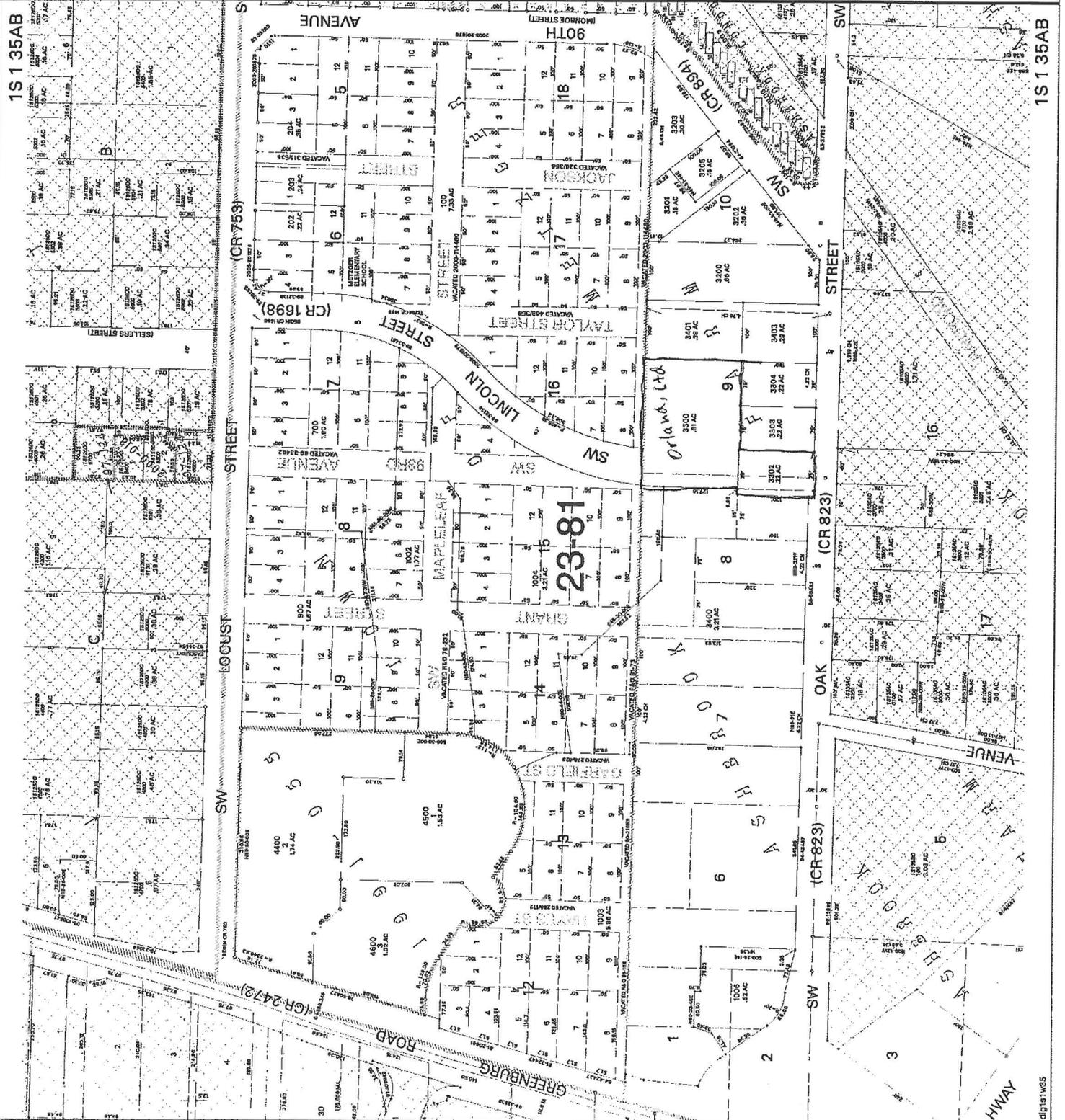
Dear Mayor Cook and City Councilors,

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,



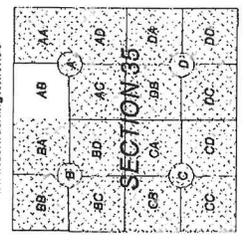
Nawzad Othman
The Othman Group
On behalf of Orland, Ltd.



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	31
1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	27
28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45

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

digit1w5



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

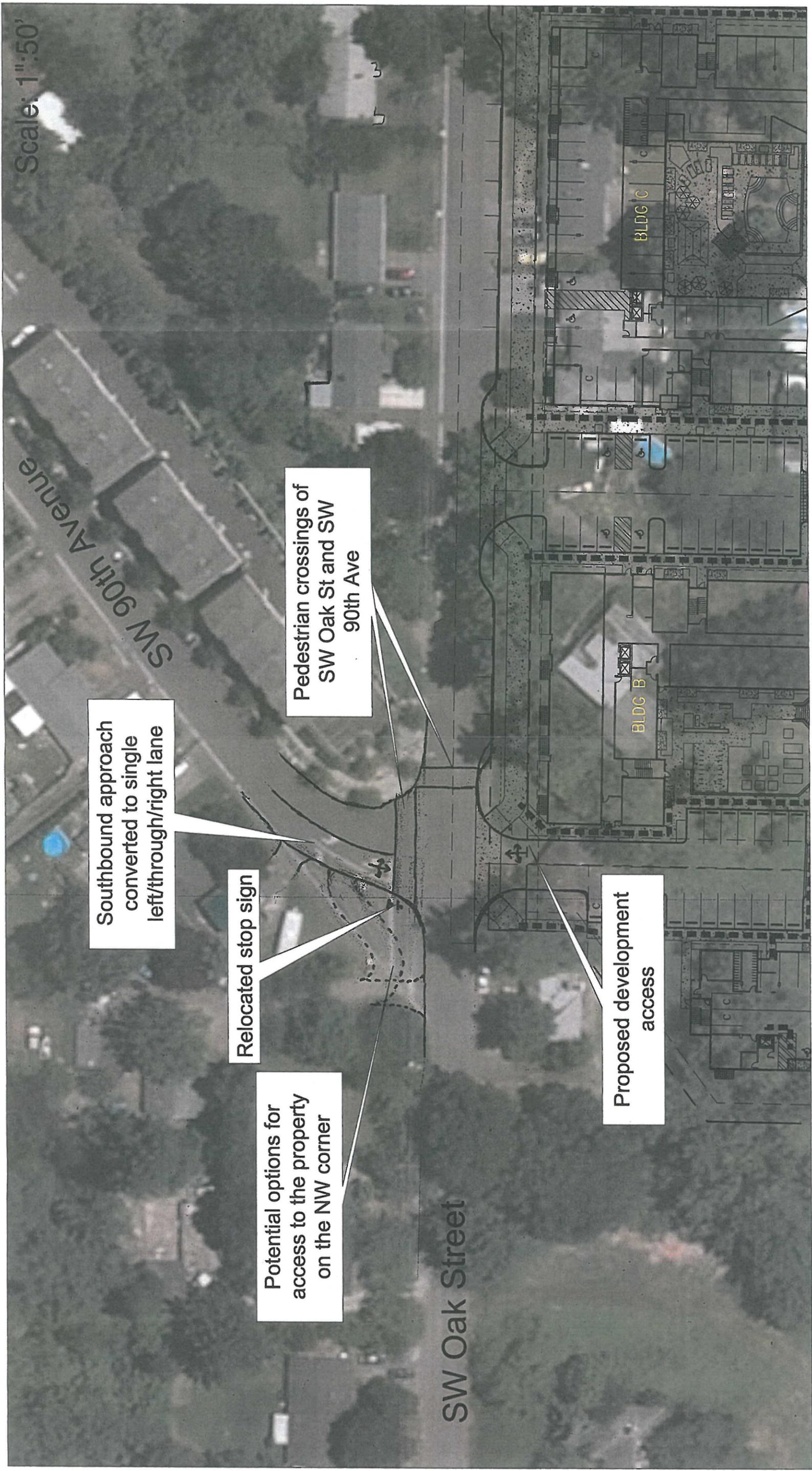
This memorandum provides further details on the proposed voluntary improvements.

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

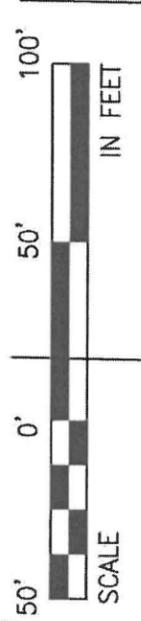
Subject: A+O Apartments – SW Oak Street Pathway

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

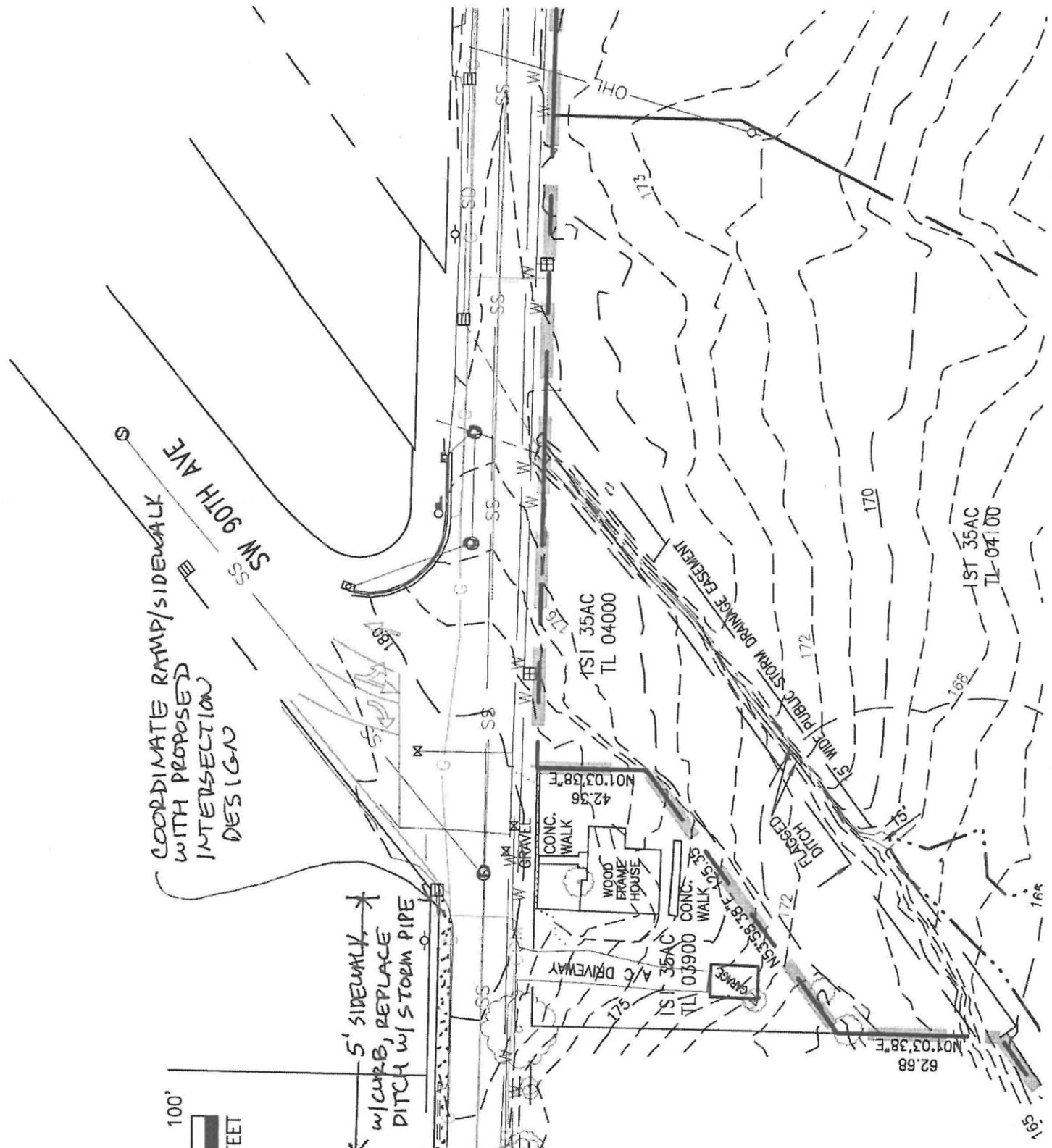
COORDINATE RAMP/SIDEWALK WITH PROPOSED INTERSECTION DESIGN

SW OAK STREET

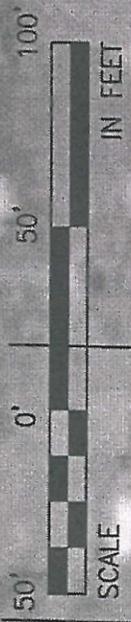
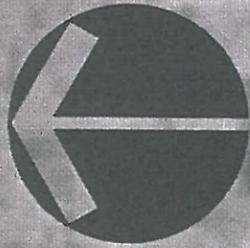
MAINTAIN (2) 11' TRAVEL LANES ON SW OAK ST.

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')

ISI 35AC
TL 03900
A/C DRIVEWAY
WOOD FRAME
HOUSE
CONC. WALK
42.66
NOI 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 - 2/17/16

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 [unclear] 1 in bln 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.

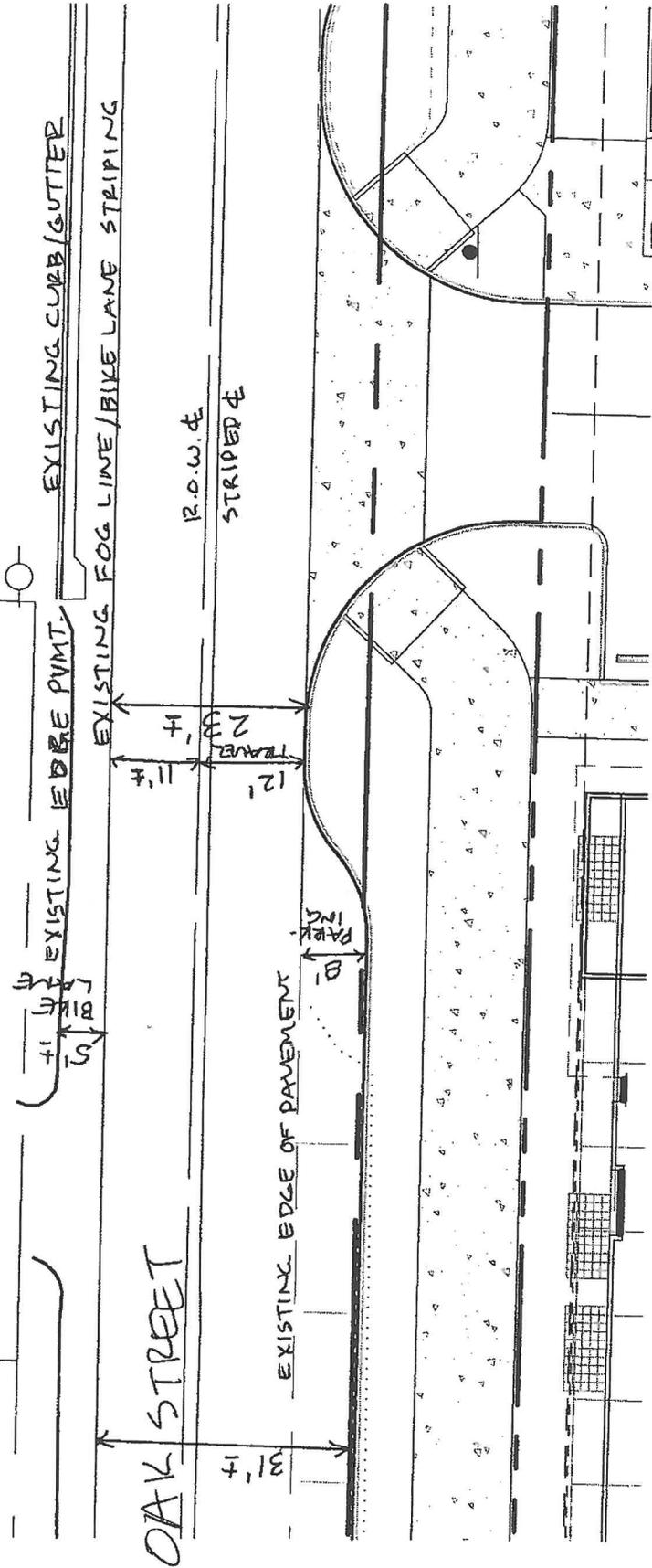
OAK STREET (1) PROPOSED 1/2 STREET IMPROVEMENT (SOUTH SIDE)
 INCLUDES 12' TRAVEL LANE + 8' PARKING.

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

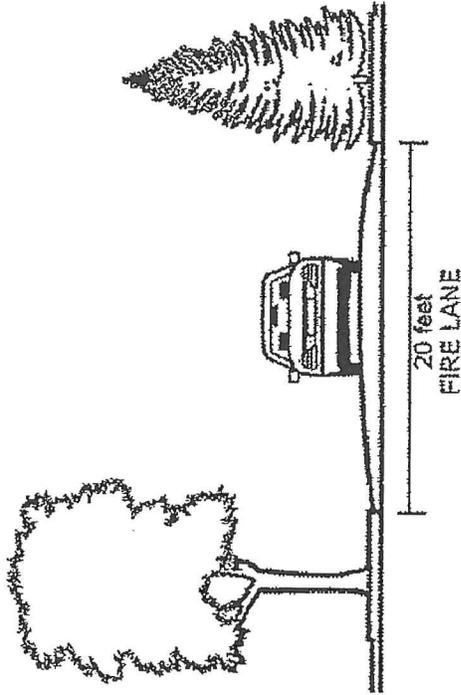
1 of 2
 NORTH

1" = 20'
 0 20'

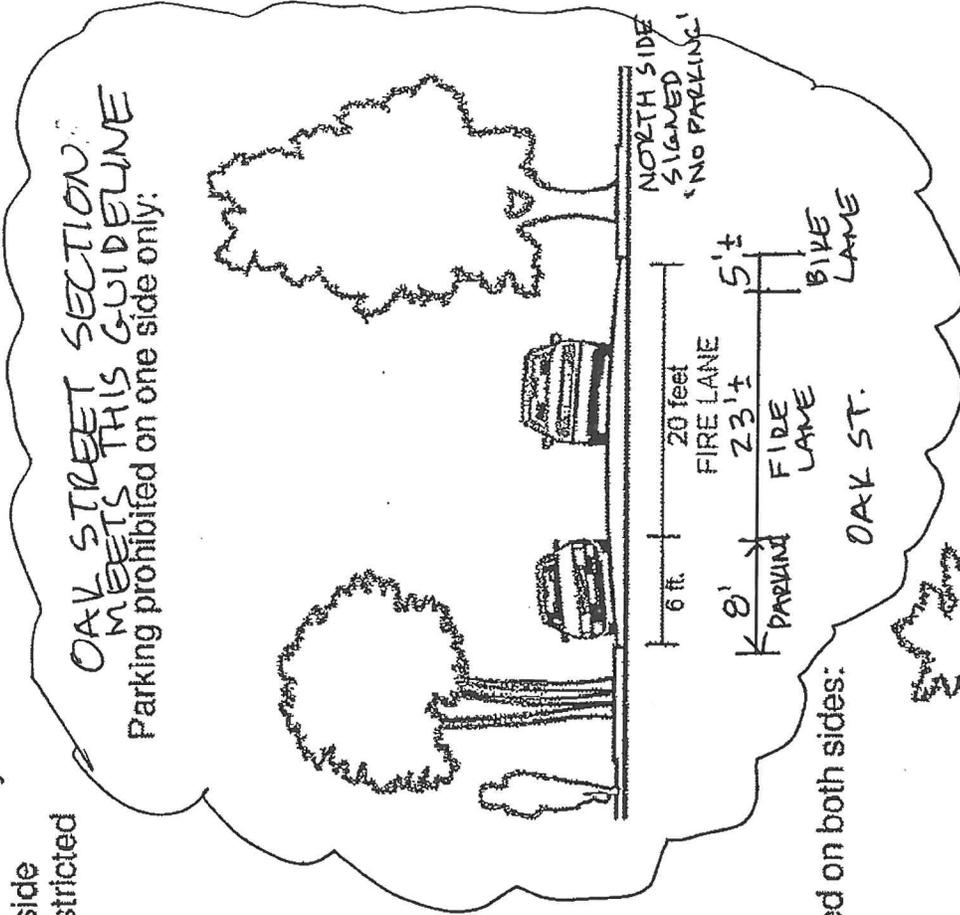
NO PARKING: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):

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

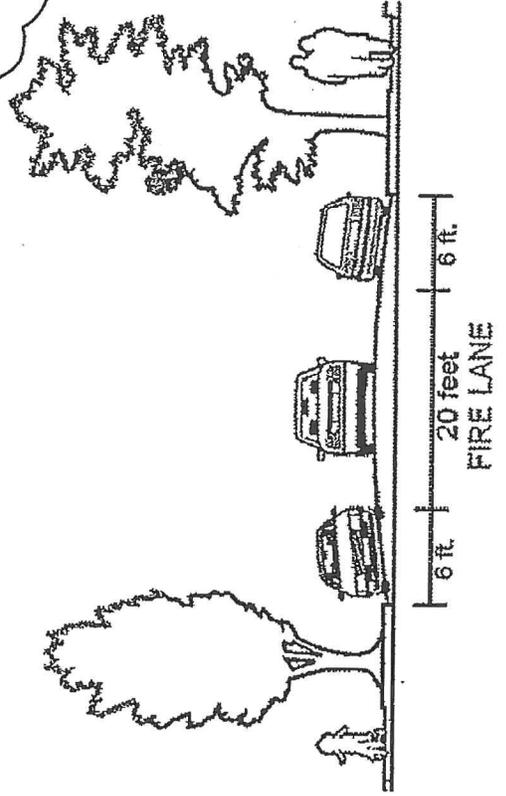
Parking prohibited on either side:



OAK STREET SECTION MEETS THIS GUIDELINE
 Parking prohibited on one side only:



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.

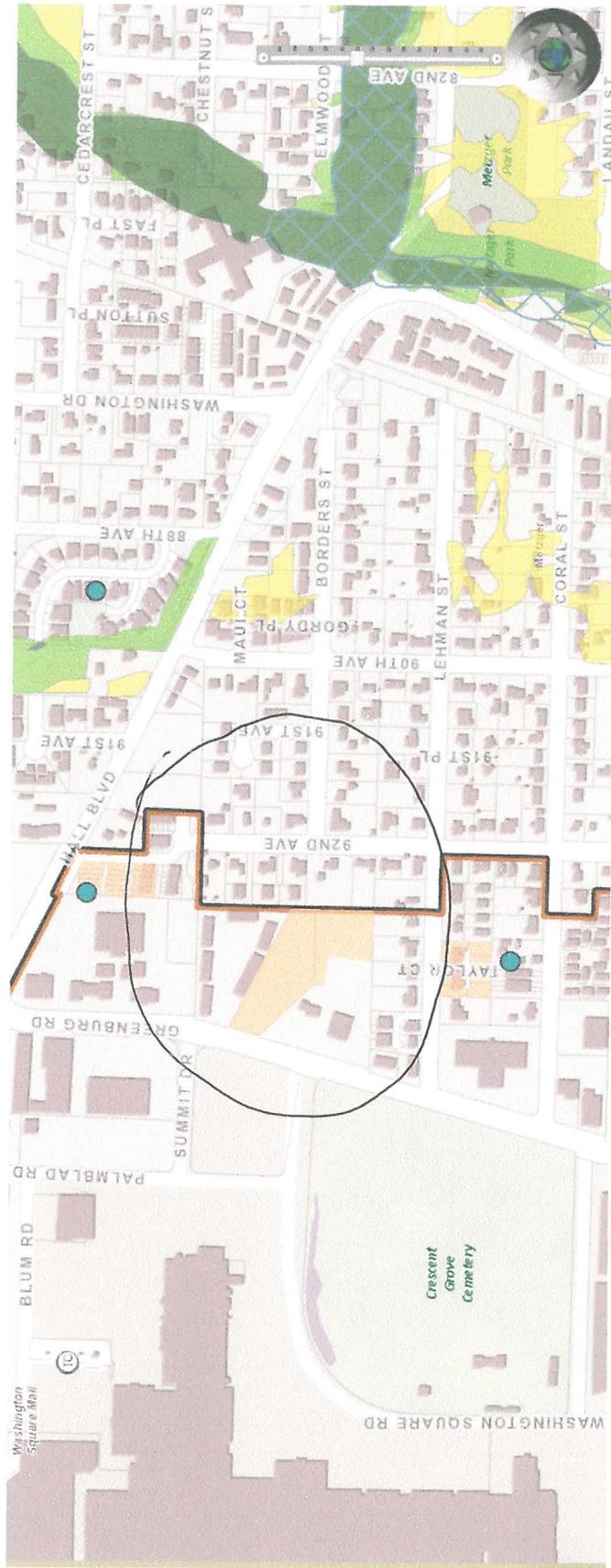
Respectfully submitted,



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
- Wetland Vegetative Fuel Type
- Wetland Vegetative Fuel
- 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
- Tigar Local Wetland Inventory
- CWS Watersheds
- Contours
- 5 Ft. Contours
- 10 Ft. Contours (UDAR)
- Cadastral
- Plot Label
- Photos

Arch
Utility Manager
www.MAP





**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

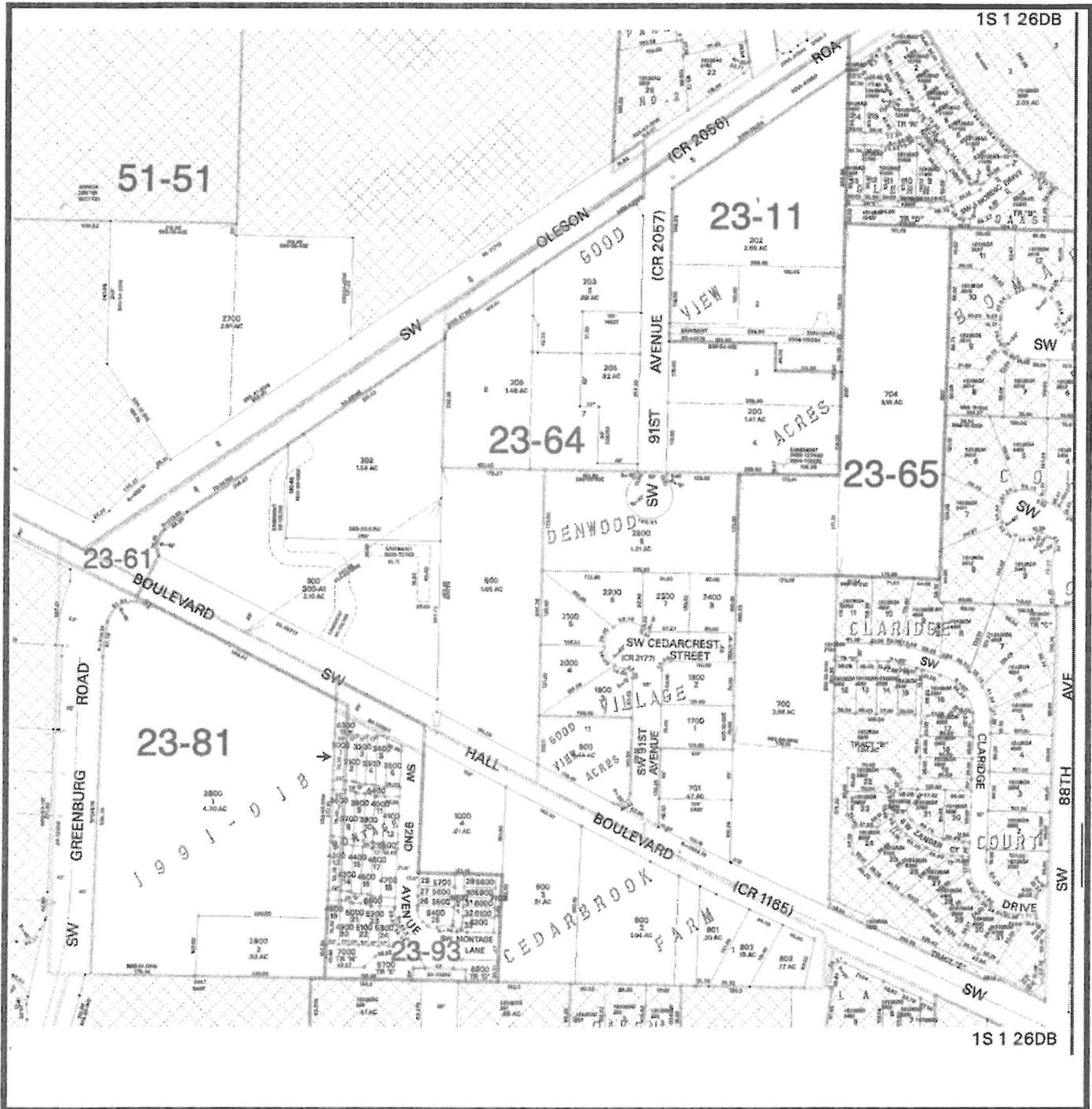
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlit	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: .04	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 1,742	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving 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

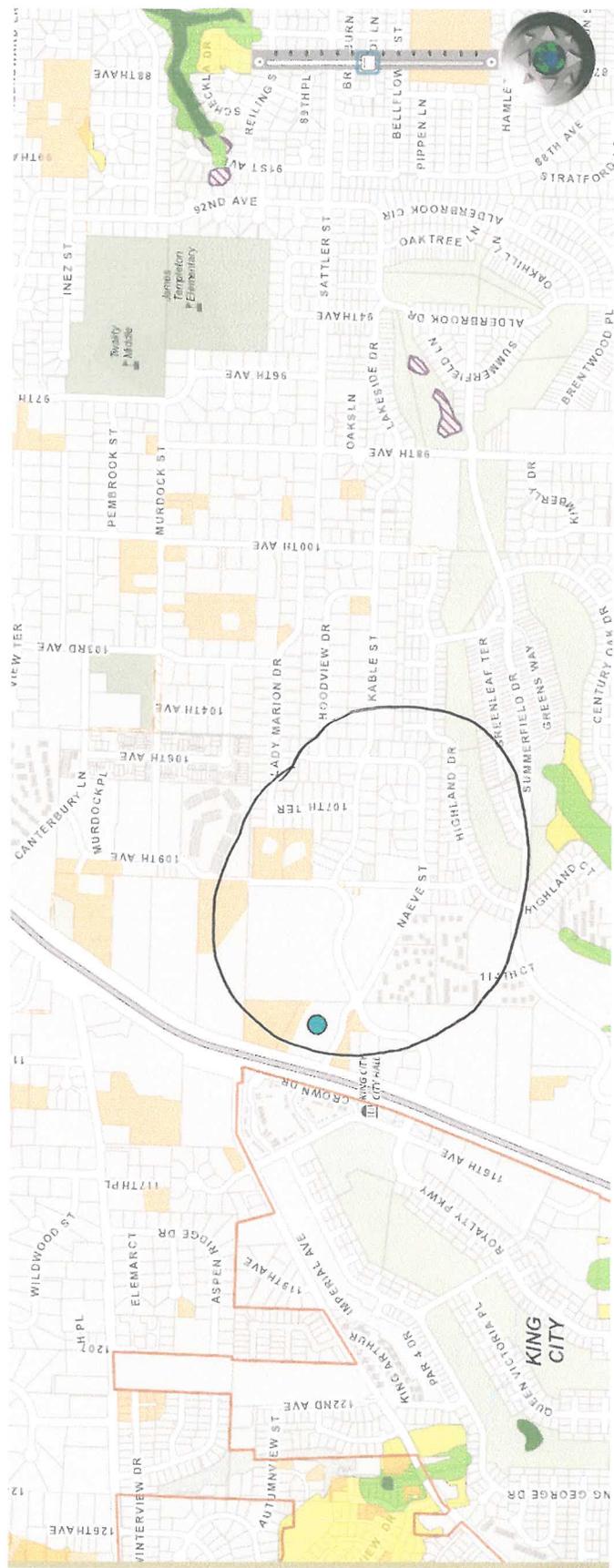


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11321 SW Naeve St.



Zoned Buildable Land Inventory
 Natural Hazards
 Debris 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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Email: pid.portland@firstam.com
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

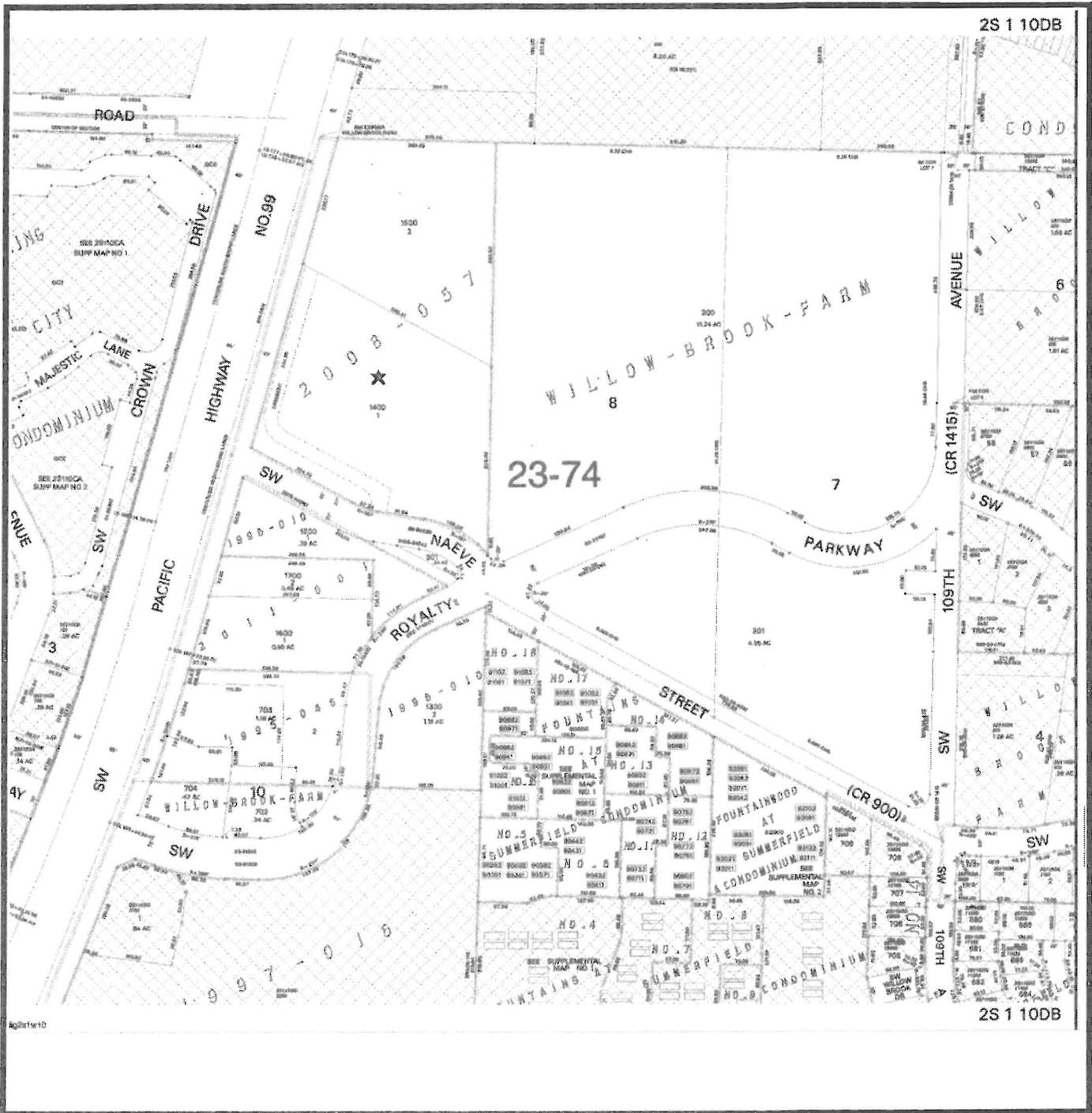
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlt	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 3.04	BldgSqFt	: 11,345	Roof Shape	:
Lot SqFt	: 132,422	1stFirSF	: 11,345	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic 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

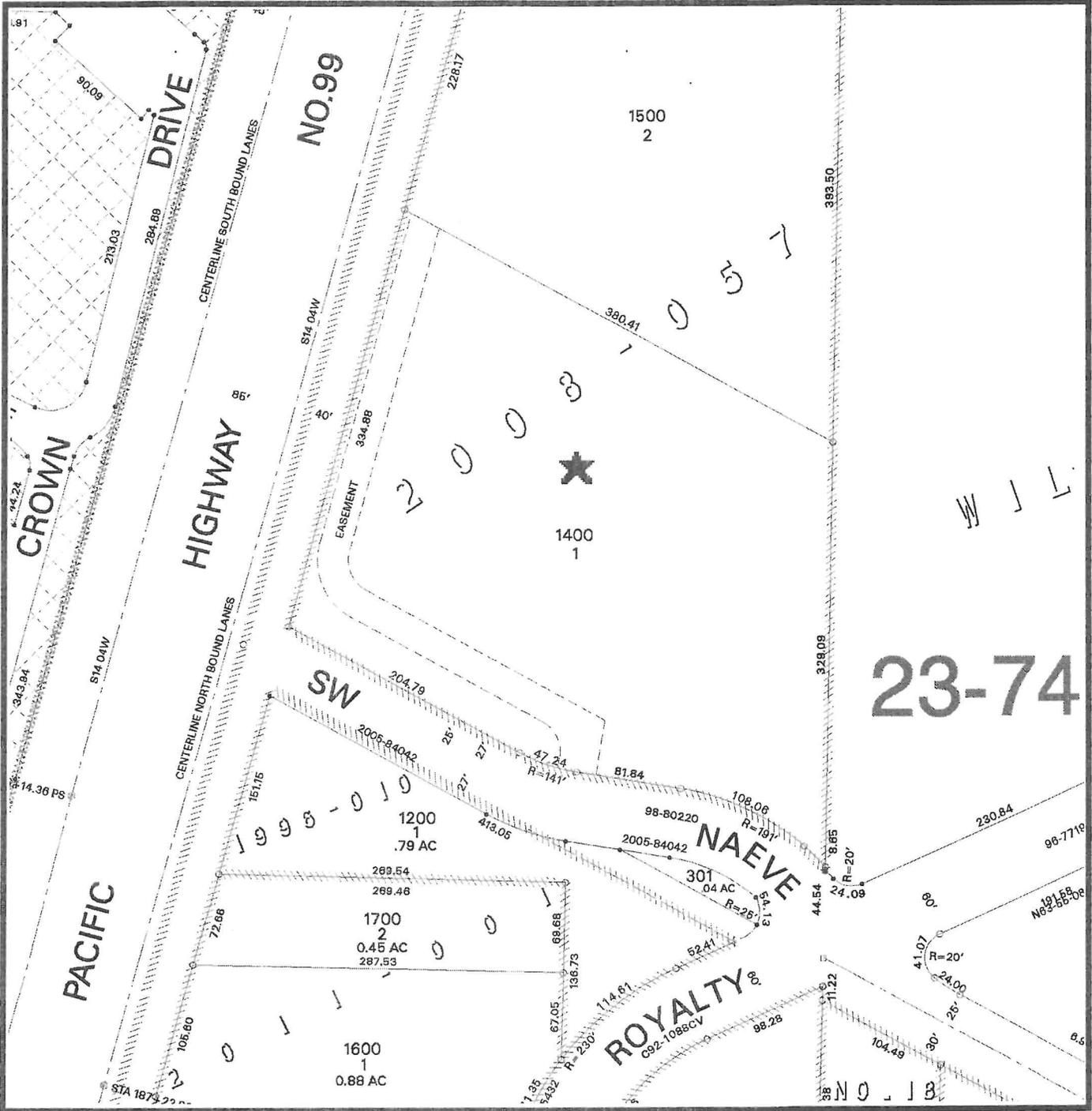


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Reference Parcel #: 2S110DB 01400



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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

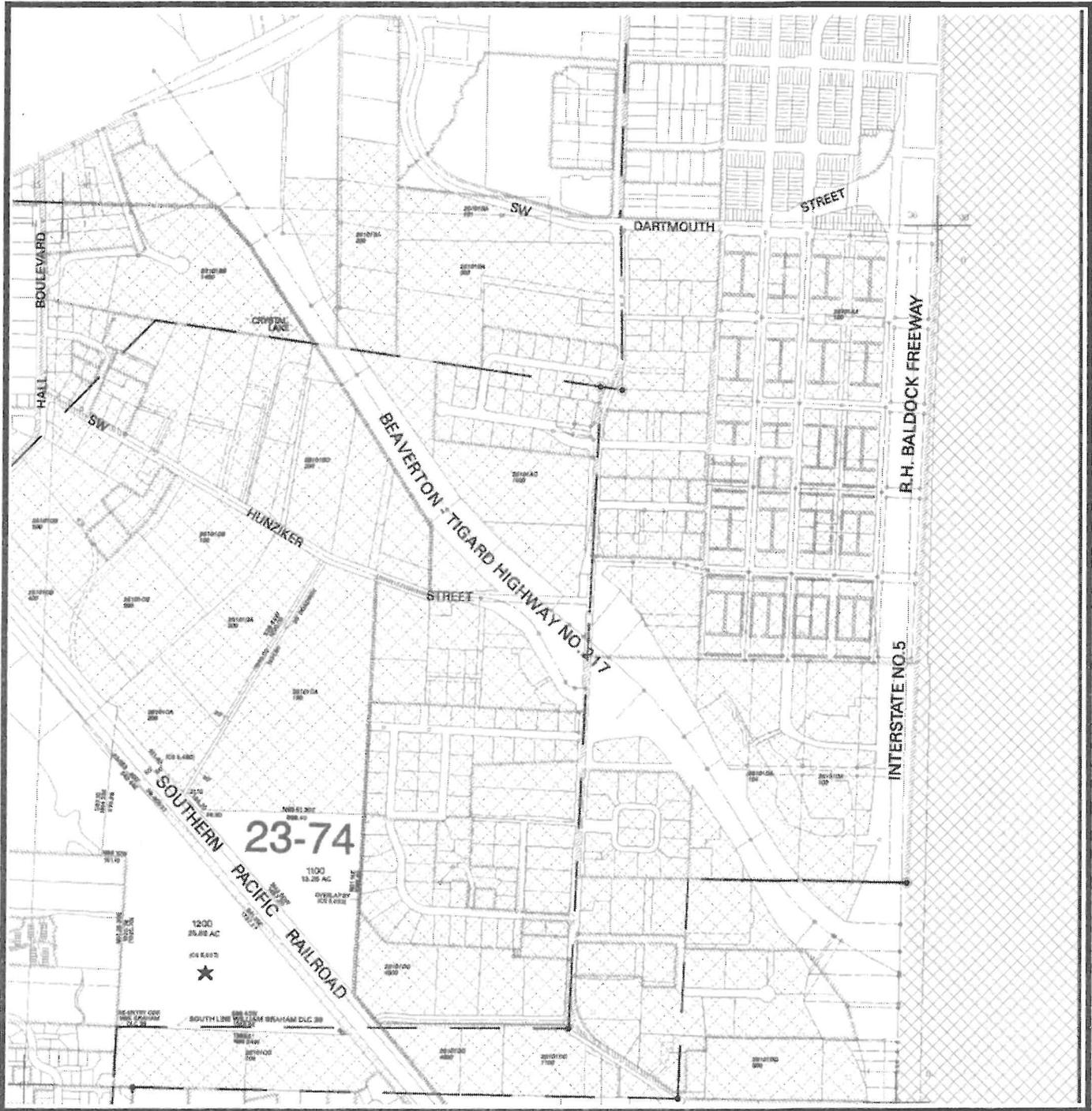
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlt	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 25.69	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 1,119,056	1stFirSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	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

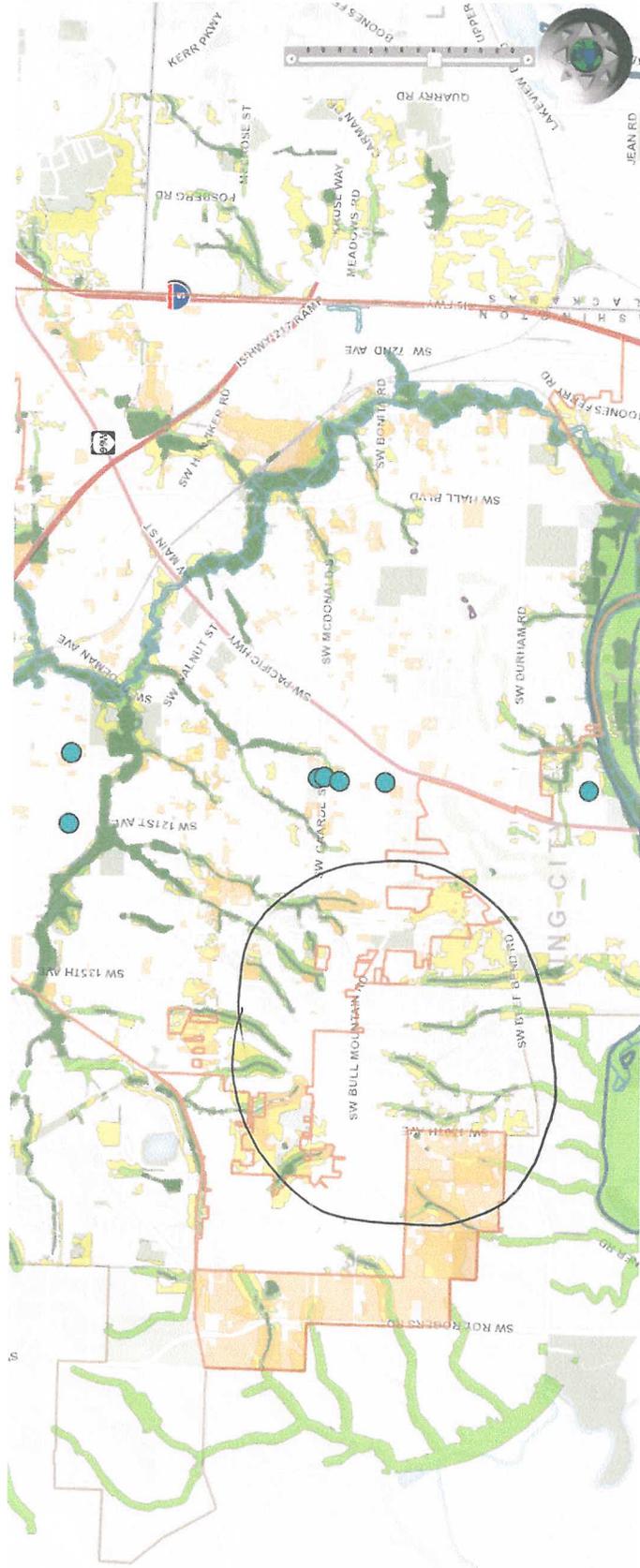


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11430 SW Bull Mountain Rd.



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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 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

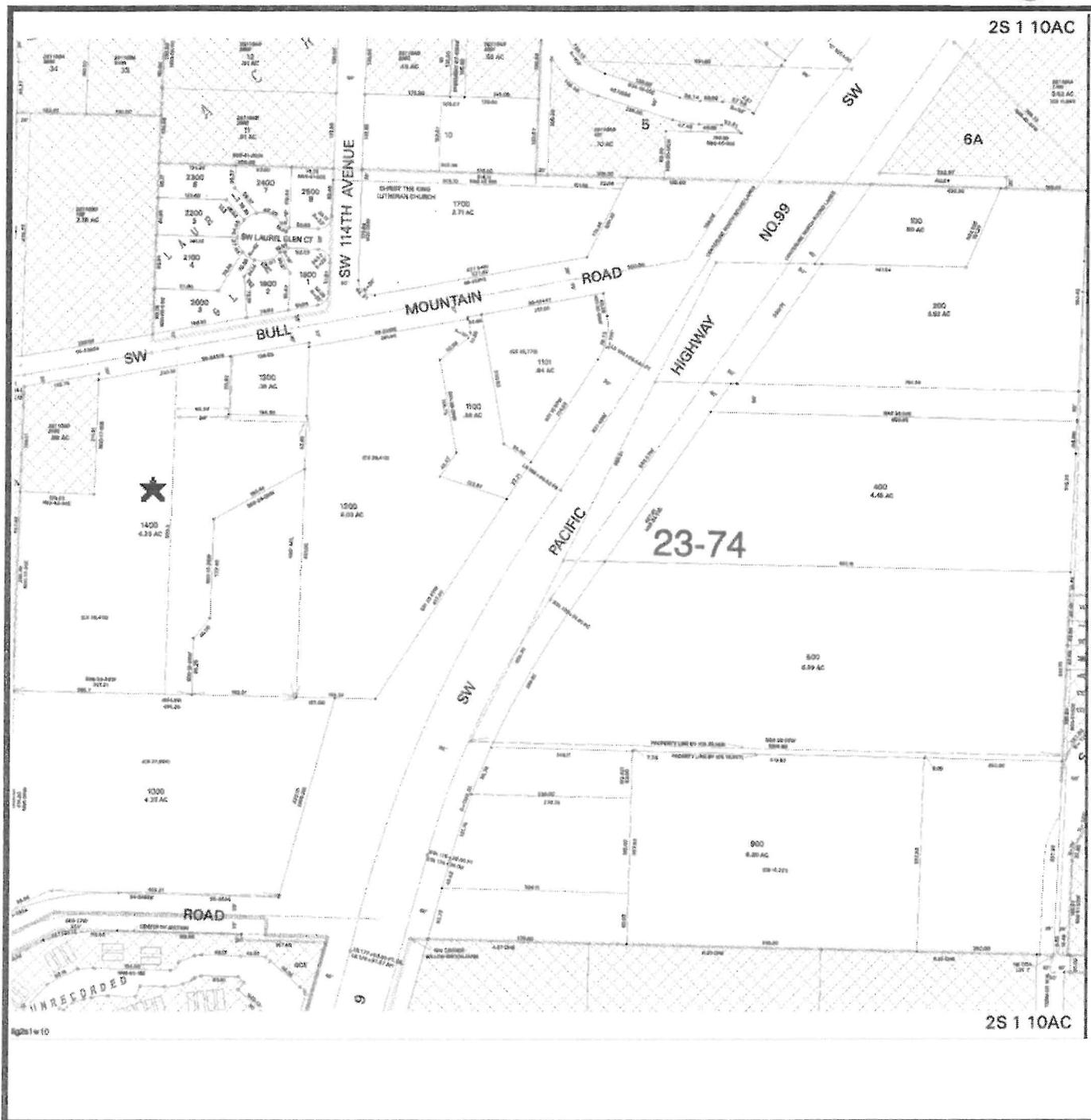
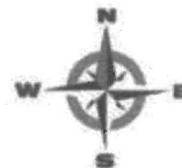
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlt	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 4.23	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 184,259	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving 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

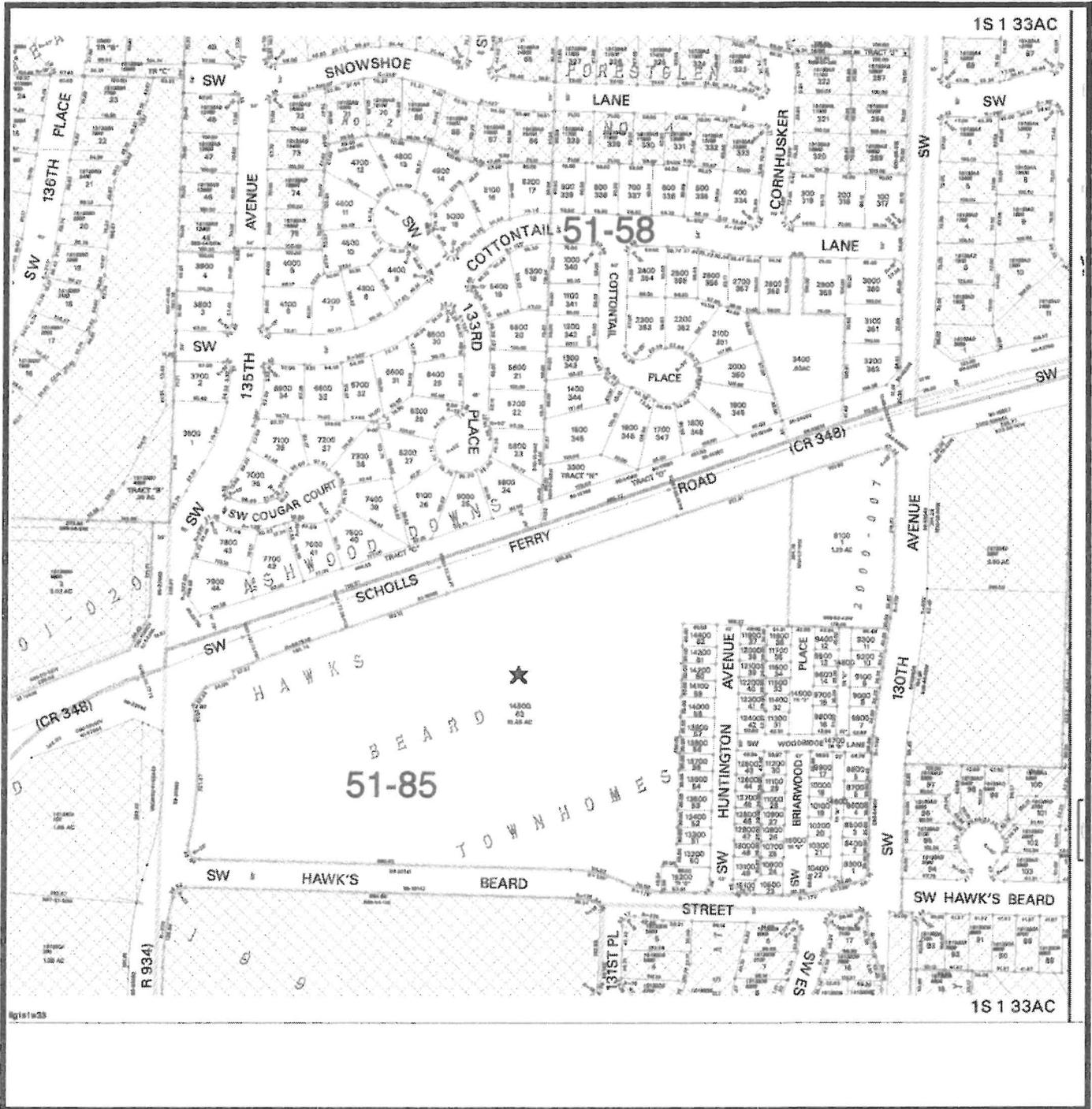
Bedrooms	:	Year Built	:	Patio SqFt	:
Bathrooms	:	EffYearBlit	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	ExtFinish	:
Foundation	:	BsmUnfinSF	:	Const Type	:
Lot Acres	: 10.45	BldgSqFt	:	Roof Shape	:
Lot SqFt	: 455,202	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	Porch SqFt	:
Garage SF	:	Attic SqFt	:	Paving Matl	:

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 1S133AC 14500

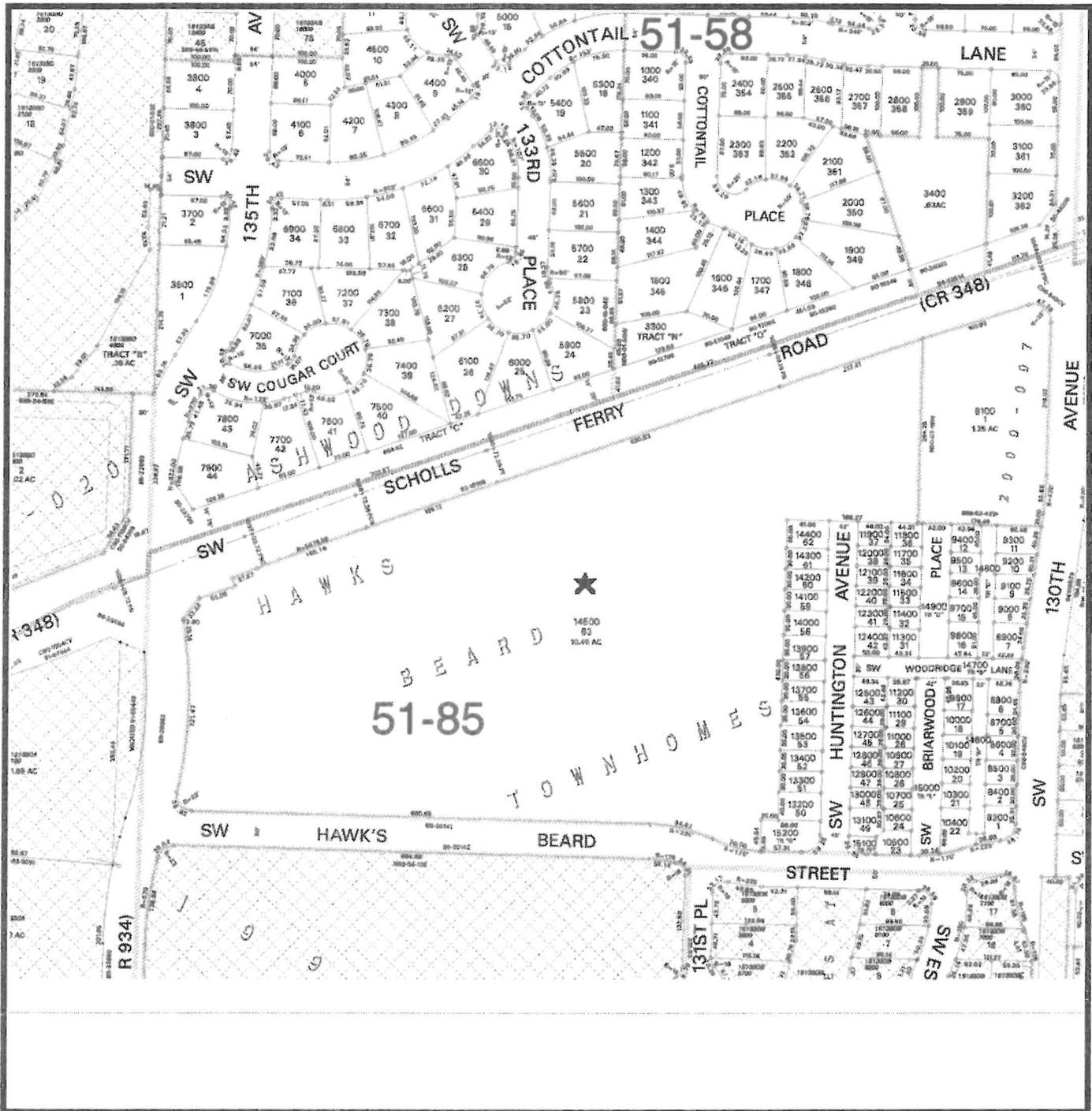


First American
Title Company of Oregon

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

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

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*

[Email](#) | [Twitter](#) | [Google+](#)

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

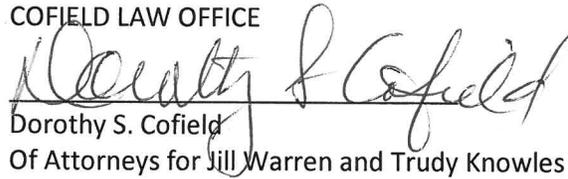
could be used for siting the developer's project that would not require a comprehensive plan amendment to remove a significant wetland from the city's Goal 5 inventory. Contrary to what the development team explained to the city council on February 3, 2015, the alternative analysis that there are no 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.

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.

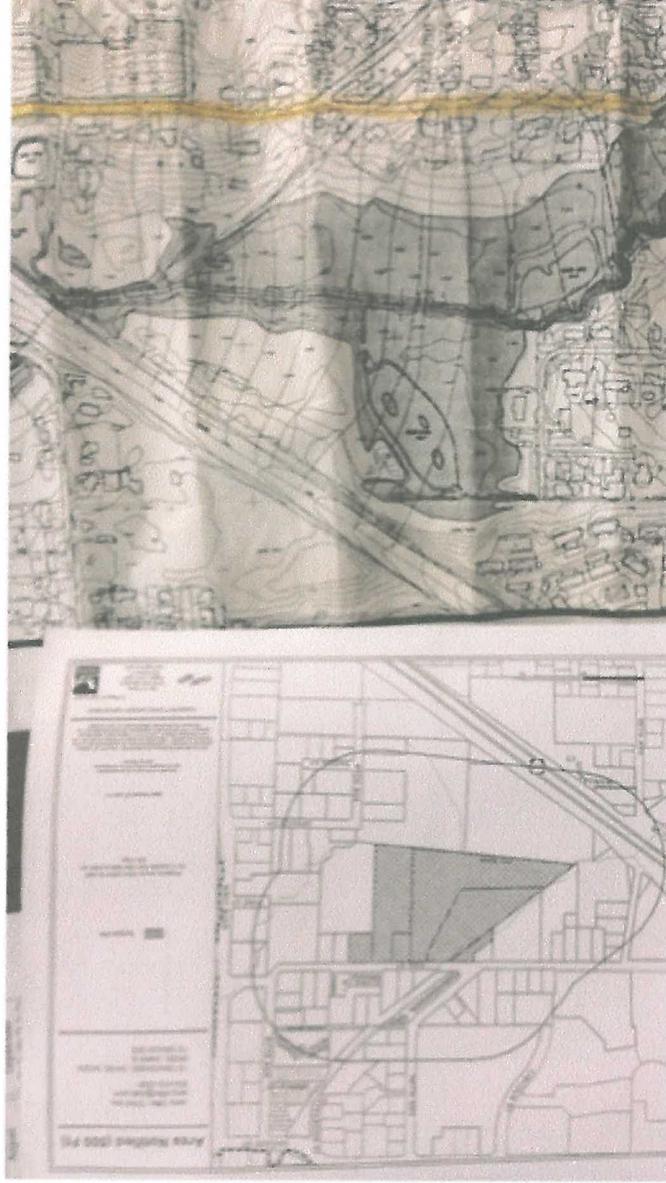
Conclusion:

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

Email

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

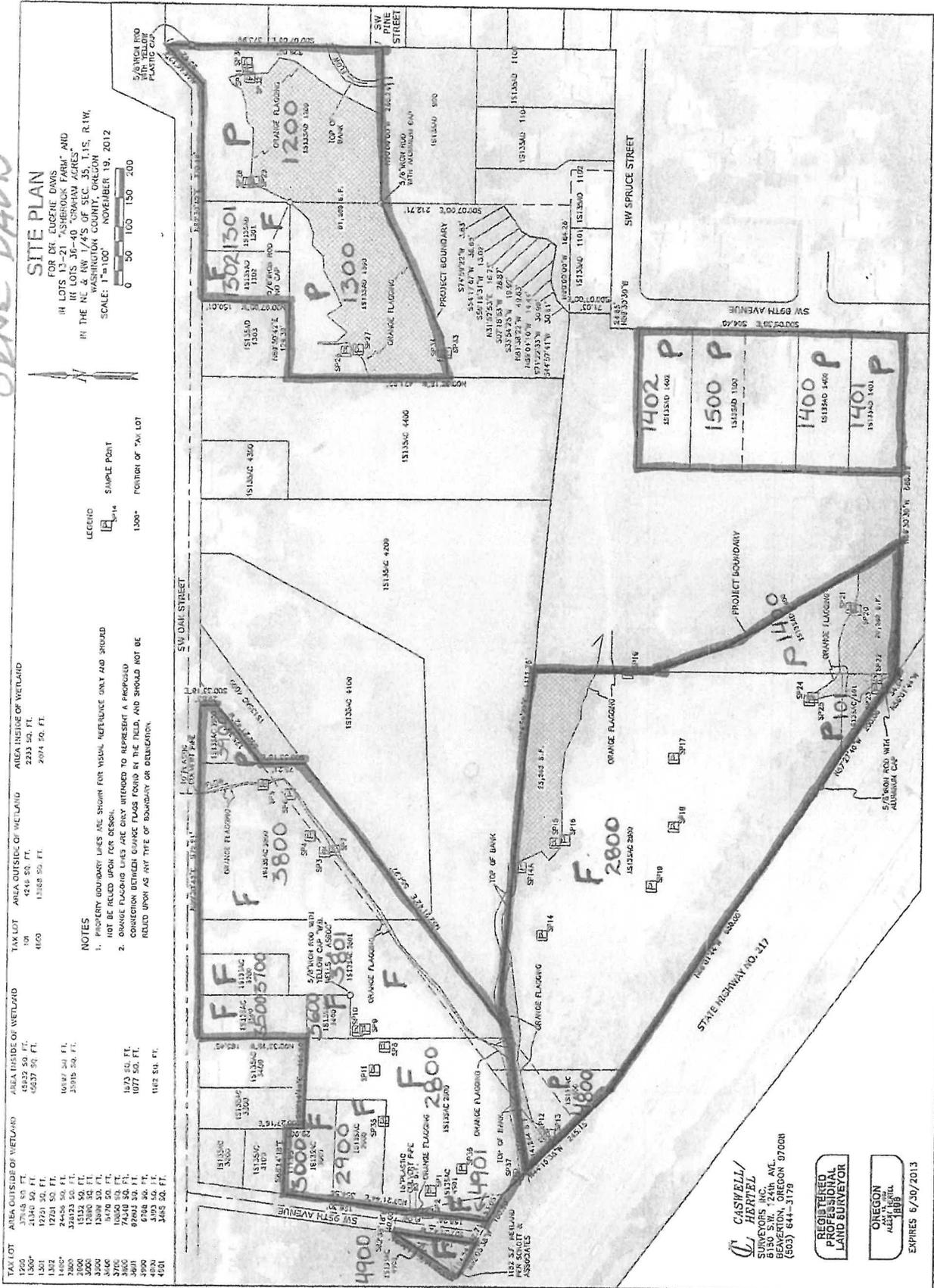
Tel: 503 246 5862

Fax: 503 977 9343

F = FOUNDATION PROPERTY

P = PERSONAL PROPERTY

GENE DAVIS



SITE PLAN

FOR DR. EUCHE DAVIS
 IN LOTS 13-21 "ASHEROOK 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 OREGON
 SCALE: 1"=100'
 NOVEMBER 19, 2012



0 50 100 150 200

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*	4332 50 FT.	2233 50 FT.	4600	13468 50 FT.	2094 50 FT.
1300*	21340 50 FT.	46237 50 FT.			
1301	17251 50 FT.				
1302	24456 50 FT.				
1400*	15333 50 FT.				
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CASHWELL/HERTEL
 SURVEYORS, INC.
 11111 N. W. 11TH AVE.
 BEAVERTON, OREGON 97008
 (503) 644-3170

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 LAND SURVEYOR

OREGON
 ADMIN. DIV.
 1895
 EXPIRES 6/30/2013

Transmittal

Emerio Design
8285 SW Nimbus Ave, Suite 180
Beaverton, Oregon 97008

Cell: 503-780-4061
Email: ryano@emeriodesign.com

TO: Mayor John Cook and Tigard City Councilors
FROM: Ryan O'Brien, Planning Consultant
DATE: 2-13-15
SUBJECT: A+O Apartments – Condition of Approval No. 8

The letter to the Tigard City Council dated 2-10-15 from Jerry Offer of OTAK suggested the following condition of Approval No. 8:

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.

We have reviewed this suggested condition of approval and request the following changes:

1. This agreement needs to be recorded as a deed restriction on Tax Lots 3300 and 3302 prior to issuance of any construction permits for the approved A+O apartments not just recorded.
2. This agreement needs to pass to Orland heirs, assigns or future purchasers of Tax Lots 3300 and 3302.

3. Any property owner or developer would have the right to pay for the Lincoln Street right-of-way after completion of the city appraisal. The developer or property owner that pays for this right-of-way would not be obligated to develop Lincoln Street. One developer or property owner could pay for the purchase of the right-of-way and another developer property owner could actually construct Lincoln Street if their development sequence occurs before the sequence of the developer or property that paid for the right-of-way.

4. When Orland, their assigns or heirs are paid for the right-of-way, the right-of-way will be immediately dedicated to the City of Tigard.

5. The goal of condition No. 8 is to secure the Lincoln Street right of-way. How it is developed is another issue and will be dealt with when other properties are approved for development in the future. At this time, we do not know which developments will trigger the improvement of Lincoln Street. Based on these issues, we propose the following revised Condition of Approval No. 8:

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. This right-of-way will be immediately dedicated to the City of Tigard following payment to Orland, their assigns or heirs based on the above mentioned appraisal. This agreement shall be recorded as a deed restriction on Tax lots 3300 and 3302 prior to issuance of any construction permits for the approved A+O Apartments project. This agreement shall pass to any future property owners, heirs or assigns of Tax Lots 3302 and 3300.



Dorothy S. Cofield,
Attorney at Law

VIA ELECTRONIC MAIL

February 17, 2015

Mayor John Cook and Tigard City Council
c/o Gary Pagenstecher – garyp@tigard-or.gov
Tigard Civic Center – Town Hall
13125 SW Hall Blvd
Tigard, Oregon

Re: Quasi Judicial Public Hearing A + O Apartments (CPA 2014-00002; PDR 2014-00003; SDR 2014-00004; SLR 2014-00002)

Dear Mayor Cook and Members of the City Council,

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. and allowed any party to respond to the new evidence and testimony by February 17, 2015. On February 10, 2015, the applicant and its representatives submitted additional written testimony and evidence. On behalf of my clients, Jill Warren and Trudy Knowles, we are submitting this letter to address the February 10, 2015 submittals.

Steven L. Pfeiffer February 10, 2015 Letter

Response to Item 1: The attorney for the applicant argues that the MUE-1 and MUE-2 zones do not have to have mixed uses within the development and cites a portion of the Tigard Development Code (“TDC”) as authority. *See Pfeiffer Letter*, dated February 10, 2015, p. 1-2. The attorney argues that the A + O development can be solely residential based on the definition at TDC 18.520.020.G. His analysis makes no sense because it would allow every future development within the Washington Square Regional Plan (WSRP) to be residential, which would defeat the mixed use designation. If the City Council accepts the developer’s interpretation that a development can be solely residential, all new development within the WSRP could end up as apartments.

Response to Item 2: My clients submitted a buildable lands inventory on February 10, 2015 that demonstrates there is vacant land within the Tigard Planning Area that would not

require a comprehensive plan amendment to the City's Goal 5 Significant Wetland Inventory. Furthermore, the applicant, not the opponents, has the burden of proof of meeting the comprehensive plan amendment criteria, which has not been met.

Response to Item 3: The applicant's attorney argues that the city engineer may change the collector width for a street under TDC 18.350.070.C.8. In order to do so, the city engineer must have findings that public safety will not be compromised. There is ample evidence in this record that Oak Street is dangerous and will become even more dangerous for pedestrians with the proposed A + O apartment traffic. Omitting one of the required lanes and allowing parking on both sides of the street will compromise public safety, as shown by the Tualatin Valley Fire & Rescue (TVF&R) guidelines. See Record, Exhibit "B." The city engineer found that "the center turn lane is not warranted but has determined an alternative design will better serve multimodal transportation options." See Staff Report, p. 25. Having a bike lane and sidewalks does not explain or show why the public safety will not be compromised when a left hand turn lane was seen as necessary in the adopted WSRP.

Response to Item 4: The applicant's attorney states that the developer mitigating for only half of his development impact is "roughly proportional." The staff report, Section VIII: Impact Study, shows that the development has a full impact of \$3,431,596. After paying a traffic impact fee of \$1,098,111 and improving Lincoln Street (full improvements¹), there remains \$1,576,485 of unmitigated impacts. Dolan allows the City to impose conditions and exactions so that the developer's portion is roughly proportional to the impacts of development. Foisting 50% of the impacts on the public is not "roughly proportional" under basic math principles, especially when the developer may be using a federal program to finance the development (EB-5). See Staff Report, p. 54. The argument that the City can impose 50% less than the stated impact through exactions does not make any sense for the City, or the public.

Response to Item 5: The applicant's attorney argues that the TVF&R's "No Parking" requirement on streets 26 feet or less in width is aspirational. It is true the City has jurisdiction over its city street standards and not TVF&R. However, the applicant will have a hard time proving that public safety is not compromised in light of the TVF&R rules and comments in the record. Does the City really want to be responsible for accidents that occur on this narrower stretch of Oak Street because it allowed parking on both sides of the street, inconsistent with the TVF&R comments? See Exhibit B.

Kittelson & Associates Inc. February 9, 2015 Voluntary Transportation improvements Memo: These "voluntary" improvements are by no means assured and cannot be used to meet an approval standard. The developer wants to narrow Oak Street, omit a left hand turn lane; sell the future extension of Lincoln Street to the City at its fair market value at some time in the future and then offers a raised pedestrian crossing to address the city council's concerns of speeding on Oak Street. There is no evidence in the record that these paltry, voluntary measures will mitigate for the applicant's traffic impacts and restore the public's safety that will be compromised due to the impact of 215 apartments and a narrow collector.

¹ It is not clear from the staff report and conditions of approval if the applicant is doing a full street improvement on Oak Street. If not, there is even more of a development impact that is not being mitigated.

Dr. Davis February 9, 2015 Electronic Mail: My clients are not in favor of filling the wetlands and floodplain on the A + O apartment property as a “trade-off for a park on the Orland unusable land.

OTAK February 10, 2015 Memorandum: OTAK proposes to construct an asphalt path on a portion of Oak St. to 90th and add a raised crossing. A look at the photographs of the proposed pathway and the narrow width of Oak Street does not aide the developer’s request to make Oak Street narrower (i.e. omit a lane). The city council should reject these superficial street improvements and deny the applicant’s request for the exception to make Oak Street a narrower collector than required in the WSRP.

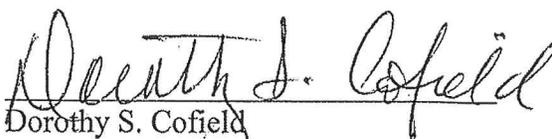
Mike Preebles February 10, 2015 OTAK Memorandum: Mr. Preebles explains that parking on the south side of Oak Street will meet the TVF&R 20-foot wide standard for its fire engine aerial apparatus. The 23-foot paved width of travel lanes is 4 feet under the recommended width to allow on street parking. The city council should not approve the exception to make Oak Street narrower and at a minimum, not allow parking on the south side of Oak Street, following TVF&R’s rules.

Jerry Offner, OTAK February 10, 2015 Memorandum: Mr. Offner is suggesting that the bus shelter condition that Trimet recommended not be imposed. Without a binding condition, the applicant cannot meet the approval standards for walkability and ridership. Even with the condition, the applicant cannot meet the approval criteria at TDC 18.350.050.A. because there is not sufficient evidence in the record to show vehicular and pedestrian safety standards have been met. The city council should deny the development on this basis. The proposed revisions to Conditions 7 and 8 continue to show that this site is not meant for the scale of this development. The applicant is asking for all sorts of exceptions from the city’s development code such as a narrower width of collector; leaving half the costs of the development for the public to pay; asking for a comprehensive plan amendment to remove a significant wetland from the City’s Goal 5 Inventory; filling a portion of the floodplain when the no-rise analysis is not accurate; allowing parking on a street width that does not meet TVF&R guidelines; promising “facilitation” of future infrastructure with no assurances that such infrastructure will ever be built or dedicated.

The City Council should deny the applications on their many failures to meet the City’s development code.

Very truly yours,

COFIELD LAW OFFICE



Dorothy S. Cofield
Of Attorneys for Jill Warren and Trudy Knowles

DSC:dsc

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 17, 2015

Subject: A+O Apartments – Response to Additional
Information Submittals

Project No.: City of Tigard Casefiles CPA 2014-00002; PDR
2014-00003; SDR 2014-00004; SLR 2014-00002.
Otak Project No. 17044

On February 10, 2015, several comment letters were submitted regarding the A+O Apartments proposal (City of Tigard Casefiles CPA 2014-00002; PDR 2014- 00003; SDR 2014-00004; SLR 2014-00002). The applicants' project team would like to briefly respond to those comments in this memorandum, and to provide additional explanation in two separate memorandums – one from Mike Peebles regarding the floodplain analysis and one from Jerry Offer regarding responding to the alternative sites assessment issue.

Jim Long, Jill Warren and Dorothy Cofield, representing Ms. Warren and Trudy Knowles, submitted comments to the City Council asserting that the City of Tigard's buildable lands inventory shows five other 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. An attached memo from Jerry Offer along with maps of each site taken from the City's own on-line GIS maps takes a closer look at each of the properties that they have cited and concludes that none of these other sites meet the applicant's objectives in meeting the specific needs of the intended use due primarily to distance from the Washington Square Regional Center; size of parcel or developable area on the site; zoning; ownership by a public agency for open space purposes; ownership by a church along with the site already being developed with a church building; or inappropriate development standards for an urban form of housing.

Ms. Cofield also submitted comments from Dan Symons, PE, of Symons Engineering Consultants, Inc. reviewing the applicant's sensitive lands analysis dealing with floodplain issues. An attached memo from Mike Peebles, PE, of Otak has responded to comments raised by Mr. Symons and has also provided additional explanation regarding how the applicant's floodplain analysis was conducted.

Dr. Gene Davis submitted a copy of an email from himself to Nawzad Othman urging the property owner of the A+O Apartments site, Orland Ltd., to get behind a plan to turn the wetland and floodplain areas on the Orland property and the adjacent Davis property into a public park, along with downstream storm drainage improvements which Dr. Davis believes will convert the wetland area into upland which could be used for athletic fields. We have no comment on Dr. Davis' assertions regarding the future of the wetlands in the area. The prospective developers, DBG Oak Street LLC, have already offered to dedicate to the City of Tigard an open space and pedestrian easement over the wetland and floodplain on the A+O project site for public open space purposes.

Ryan O'Brien of Emerio Design, on behalf of Dr. Davis has submitted a memorandum dated February 6, 2015 which includes a recommendation for a revised condition of approval No. 8 for the subject application which would require the applicant to agree to execute an agreement whereby Orland Ltd would dedicate the necessary right-of-way for an extension of SW Lincoln Street to SW Oak Street prior to any construction permits being issued for the A+O Apartments. The agreement Mr. Obrien proposes would require that any property owner that would need to improve this section of SW Lincoln Street as a condition of their development project approval to reimburse Orland Ltd. the fair market value for the road right-of-way. The project team has no issue with this recommendation.

Jill Warren and Jim Long have submitted comments related to the property owner's representative, Nawzad Othman, involvement in an affiliate which can help real estate clients raise capital through the EB-5 Investor Green Card Program which was established by the Federal government. Mr. Othman has confirmed that EB-5 Investment funding is not being used for the A+O Apartments project. Neither Ms. Warren or Mr. Long have made any attempt to explain how this unrelated work by an individual working on the proposed A+O development has any bearing with regard to how the proposed development project relates to an applicable approval standard related to the proposed development. No comment is warranted with regard to Ms. Warren's and Mr. Long's comments.

Memorandum



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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 17, 2015

Subject: A+O Apartments – Response to Additional
Information – Alternative Sites Analysis

Project No.: 17044

On February 10, 2015, Jill Warren and Dorothy Cofield, representing Ms. Warren and Trudy Knowles, submitted comments to the City Council asserting that the City of Tigard’s buildable lands inventory shows “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 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.” Cofield letter dated Feb. 10, 2015.

First, let me take issue with Ms. Cofield’s reading of what the ordinance requires. At issue is Section 18.775.130, the Plan Amendment Option for removal of Goal 5 safe harbor protection of wetlands for a specific area. That section says:

3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use. [emphasis added]

Ms. Cofield conveniently chose to not refer to the underlined portion of the standard in her argument to you, possibly because with that section of the standard considered, her argument regarding the alternatives analysis is flawed. In my January 22, 2015 memo to the City Council and in my oral testimony at the February 3rd hearing on this matter, I reported on what the specific needs of the proposed use are that we used in our alternative sites analysis – as is required by the above standard. As noted in the January, 22, 2015 memo, the alternative site criteria which we felt were

representative of what the prospective developer was attempting to accomplish - or specific needs - include the following:

- (1) provide for a relatively large residential development within close proximity to the Washington Square Regional Center;
- (2) the site must be within approximately two miles or less of Washington Square/Lincoln Center, and optimally be closer;
- (3) the site must be located within Tigard or unincorporated Metzger;
- (4) the site must provide an opportunity for development of at least 100 residential dwelling units;
- (5) the site must have zoning which allows for urban style high-density multi-family development or may have reasonable potential to be rezoned for that type and intensity of development; and the
- (6) site must either currently be available for development or have been made available for development in the recent past.

Our alternative site analysis found that only the subject site met all of the above criteria, and reported on several other sites which were considered in the alternative site analysis but which were not as well suited, either for reasons of inadequate size, needing a base zone amendment, or because they would require greater wetland modification permits and a comprehensive plan amendment to remove significant wetland protections.

The five alternative sites cited by Ms. Cofield and Ms. Warren also are less suited for the specific needs of the proposed use for the following reasons:

9351 SW 92nd Avenue (WCTM 1S126DB tax lot 3000): This site is within the City of Tigard boundary and within the Tigard Planning Area and is very close to Washington Square and Lincoln Center. There are no apparent resource-related development constraints on this site. This site is zoned MUR-1, which is the same zoning as the eastern portion of the A+O Apartments site. However, this site on SW 92nd Avenue is only 0.039 acres in size and is only 22-feet wide. Therefore, the site clearly has an inadequate site area and site dimensions to accommodate a 100-unit plus residential development, including required parking facilities and recreation area.

11321 SW Naeve Street WCTM 2S1 10DB, tax lot 1400: This site is within the City of Tigard boundary and within the Tigard Planning Area. This site is not within or even near the Washington Square Regional Center/Lincoln Center area. The site is located approximately 3.5 miles from the closest point of Washington Square or Lincoln Center. The site is 3.04 acres in size and has R25 zoning. Therefore, it has a gross housing opportunity of approximately 75 dwelling units – far less than the applicant/developer's target. Lastly, the site is owned by the Tigard Covenant Church and currently contains a relatively new church building. To our knowledge, this site has not recently been made available for sale and redevelopment by the Tigard Covenant Church – apparently because they still aim to use this property for church purposes.

No address, along Southern Pacific Railroad south of Wall Street. 25.69 acres. Zoned PR, Parks and Recreation. This property is jointly owned by the City of Tigard and Metro, and was purchased with Metro Greenspaces funding. Metro and Tigard maps call this property the “Brown Natural Area.” Most of this site is covered by the Fanno Creek 100-year floodplain. According to the Tigard Local Wetlands Inventory layer of the City’s GIS map, the site includes a substantial area of wetlands near Fanno Creek on the western edge of the property. In addition, the GIS maps show pockets of slopes greater than 25 percent on the site. The least constrained portion of the site is the area closest to the railroad tracks, but that area is significantly constrained for development. There is no road access to that area, nor is there any apparent feasible route to develop a road or driveway to that area. We are unaware that the owners have made this property available for purchase for residential development purposes rather than for the site’s current open space purposes. In addition, the site is located approximately 2.4 miles by road from the closest point of Washington Square or Lincoln Center.

11430 SW Bull Mountain Road. (WCTM 2S1 10AC, tax lot 1400). This site is within the Tigard City boundary and Planning Area, has R-25 zoning, and has a size of 4.23 acres. Based just upon site size and zoning, the site has an opportunity of approximately 105 residential units. However, over one third of the site has slopes in excess of 25%, therefore making development of that many housing units doubtful. In addition, the site is located approximately 3.2 miles from Washington Square or Lincoln Center, and is therefore beyond the target geographic area for the specific needs of the proposed use.

No site address, within the southeast quadrant of the intersection of SW 135th Avenue and Scholls Ferry Road. (WCTM 1S1 33AC, tax lot 14500). This site is known as the Grabhorn property. This site is within the City of Tigard boundary and within the Tigard Planning Area. The Grabhorn site is zoned R-25, and has a size of 10.45 acres. Based just upon site size and zoning, the site has an opportunity of approximately 261 residential units. However, the R-25 zone’s 25 unit per acre density limit and its development standards do not allow building heights and setbacks typical of an urban style of development consistent with the design objectives that are guiding the design of the A+O Apartment project. The R-25 zone allows a maximum building height of 45 feet and minimum 20-foot front yard setbacks on all four streets abutting the Grabhorn property, whereas the MUE-1 and MUR-1 districts applied to the A+O site require minimum densities of 50 units per acre, allow maximum building heights of 75 feet and 200 feet respectively, and allow minimal urban style setbacks such as the objectives of this development project seek to achieve. These zones allow for urban style development consistent with the vision of the Washington Square Regional Center Plan, whereas the zoning applied to the Grabhorn property limits that site to lower density suburban style multi-family development.

A review of the various Sensitive Lands layers of the City’s GIS maps found the site to have no significant resource-related development restrictions. The site has been available for sale for most of the past 25 years. However, the asking price for the site has always been very

high due primarily to the owner's belief that this property should be rezoned for commercial development. From my prior experience as a planner for the City of Tigard and discussions I have had with other past and current planners with the City, the owner and real estate brokers continue to market this site as being suitable for commercial development (and therefore they value it as such). The high price per acre for this land has dissuaded interest in the property from multi-family developers. The Grabhorn site is located approximately 1.8 miles from the west side of Washington Square and 2.3 miles from Lincoln Center. The Grabhorn property is therefore at the limits of, or beyond the target geographic area of being within 2 miles of the Washington Square and Lincoln Center. (Note: as of February 17, 2015, there is no sign on the property denoting that it is currently for sale. Real estate broker Mike Tharp of Norris, Beggs, Simpson, was unable to determine if the property is currently for sale.)

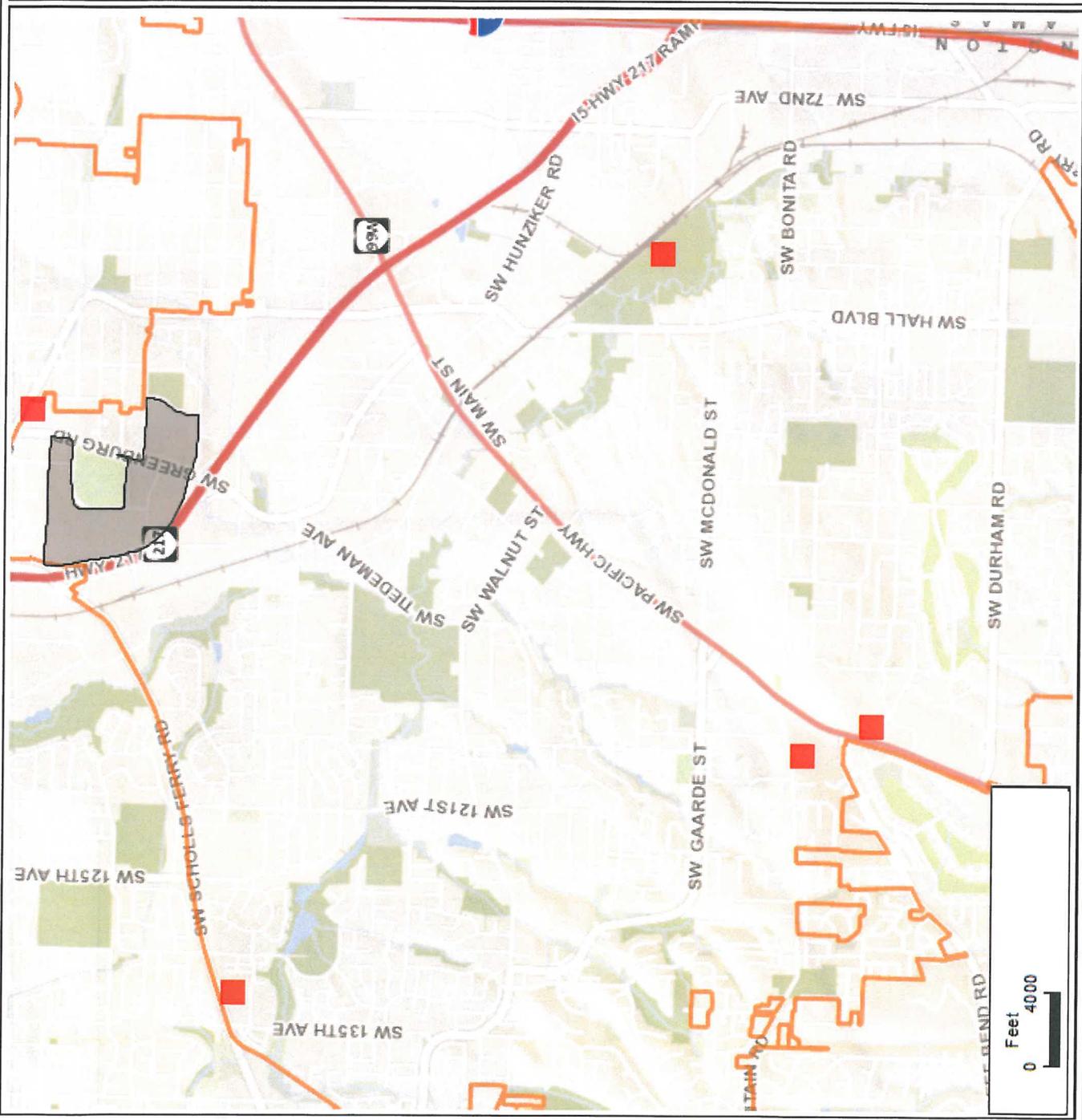
As can be seen from the above, Ms. Cofield and Ms. Warren can only point out one alternative site which marginally meets the specific needs of the intended use, and that site (the Grabhorn property) is at the edge of the target area around the Washington Square and Lincoln Center area, but the site has not been made available at a reasonable price for the intended multi-family residential use. In addition, we would add that if the Grabhorn site was to be available for residential development it would be more likely suitable for a lower density multi-family product rather than the more urban, more intensive style of development than DBG Oak Street is proposing through the A+O Apartment project.

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TIGARD MAPS

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Goal 5 Safe Harbor 

RLIS Slopes Greater than 25% 

Tigard Local Wetland Inventory 

Significant 

Non-Significant 

Jurisdictional 

CWS FEMA 100 Yr Flood 

Goal 5 Significant Habitat Areas 

Highest Value Habitat 

Moderate Value Habitat 

Lower Value Habitat 

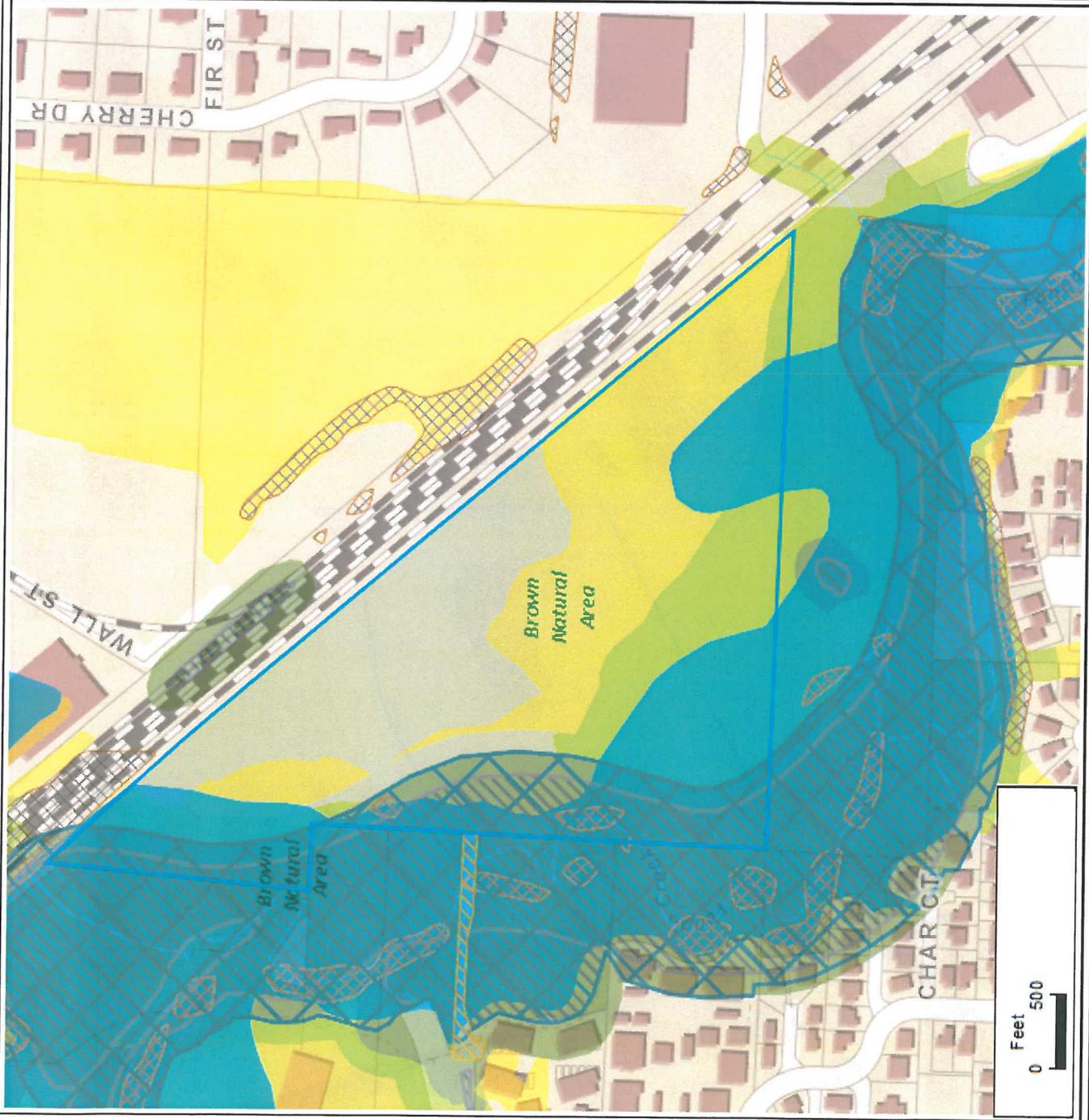
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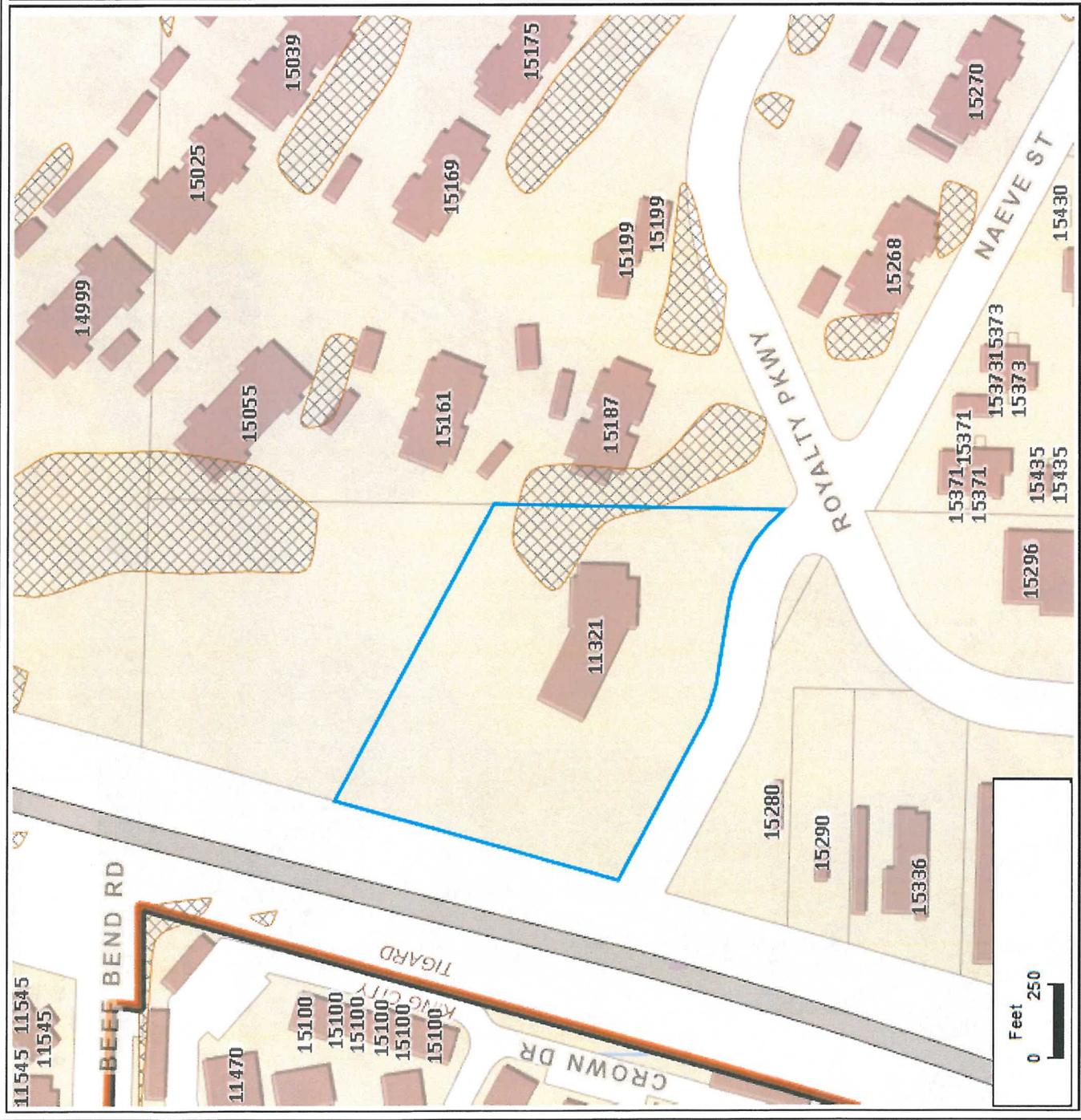
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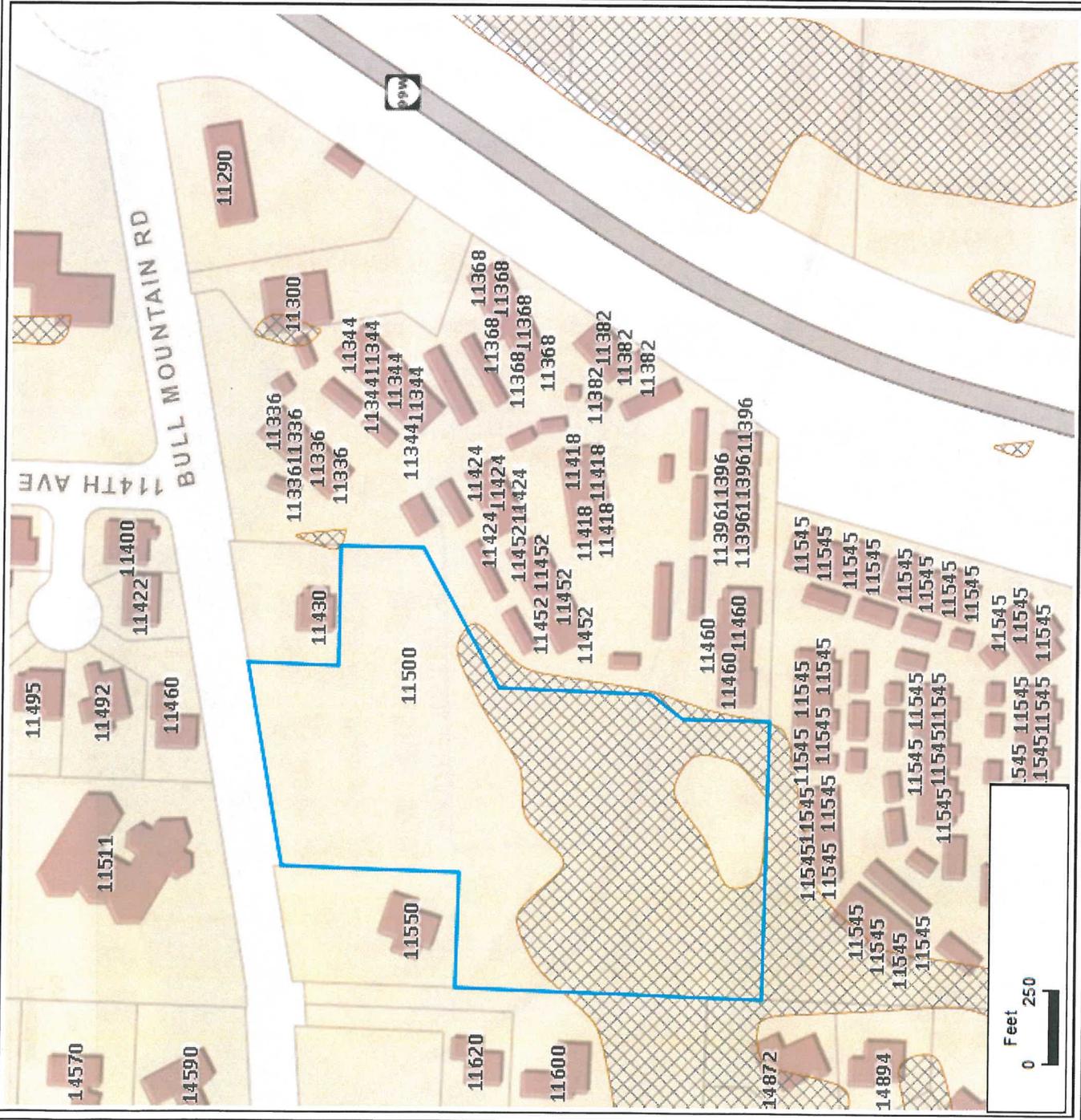
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Goal 5 Safe Harbor



RLIS Slopes Greater than 25%



Tigard Local Wetland Inventory



Significant



Non-Significant



Jurisdictional

CWS FEMA 100 Yr Flood



Goal 5 Significant Habitat Areas

Highest Value Habitat

Moderate Value Habitat

Lower Value Habitat

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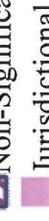
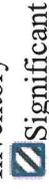
Goal 5 Safe Harbor



RLIS Slopes Greater than 25%



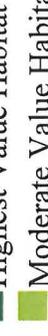
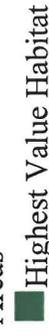
Tigard Local Wetland Inventory



CWS FEMA 100 Yr Flood



Goal 5 Significant Habitat Areas



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Memorandum



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To: Mayor John Cook and Tigard City Councilors

From: Mike Peebles, PE – Otak

Copies: Skip Grodahl (DBG Oak Street, LLC – applicant),
Nawzad Othman (representing Orland Ltd. –
owner); Gary Pagenstecher (Tigard Planning)

Date: February 17, 2015

Subject: A+O Apartments – Response to Additional
Information –Floodplain Comments
(SLR 2014-00002)

Project No.: 17044

The following is the applicant's rebuttal testimony to floodplain issues presented in Dorothy Cofield's letters dated February 3, 2015 and February 10, 2015.

The February 3, 2015 letter provides comments from Symons Engineering Consultants Inc. regarding their initial "quick" review of the no-rise analysis and questions regarding the Channel width and n-values used in the analysis, the addition of flow from the developed site during the 100-year event, impacts of the proposed wetland planting on the analysis, and review status of the authority having jurisdiction (City of Tigard). Symons Engineering Consultants did not provide any analysis or calculations with their February 2, 2014 response email, but only provided an opinion that the Attachment E (No Rise Analysis) is inconclusive and stated there are doubts in the validity of the no-rise analysis. Since there was no new information to comment on, the application did not provide a formal response to floodplain issues in the February 3, 2015 Cofield letter.

The February 10, 2015 letter provided new evidence and testimony related to the applicant's floodplain analysis in the form of a review memo dated February 10, 2015 from SEC (Symons Engineering Consultants, Inc) to Dorothy Cofield. In addition, there was a floodplain exhibit/map included with the memo related to a change.org survey on the project.

A) The following is a response to the review comments provided in the memo. SEC memo text is *in italics*, with Otak responses following each comment.

At your request we have reviewed the application materials furnished with emphasis on the Norise"Memo Attachment "E" of the Preliminary Drainage Report. The scope of this review is not to perform a flood plain analysis in an attempt to confirm the applicant's results but to evaluate what was submitted for reasonableness.

Response: Note that the consultant has not performed a no-rise analysis to confirm the proposed impacts to the floodplain.

Background:

1. *The project proposes to construct a 215 dwelling unit apartment complex with buildings, parking lot areas and landscaping. The development site plan shows the project encroaching up to 35 feet into the existing 100 year flood plain and proposes to place fill in the 100 year flood plain to accommodate the parking lot grading design. The total area of flood plain impact is approximately 0.35 acres. The total fill volume impacting the 100 year flood plain is unknown at this time.*

Response: No response.

2. *The project proposes earth fill with a retaining wall on the "fringe" edge of the existing 100 year flood plain boundary. The project does not impact the "floodway" as shown on the FIRM Map 410276059C. If no proposed development impacts the Federal Regulatory Floodway as shown on the FIRM Map and as defined in the Federal Regulation 44 CFR Section 60.3(d) then a Condition Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) are not a Federal requirement.*

Response: Correct, the project is not impacting the floodway there is no requirement to complete a CLOMR or LOMR.

3. *A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, 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 letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review. Building 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.*

Response: Per SEC comment in Item #3, since the project is not impacting the floodway there is no requirement to complete a CLOMR or LOMR. The CLOMR process outlined above is not applicable.

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.*

Response: Per SEC comment in Item #3, since the project is not impacting the floodway so there is no requirement to complete a CLOMR or LOMR. The LOMR process outlined above is not applicable.

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 "Norise" analysis from COE/ DSL, FEMA, or the City of Tigard for impacts to the BFE or SFHA.*

Response: Correct. The Corp of Engineers permit is related to the approved wetland impacts. The COE is not responsible for review/approval of the flood plain impacts. The City of Tigard is the authority having jurisdiction over their Sensitive Lands Review for impacts to the 100-year floodplain.

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 "Norise" 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 Norise analysis.*

Response: The applicant's responses to City of Tigard Code Section 18.775.070.B (Sensitive Land Permits, within the 100-year floodplain) are provided in the original application narrative. The approval criteria do not include any requirements for a balanced cut-fill approach or revision to the Flood Insurance Rate Maps (FIRM).

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 HEC2 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 HECRAS and model the Ash Creekechannel 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 preproject condition implying the fill may not have any effects on the flood plain flow characteristics or the Base Flood Elevation.*

Response: This review comment has not provided any new analysis or conclusions. Otak's no-rise analysis was completed following standard procedures that included use of the hydraulic model from the Effective Flood Insurance Study. That model was updated with local more detailed topography, and then re-run with the encroachment from the parking area. As SEC notes above, a number of factors would affect the elevation rise during

conversion of the models, and the numbers provided are within the expected order of magnitude. The use of more detailed local topography in the no-rise analysis is standard practice and provides a sound basis for comparison of project conditions to existing conditions. There is no requirement for FEMA to review or approve the analysis as this is up to the local community and in this case is the requirement for the no-rise analysis is driven by the stricter local ordinance, not FEMA regulations.

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.

Response: This review comment has not provided any new conclusions. The project is showing compliance with the approval criteria of City of Tigard Code Section 18.775.070.B (Sensitive Land Permits, within the 100-year floodplain).

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.

Response: The enhancement plantings within the floodway and floodplain will affect the n-value (i.e. “roughness”) of the proposed condition. However, in accordance with 18.775.020.C.(2)(3)(4) Applicability of Uses—Permitted, Prohibited, and Nonconforming.

C. Exemptions, the enhancement plantings are not subject to the Sensitive Lands Permit approvals. When performed under the direction of the city, and in compliance with the provisions of the City of Tigard Standards and Specifications for Riparian Area management, on file in the engineering division, the following shall be exempt from the provisions of this section:

2. Stream and wetlands restoration and enhancement programs;
3. Non-native vegetation removal;
4. Planting of native plant species; and

While the proposed plantings are exempt from the Sensitive Lands code, Otak ran a revised analysis from existing conditions with a revised n-value based on proposed enhancement planting plan. The model shows a minimal rise (0.04’) in the base-flood elevation immediately adjacent to the site, with no rise downstream of the site, and the rise dissipating to a no-rise condition within ~150’ upstream of the site. Upon adding the proposed development encroachment to the floodplain/floodway with enhanced plantings, there was no-rise in the base flood elevation due to encroachment by the parking area (“land form alteration or development”).

10. Appendix B — Hydraulic Model Output for the NoRise 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.

Response: The additional flow from the proposed development was not included in the no-rise analysis as it was considered insignificant in the impacts on the base flood elevation. The additional contributing flow is 0.38% (less than one-half of 1%) of the total flow. In

addition, due to the location of the development with the drainage sub-basin, and the location of the sub-basin within the overall drainage basin, it is presumed the additional flow from the site would not coincide with the peak flow during the base flood event (i.e. the peak flow from the site would already have moved downstream before the peak flood levels are reached).

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.

Response: The interpolated cross sections are generated by the model and are used only to improve the solution of the energy equation in the model and not used for mapping. They are located equi-distance between the original cross sections. The two added cross sections can be added to the map if requested by the City. Section 204880 was labeled incorrectly in Table 1 of the report and should be Section 204480, which puts it in sequence with the rest of the progression.

12. There is much data required for the HECRAS 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.

Response: The Otak no-rise analysis was completed following standard procedures by a qualified professional that is familiar with the data and variables used in the model. The zero-rise analysis was completed by Gary Wolff with Otak Water Resources department. Gary is a registered Oregon professional civil engineer, has a Masters Degree in Civil Engineering - Water Resources, has a Diplomat, Water Resources Engineer (D.WRE) credential from the American Academy of Water Resources Engineers (AAWRE), and is a Certified Floodplain Manager (CFM). He is an expert in the use of the HEC-RAS software, and has taught HEC-RAS modeling for the National Highway Institute, National Marine Fisheries Service, River Restoration Northwest, and Portland State University.

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.

Response: See response to Item #9 above.

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.*

Response: See response to Item #10 above.

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.*

Response: See response to Item #11 above. The City of Tigard Sensitive Lands approval criteria do not require review/approval by FEMA.

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.*

Response: See response to Item #12 above.

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 "Norise" is a tight standard and there are several small issues that cumulatively could lift the analysis above a norise" 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 "Norise" compliance that will probably make both the City and the developer uneasy.

Response: The project is showing compliance with the approval criteria of City of Tigard Code Section 18.775.070.B (Sensitive Land Permits, within the 100-year floodplain) and the applicant agrees with the staff report and conditions of approval related to the Sensitive Lands permit.

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 "Norise" 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 Norise Analysis nor has sufficient data been submitted to do so. Region 10 FEMA staff may be able to provide additional guidance.

Response: See response to Item #12 above. The City of Tigard Sensitive Lands approval criterion does not require review/approval by FEMA. The City of Tigard is the AHJ (Authority Having Jurisdiction) regarding the Sensitive Lands permit.

B) In response to the floodplain exhibit/map included February 10, 2015 Cofield letter, it is not clear if this exhibit is related to the SEC memo. The exhibit appears related to a change.org survey on the project. Upon additional review of the source (change.org) the description of this map is in error.

<https://www.change.org/p/city-of-tigard-city-council-deny-the-proposed-applications-for-the-215-unit-apartment-complex-on-oak-st-cpo2014-00002-pdr2014-00003-sdr2014-00004-sl2014->

[00002?recruiter=7865080&utm_source=share_petition&utm_medium=facebook&utm_campaign=share_facebook_responsive&utm_term=des-lg-notification-no_msg](https://www.change.org/p/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?recruiter=7865080&utm_source=share_petition&utm_medium=facebook&utm_campaign=share_facebook_responsive&utm_term=des-lg-notification-no_msg)

The petition incorrectly states: “On the map the wavy line is Oak St., the yellow line is Hall Blvd.” (See screenshot below on petition page with exhibit/map). On the map shown as an exhibit to the petition, the yellow line is Oak Street and the wavy line is the floodway portion of the FEMA map. This is a significant error in the description of the project location and limits of floodplain impacts. There are no proposed impacts to the floodway and project impacts are on the floodplain fringe south of Oak Street.

change.org Start a petition Browse Search Log in



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.

Jill Warren
Portland, OR

Allowing high density development in a 100-year floodplain/wetland that has a history of flooding every 50 years will put people and property at risk. A letter from the state floodplain manager cautions against this development because the City of Tigard will no longer qualify to be in the national flood insurance program. Taxpayers will be culpable for property damage and legal challenges. According to FEMA it is not buildable land. Legitimicy of The Washington Square Regional Center can be challenged because there were too many unanswered questions and contradictions between local jurisdictions. In spite of Metro assuring there would be no up zone in residential neighborhoods and open space lands, City of Tigard up zoned from R4.5 units per acre to 50+ units per acre mixed use. There was no public support or citizen requests for State agencies incorporated in the plan. This isn't a question of if it will flood, but when. With climate change the next flood will be extreme. On the map the wavy line is Oak St., the yellow line is Hall Blvd.

Sign this petition

with 31 supporters

66 needed

Last name

Email

United States

Street address

Zip code

I'm signing because... (optional)

Share with Facebook friends

Sign

Display my signature on Change.org

By signing, you accept Change.org's [terms of service](#) and [privacy policy](#), and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.

February 23, 2015

Steven L. Pfeiffer
SPfeiffer@perkinscoie.com
D. (503) 727-2261
F. (503) 346-2261

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 Final Written Argument**

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 DBG's final written argument in support of the Applications.

DBG has provided substantive evidence and written response to the full range of raised issues during the Council's review, including legal arguments from project opponents. As such, DBG will not restate those arguments and evidentiary submittals at this time. Rather, this letter will summarize how the Applications serve the City's adopted planning objectives, policies and implementing procedures relating to anticipated development at his location and how the project, as modified, will mitigate and minimize all potential impacts of the project.

With regard to the adopted policy context, DBG's proposal serves the following adopted City planning objectives:

- Meets Identified Housing Need: Provides 215 units of well-designed, high-density modern multi-family housing to meet need identified by the City in its acknowledged comprehensive plan for such housing opportunities within the identified regional center;
- Creates Connected, Mixed-Use Center: Facilitates pedestrian, bicycle, vehicle, and transit connections to nearby commercial and retail uses at Washington Square

Shopping Center and Lincoln Center (about one-quarter of a mile away), allowing for an integrated, mixed-use neighborhood as called for in the Washington Square Regional Center Plan;

- Creates Attractive Community: Provides an attractive living environment for project residents with a high level of on-site amenities and adjacent open space;
- Preserves and Enhances Open Space: Preserves and enhances valuable open space areas while utilizing portions of the overall site that are not significantly constrained by floodplain, wetlands, or other constraints;
- Dedicates Trail Easement: Provides an easement for the future trail along Ash Creek identified in the City's Parks Master Plan and the Washington Square Regional Center Plan;
- Establishes Buffers: Borders the apartment project with preserved open space to the south to provide a buffer between the apartments and Highway 217;
- Accommodates Parking Demand: Provides sufficient on-site parking for the needs of residents and their visitors to avoid parking overflow into nearby neighborhoods and, subject to the final determination by the Council, the provision of on-street parking on SW Oak Street adjacent to the project site;
- Enhances and Mitigates Wetlands: Provide off-site wetland mitigation as required by now approved federal 404 authorization, together with significant wetland enhancement plantings beyond the federal permit requirements; and
- Balances Resource Preservation with Neighborhood Compatibility: Minimizes encroachment into significant natural resource areas while proposing a development that respects the modest heights of surrounding uses. Avoiding all resource impacts would result in a developed project that is well in excess of the height and massing of surrounding uses.

Further, DBG has taken into account various issues and potential project modifications raised during this review process:

- Parking Exception Withdrawn: Eliminates the request for an exception to the on-site parking requirement by providing additional ground-level parking;
- Bus Shelter Easement: Continues positive negotiations with TriMet and the operators of Lincoln Center for a transit shelter easement along SW Greenburg Road;
- Paved Connection to SW Oak Street Sidewalk: Provides paved pathway connecting to the existing sidewalk to the west on the north side of SW Oak Street

- for an improved pedestrian route to transit stops for two frequent service transit lines;
- Pedestrian Path Easement over SW Lincoln Street: Orland Ltd. (property owner of both the proposed development site and two properties which would include the future SW Lincoln Street) agrees to provide an easement over the future road location to allow a pedestrian path. DBG offers to build a pedestrian path within the easement. This (and the prior item) will provide an improved pedestrian way from the proposed apartments to Metzger School, and to other sidewalks along SW Locust Street and SW Greenburg Road;
 - Commitment to Sell SW Lincoln Street Right-of-Way: Orland Ltd. (property owner of both the proposed development site and two properties which would include the future SW Lincoln Street) agrees that they will sell the necessary right-of-way for that street extension at fair market value for the land. This will allow future development interests in the area to construct the SW Lincoln Street extension when it is deemed necessary;
 - Raised Crosswalk Across SW 90th Avenue: DBG to provide a raised crosswalk across SW 90th Avenue to the Metzger Elementary School, which should reduce vehicle speeds on SW 90th Avenue, provide a safer crossing for students and for others accessing the public sidewalk on SW Locust Street which lead to SW Hall Boulevard and SW Greenburg Road;
 - Intersection Reconfiguration: Improved plans for reconfiguring the intersection of SW 90th Avenue and SW Oak Street.

As these lists indicate, DBG's development proposal will offer wide-ranging benefits to the City and the community that will, in turn, serve to implement adopted City planning objectives.

Finally, DBG notes that opponents have expressed concern about the provision of on-street parking on SW Oak Street. Although DBG believes that this parking would provide surplus spaces to serve periodic community and school needs and would function as a traffic-calming measure, DBG is willing to eliminate these spaces at the discretion of the City Engineer. If the City Council agrees, the City Council can impose a condition allowing the City Engineer to address the issue within the discretion afforded him/her by the applicable Code provisions, as applied to the project and location.

In conclusion, the substantial evidence available in the record demonstrates that the Applications satisfy all applicable criteria, and the information offered by project opponents does not serve to undermine this evidentiary support or the corresponding

Mayor John Cook and Tigard City Council
February 23, 2015
Page 4

conclusions of compliance. Therefore, we must request that the City Council approve the Applications, subject to the conditions of approval proposed by City staff as modified by DBG's earlier testimony.

I have asked staff to place a copy of this letter before you and in the official record for this matter. Thank you for your thoughtful review of the Applications.

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)

AIS-2159

3.

CCDA Agenda

Meeting Date: 03/03/2015

Length (in minutes): 0 Minutes

Agenda Title: APPROVE CITY CENTER DEVELOPMENT AGENCY MINUTES

Prepared For: Norma Alley, City Management **Submitted By:** Norma Alley, City Management

Item Type: Motion Requested **Meeting Type:** City Center Development Agency

Public Hearing: No **Publication Date:**

Information

ISSUE

N/A

STAFF RECOMMENDATION / ACTION REQUEST

Approve City Center Development Agency Minutes for December 2, 2014 and February 3, 2015.

KEY FACTS AND INFORMATION SUMMARY

N/A

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

December 2, 2014 Draft Minutes

February 3, 2015 Draft Minutes



City of Tigard
City Center Development Agency Meeting Minutes
December 2, 2014

6:30

1. CITY CENTER DEVELOPMENT AGENCY BOARD MEETING

A. Chair Cook called the meeting to order at 6:31 p.m.

B. Deputy City Recorder Alley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Chair Cook	✓	
Director Buehner	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

C. Call to Board and Staff for Non-Agenda Items – Chair Cook and Executive Director Wine noted they had a few items.

2. APPROVE CITY CENTER DEVELOPMENT AGENCY MINUTES

- September 2, 2014 CCDA Minutes

Director Buehner motioned to approve the September 2, 2014 CCDA minutes. Director Snider seconded the motion and all voted in favor.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Buehner	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

3. UPDATE ON THE DOWNTOWN PARKING MANAGEMENT

Redevelopment Project Manager Farrelly provided the staff report, accompanied by a PowerPoint presentation, reporting a Parking Plan Strategy Recommendation had been completed in August 2011 with the assistance from Rick Williams, parking advisor consultant, for the downtown. Mr. Williams and staff partnered with the Tigard Downtown Alliance (TDA) to receive recommendations in order to best meet the needs of downtown businesses and visitors. Progress had been made on in the following areas:

1. Encouraging shared parking.
2. Developing criteria for 15 minute parking spaces.
3. Developing marketing and communication strategies for a “Customer First” parking program.

Director Henderson asked if the WES parking lot was included in any of the downtown parking numbers. Mr. Farrelly answered they were not included as it is not considered public parking.

Chair Cook stated the 751 parking spaces seemed high and questioned if the parking lot with McDonalds, Rite Aid and Value Village was counted. Mr. Farrelly replied it was and could be considered for future use of employee parking. Director Snider asked what the demand was for employee parking. Mr. Farrelly said those numbers were unknown but that could be researched.

Director Snider suggested looking into commute incentive programs for employers to promote employee commuting. Ms. Wine stated staff can work with TriMet to explore possibilities.

Director Woodard suggested looking at the need for designated loading zones. Mr. Farrelly responded there could be a possibility for the fifteen minute parking as the loading zones during designated hours.

Chair Cook suggested improved signage for public parking areas directing people to the parking lots and also letting them know when they arrived in the lot.

Community Development Director Asher summarized the key takeaways for the evening as:

1. Having a parking problem is a good thing because it means people are going downtown.
2. It is important to support current businesses.
3. Parking spaces may be reduced in the future as they are replaced for other kinds of uses such as plazas, paths, buildings and such.
4. It is difficult for cars to park downtown.
5. The Agency has a limited role today and the solution to these problems should come from the businesses.
6. The Agency and staff play the coordination and education role.

4. UPDATE NON AGENDA ITEMS

Chair Cook announced the CCAC conducted committee member interviews and will have recommendations on a future City Council agenda. Executive Director Wine reminded the board of upcoming City Council Groundrules and Guidelines meeting December 18th and a City Council Goals meeting on December 22nd.

- EXECUTIVE SESSION – At 7:18 p.m. Chair Cook announced that the City Center Development Agency would be entering into Executive Session called under ORS 192.660 (2)(e) to discuss real property transactions. Chair Cook closed the executive session at 9:05 p.m. and reconvened the public meeting.

6. ADJOURNMENT

At 9:06 p.m. Director Woodard motioned to adjourn the meeting. Director Snider seconded the motion and all voted in favor.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Buehner	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

Norma I. Alley, Deputy City Recorder

Attest:

Chair, City Center Development Agency

Date: _____



City of Tigard
City Center Development Agency Meeting Minutes
February 3, 2015

6:30 p.m.

1. **CITY CENTER DEVELOPMENT AGENCY BOARD MEETING**

A. Chair Cook called the meeting to order at 6:31 p.m.

B. Deputy City Recorder Alley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

C. Call to CCDA and Staff for Non Agenda Items – None announced.

- EXECUTIVE SESSION – Chair Cook called the executive session to order at 6:32 p.m. to discuss real property transactions under ORS 192.660(2)(e) held in the Red Rock Creek Conference Room. Chair Cook closed the executive session at 7:31 p.m. and reconvened the public meeting in Town Hall.

2. **CONSENT AGENDA: AUTHORIZE THE CCDA EXECUTIVE DIRECTOR TO ACCEPT THE DEED FOR THREE CONTIGUOUS PARCELS ON BEHALF OF THE AGENCY**

Director Snider motioned to accept the Consent Agenda seconded by Director Woodard. Motion passed by unanimous vote of the council.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

3. **JOINT MEETING WITH CITY CENTER ADVISORY COMMISSION**

City Center Advisory Commission (CCAC) members in attendance included Chair Carine Arendes, Vice Chair Linli Pao, Joyce Casey, Richard Shavey and Ravi Nagaraj. CCAC Chair Arendes and Vice Chair Pao reported on the CCAC's 2014 goals of:

1. Support implementation of current City Center Urban Renewal projects and programs.
2. Support planning for medium to long term projects.
3. Review City Center Urban Renewal Plan and prioritize future projects.
4. Continue to improve communications with other boards and committees by providing liaisons.
5. Develop a communication plan to proactively engage with the community on downtown issues.

The CCDA Board thanked the CCAC members for all their hard work and efforts and encouraged them to continue looking at projects that will enhance walkability and downtown livability.

Discussions commenced on CCAC's desire to query the community about downtown issues in the next community survey and the consideration of holding joint executive sessions to ensure all board and CCAC members are kept up to date on downtown projects.

Redevelopment Project Manager Farrelly reviewed the CCAC work plan and provided an update on projects (the work plan was entered into the record).

4. REVIEW THE CCDA BOARD'S 2015 CALENDAR

Redevelopment Project Manager Sean Farrelly reviewed the 2015 calendar and asked if there were any other topics the board would like to see included.

Discussion commenced on future meeting subjects being:

1. CCAC returning in September to provide an update on their goals and future projects and staff provided reports on design suggestions for the Tigard Trail's Tiedemann entrance.
2. Suggestions for conceptual ideas of art on buildings along the Tigard Trail, buildings in downtown and under the Pacific Highway overpass.
3. Concepts attracting visitors to Main Street with things like art, gardens or lighting that may be placed on downtown building's roofs.
4. Suggestions for possible amendments to the sign ordinance.

5. PRESENTATION ON THE URBAN RENEWAL TAX INCREMENT REVENUE FORECAST

Redevelopment Project Manager Farrelly and ECONorthwest Consultant Nick Popenuk presented the staff report accompanied by a PowerPoint presentation with highlights:

1. More than a three percent per year growth occurred showing a slow and steady long term growth trend.
2. There was a four percent growth in real property value. 2012-2013 assumptions were at one percent growth reflecting only one development project.
3. Assumptions for the next fifteen years are at 4.3 percent growth with the development of a 150 unit mixed use building.
4. Suggested refinancing an existing loan that has almost \$1 million in a balloon payment and borrowing at least \$2 million in order for the city to have at least \$200,000 to fund ongoing projects.

Chair Cook thanked Mr. Popenuk and Mr. Farrelly for their time and the presentation as it was timely since the budget year is about to begin.

6. CITY COUNCIL: CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING – CONSIDERATION OF A+ O APARTMENTS COMPREHENSIVE PLAN AMENDMENT (CPA2014-00002) PLANNED DEVELOPMENT REVIEW (PDR2014-00003), SITE DEVELOPMENT REVIEW (SDR2014-00004), AND SENSITIVE LANDS REVIEW (SLR2014-00002)

Opening Public Hearing – Mayor Cook opened the public hearing announcing this item as a Quasi-Judicial Public Hearing of the City Council which had been continued from the January 13, 2015 Council Meeting.

Attorney Dan Olsen stated this is a continuation of the public hearing for the purpose of hearing oral responses from the applicant, staff and the city attorney to the council's questions presented at the January 13 public hearing. The council may ask additional follow-up questions or may have questions based on any written submittals received since January 13. At the conclusion of the oral presentations, it is the intent of council to close the oral portion of the hearing. Should the council do that, it is recommended to allow seven

days for any person to submit written comments on any material relevant to the application by February 10. Then there will be one week for any person to respond to the evidence in the record submitted leading up to February 10. The applicant has requested his statutory right to rebuttal and it is understood the applicant thinks three days would be sufficient. Assuming that is true, that would be February 20. There is time on the March 3 agenda designated solely for the purpose of deliberation and reaching a decision to adopt findings or asking staff to prepare findings. At the conclusion of tonight's testimony the council is free to continue the hearing for further testimony or revise the schedule.

Mayor Cook called for any declarations of ex-parte contact, bias or conflicts of interest since the January 13 hearing. Councilor Goodhouse declared he ran through the neighborhood after the last meeting. There were no other declarations and no challenges from the community.

Staff report – Associate Planner Gary Pagenstecher submitted additional written testimony received since the January 13, 2015 public hearing into the record and explained from the last hearing council requested 27 questions be addressed. Mr. Pagenstecher stated the applicant addressed most of those questions and requested the applicant present their responses.

Applicant's Presentation – OTAK Planner Don Hanson, OTAK Planner Jerry Offer, OTAK Engineer Mike Peebles and Pacific Habitat Services Representative John VanStavern submitted a new site plan into the record and addressed questions from the January 13, 2015 public hearing as provided in their memo presented in the record.

Pacific Habitat Services Professional Wetland Scientist VanStavern reported with the new site plan OTAK attempted to reduce the impact on the wetlands as much as possible with only a six percent impact preserving 94 percent. The applicant met with the Army Corps of Engineers, Department of State Lands, Department of Fish and Wildlife, National Fishery and Wildlife and Department of Environmental Quality to address the wetland issues. Approvals have been received from the Corps of Engineers and OTAK is working on obtaining permits from the Department of State Lands which is awaiting payment of the fee before issuing the permit. The Corps of Engineers has a strong preference for using a wetland mitigation bank and that is proposed in the application. Mr. VanStavern stated possible wetland mitigation for the area was suggested and the first thing he did was contact Tualatin Riverkeepers, city of Tigard, and Tualatin Hills Park and Recreation District to look for possible mitigation. None was found so focus was on the onsite area with the planting of 15,788 native plants.

OTAK Planner Jerry Offer testified the neighbor's and council's comments and concerns regarding the parking standards were heard so the plan was changed to remove parking from under Building D and placed under Building C. This change gained more than 50 spaces which now meets the city's onsite parking standards; therefore, the request for a parking exemption is no longer needed. The application does still propose parking on Oak Street. The second concern was the wetland and Mr. VanStavern spoke about those. Addressing the third question about providing access to transit stops and the school, Mr. Offer stated attempts were made to obtain an easement with Moreland Limited. They are willing to grant an easement across what will be the future right of way on Lincoln Street. This will allow DBG Limited the ability to provide a pathway connection between Oak Street and the end of Lincoln Street for connection to the school. Council shared concern regarding the lack of sidewalks or pathways along Oak Street. Mr. Offer stated OTAK will commit to providing a connection between the SW 90th Avenue and Oak Street intersection to connect to the existing sidewalk at Lincoln Center. The existing public sidewalk leads to the transit stops on either side of Greenburg Road across from the Lincoln Center. Mr. Offer said discussions with the Lincoln Center property managers and representatives from TriMet were in progress to work through an agreement by which the owners of Lincoln Center will provide an easement, DBG Limited will provide the site grading and concrete pad for a bus shelter and TriMet will provide the shelter. All three parties are in agreement to this, but a formal agreement has not been signed yet.

OTAK Engineer Mike Peebles addressed the storm drainage downstream effects testifying there was an existing drainage ditch on Oak Street into the wetlands and OTAK is looking to remove that and replace it with a public storm drain pipe that will route water through the site and out of the wetland area to convey water from the upstream basin. For the actual site development, OTAK is meeting the Clean Water Services (CWS), Tigard's and Corps of Engineers requirements for the detention, water quantity and water quality. To mitigate an increase in impervious surfaces, a detention is being provided onsite so the existing run off will remain the same after construction; therefore, the flood plain in the Ash Creek area shows no impact to the flood plain. The rest of the downstream bottleneck cannot be controlled or should not be modified because of the unintended consequences so maintaining the existing conditions is a better approach to managing the flow models in the area.

Council President Snider asked how accurate the model and no rise analysis was. Mr. Peebles replied it is the standard model using standard engineering practices. FEMA and CWS use a hydraulic flow (HEC-RAS) model for the area to set up existing conditions which is the accepted engineering practices. Council President Snider asked how often per year those models were wrong. Mr. Peebles replied he did not know, but there is some calibration within FEMA and the HEC-RAS model for the jurisdictions that use them.

Council President Snider stated he was not hearing a level of precision that goes along with this model. Mr. Peebles said he could not say the model is 100 percent accurate as there are too many variables based on the requirements in the code for having to model and check the flood plain in order to meet the no rise analysis, so we followed those.

Mayor Cook stated the water rises either upstream or downstream because the water has to go somewhere. Mr. Peebles explained it is not a bathtub model where the tub is filled with water and when something is put in it the water overflows. Instead look at the flow of water because during a flood the water is still flowing downstream conveying through a floodway or flood channel. What would make the flood plain rise would be encroachment or obstruction; especially in the high velocity areas. This is why upstream and downstream are checked to ensure a 0.00 effect is seen. Council President Snider summarized stating the velocity of the water and speed of movement is more important than the dropping something in the bathtub effect. Mr. Peebles answered yes, it is the velocity times the area so if changes are made then the same flow can go by.

Councilor Woodard expressed several concerns about impacts on the flood plain, the homeowners financial responsibility for damages due to flooding, the high density build in the Washington Square Regional Center (WSRC), the up zone impacts to the neighborhoods and open spaces, the use of flood plain instead of sensitive wetland, the 35% peak flow increase to date and how that will impact the area for the 25-year storm. Mr. Peebles explained when dealing with storm water different design storms are considered which are two-year, ten-year, 25-year and 100-year storms. This means there is a four percent chance there is going to be a storm event in each of those years. As those different storm events happen the rainfall may vary so those are modeled to see what the system impacts are. Those storms have to do with the amount of rainfall that is landing in the area at that moment. Mr. Peebles said the 1996 storm was considered the 100-year storm and a lot of things were modeled from that. These flood plain maps provided in the application show the 100-year flood plain event. Tigard designed their conveyance system for a 25-year storm and conveys all the water down. The rare 100-year storm is managed by these flood ways and plains.

Councilor Woodard stated he was concerned how the system is going to keep up with this development and future developments. He suggested all the developers interested in the area get together to come up with a solution to alleviate the flooding problems as building smartly in the area is really dependent on partnerships.

Mr. Peebles said additional flooding impacts are being mitigated with the construction of a large detention facility detaining water under the parking lot and providing water quality treatment. In addition there is a series of underground chambers under the detention area getting installed based on mitigating the impervious areas. It is a large detention system meeting CWS standards of putting in gravel and arch culverts which detain the water coming off the site and releasing it through a controlled manhole. The water will back up

under the parking area and release into the preexisting condition. The controlled manhole has an orphic at the bottom allowing water to back up behind in the detention system to match the two year and ten-year storm events. That will all be permitted and approved through the city of Tigard's permit review process.

Council President Snider asked what the reason was to encroach on wetlands versus building up. Mr. Offer replied in addressing that and question number two posed on January 13, the neighbors are mostly one and two story buildings with some recent three story townhomes, so they thought there may be political problems if the proposal was for too tall of buildings. The team went to the site, looked at the quality of the wetlands and Mr. VanStavern recommended this was potentially approvable by the Corps of Engineers, Division of State Lands and other state agencies if the proper process and permitting requirements were followed. OTAK looked at the cost of building taller buildings and the balance of the various interests; it was felt the best thing was to come in with the four story buildings and to go through the wetland filling process. To avoid filling the wetlands, multi-levels of parking and bringing the buildings up to seven or eight stories would have been required. Councilor Goodhouse asked what the model and footprint would look like if the wetlands were not encroached upon. Mr. Peebles said several alternatives were shown in appendix D Item V, but were pulled after review from the Corps of Engineers and Division of State Lands.

Councilor Goodhouse asked for clarification on how the parking footprint got bigger without any changes to the wetlands. Mr. Hanson said more parking was placed under a larger building which did not increase any of the site area impact. Mr. Offer said in order to maintain the same amount of impervious surface and not lose landscaping, the parking lot was refigured, the trash and recycling enclosure were moved and a few other changes were made to the parking area. This also allowed no changes to the building elevations other than the southern elevations of Building C and D as represented in the new site plan.

Mr. Offer drew attention to OTAK's memo where they addressed council's questions presented on January 13. He stated question three relating to parking numbers has been satisfied with the new parking plan. Tigard's code requires 306 on-site parking spaces and they are providing that as well as the 14 spaces within the Oak Street right of way.

Councilor Goodhouse asked for clarification on TVF&R's concern with no parking on Oak Street. Mr. Offer said a plan was included in the original submittal showing the emergency vehicle routes through the site which provided proper radius and access through the site. He indicated he was not sure what concerns there were beyond that. Mr. Peebles clarified the parking and street widths will be reviewed by TVF&R as part of the final permit process.

Mr. Offer said council requested a walking trail between the site and transit stops which is in the works with the Lincoln Center and TriMet. It needs to be clear while the trail looks like a probability there are two outside entities not party to this application. He asked the trail not be a condition of approval as there is no guarantee to an agreement with them. Mr. Offer said OTAK is happy to do the pathways within the public right of way, but cannot guarantee a private landowner will grant an easement over their property to allow a pathway. We fully expect to have a condition of approval for an on street pathway connecting Oak Street to the public sidewalk on Lincoln Center property. Mr. McCarthy stated in relation to requiring the applicant to work with the property owner in order to put in a transit stop, it would be possible to add a clause to the condition that they make that improvement or similar improvements as approved by the city engineer providing contingency in case one of those entities refuses to cooperate.

Councilor Woodard said he noted the lack of sidewalk gaps to the west but there is no connection in a section heading east to Hall Boulevard and there is an existing bus stop on both ends. This is a huge populous that needs the infrastructure and facilities in place to accommodate that type of use. If you are going to develop an area with sensitivities it is beneficial to partner up with developers in the area to bring resources together. Councilor Woodard recommended partnerships to find connectivity solutions. Mr. Offer replied we are not proposing pathway connections to the east because after looking at transit schedules we discovered there is one bus serving the transit stop at Locust Street and Hall Boulevard running Monday

through Friday from 6:00 a.m. to 7:00 p.m. The transit stops on Greenburg Road serve two bus lines that provide seven days a week service from before 6:00 a.m. until Midnight. We found it was more important to provide service to the west with seven days a week service.

Mr. Offer addressed question five regarding the traffic impacts around Metzger Elementary School. The traffic study shows the traffic levels on SW 90th Avenue are consistent with the city's transportation plan and should operate at an acceptable level of service. He noted Traffic Engineer Austin said the traffic levels only warrant restriping and signing so traffic improvements to the SW 90th Avenue and Oak Street intersection are not necessary.

Councilor Woodard expressed concern that there is not much room for a pedestrian to walk down 90th Avenue. Mr. Hanson asked council for clarification if it is a safety impact versus a volume impact. Councilor Woodard answered it is both as the development will add to the volume impact giving more opportunity for things to go awry. Council President Snider asked staff what their perspective was on this issue. Mr. Pagenstecher said he had a discussion with Ms. Austin and she clarified there is about a proposed 300 percent increase on traffic on 90th Avenue, but even with that, the capacity on 90th Avenue is substantially greater. Streets and Transportation Senior Project Engineer Mike McCarthy said with this proposal the traffic volume on 90th Avenue would be higher, but would have adequate vehicle carrying capacity. As far as handling the through put of vehicles necessary there would be plenty of access capacity, but it would be toward the higher end of local street volumes, making it a little busier. Councilor Woodard asked if the street would meet the standard. Mr. McCarthy answered the city does not have a hard and fast standard, but it is in an allowable range within a local street.

Councilor Woodard asked if it has a sidewalk on one side. Mr. McCarthy said it does have a sidewalk on one side with parking allowed and some stretches with no sidewalk and no parking.

Councilor Woodard asked what the impact projection was for 87th Avenue. Mr. McCarthy said I do not foresee a lot of traffic using 87th Avenue.

Mr. Offer said addressing question number ten regarding the prevention of head lights in the living rooms of homes across the street; the central driveway was not directly into the windows of the structures across the street. As far as the eastern driveway, the headlights would hit the buildings across the street and thought the homes across the street are mostly townhomes which have living space on the second floor. There is not much landscaping in the front yards of those homes so OTAK offered to work with the property owners to provide landscaping at the time the development is built.

Mr. Offer addressed question 14 regarding the site analysis requirement stating the code is very general about the alternative analysis and does not give guidance as to what needs to be done; it is a pretty generic statement. In preparing the application the development objectives were looked at for trying to develop a moderate size multiple family development close to the Lincoln Center and Washington Square area. OTAK looked at alternative sites existing within a two mile radius and considered a site on Hunziker Street in some detail and smaller sites in the basic WSRC area that did not meet the size requirements. All the sites had some degree of wetlands or flood plain requiring some sort of ESEE analysis.

Council President Snider asked what the staff's perspective was on this. Mr. Pagenstecher answered the development seemed to address the variety of circumstances and the ESEE analysis criteria are general in nature and the ESEE analysis did nominally address each of those criteria so staff is satisfied the issues had been considered. Council President Snider stated there were comments that this was not done in an acceptable standard which is concerning, but there is still no concern from the applicant or staff. Mr. Pagenstecher agreed there was no concern.

Mr. Offer addressed question 15 regarding water quality problems with sanitary sewage in the high water area and treatment of storm water from hard surfaces stating for the sanitary sewage there is a trunk line that

parallels Ash Creek that is not going to be connected to. This allows for no additional chance of sanitary sewerage impacts upon the flood plain from that line due to the development. The sanitary sewerage lines from the development are going out to Oak Street.

Questions to Staff:

Mr. Pagenstecher said all questions brought up at the January 13th Public Hearing, as noted in the document titled Response to Council Questions, have been addressed except questions four, five and 24 and three was partially answered.

Assistant Community Development Director McGuire addressed question three stating there have been presentations about federal and CWS permits and alternative analysis which are usually how local jurisdictions deal with wetlands regulations. The alternatives analysis takes place onsite to review alternative ways to build in order to avoid wetlands, minimizes the impact on the wetlands and then mitigates. Significant wetland inventory is done under the State Planning Goal 5 which has a very specific set of procedures for jurisdictions to follow in creating wetland inventory. To protect the wetlands that are identified as significant, the state gives jurisdictions two options. Tigard chose to take the safe harbor option which is the simplest for the local jurisdiction to comply with but leaves less flexibility on the regulatory end when looking at development on specific sites. That is a situation where the safe harbor was used and essentially the city's regulations say no development in significant wetlands. The Comprehensive Plan Amendment option is the only way to impact wetlands at all. A comprehensive plan amendment process has to be done to remove the significant designation. That puts it in the ESEE analysis which is something the state developed primarily when developing a Goal 5 program for a very large area. It is very difficult to work with on a site by site case.

Mr. Pagenstecher addressed question four reporting there is one comprehensive plan amendment decision before the council affording council the most discretion in deciding this question which is a gut decision made by weighing the two goods of keeping wetlands or the benefits of a development. It is a balancing exercise between the impacts of the wetlands and the aggregate economic values.

Mr. Pagenstecher stated council asked in question five when the WSRC Plan was adopted and are there any other applicable plans. The WSRC Plan which was adopted by Council on July 25, 2001 and is not subject to periodic review. The WSRC Plan has not been reviewed at and has been dormant since adoption. Other applicable plans would be the city's Park System and the Trail System Master Plans.

Mr. Pagenstecher said concerns brought up on question 24 are a moot point since the applicant removed the parking exception.

Council President Snider asked if council has any ability to require the right of way dedication on Lincoln Street. Mr. Pagenstecher answered the city's engineer said based on the traffic impact analysis it was not warranted and council could not require dedication or improvement to Lincoln Street.

Councilor Woodard asked for clarification on the traffic impact on 90th Avenue and whose responsibility it would be to improve that street. Mr. McCarthy said according to the applicant's traffic study the proposed trip generation would be 1,430 trips per day which is in accordance with the standards used by the Institute of Transportation Engineers. Of that, because Oak Street at Greenburg Road is restricted to right in and right out, more of the outbound traffic would use 90th Avenue to get to Locust Street than the inbound traffic. Figuring 75 percent of the outbound traffic and 25 percent inbound traffic would use 90th Avenue calculates to 715 vehicles per day added to 90th Avenue. Our current traffic volume estimates are 600 vehicles per day as of today. Add those together we go from 600 to 1315 on 90th Avenue. Current city design standards on 90th Avenue are to accommodate less than 1500 average daily traffic volume, which this development meets that threshold; although this development is pushing it right to the upper end. A couple hundred more vehicles beyond this would push the volume into a higher level classification.

Councilor Woodard expressed concern there may be a requirement of that development to pay for it as they participated in the increased need with this development. Council needs to think about what potential development may occur, the impact created and the need to mediate those impacts. As land inventory is used up it really gets important so council should tread lightly and make the best decision possible. Mr. McCarthy said there was a provision in the WSRC Plan that developments need to do their part to work toward the infrastructure plan in that code. Dedication of Lincoln Street could be considered as the developer doing their part, but that is more of a judgment call.

Mayor Cook stated if the plan says everyone should pay their fair share and if they are using up almost all the capacity on the street that is already there, then the next small development bringing the street to capacity, by adding 150 cars, would find it financially overwhelming and not cost effective. Council President Snider added it would not meet an equity standard and sounds wholly different than the previous response about it being under capacity therefore we really cannot require it, but this equity thing seems to disagree with this statement. Mr. McCarthy said that sort of dedication would help transportation in the entire area and what is their fair share is a judgment call.

Attorney Dan Olsen said it is important to remember there are code and plan standards that sound as though they rely heavily on equity among the various property owners. There are constitutional requirements stipulating a jurisdiction's ability in conditioning a development. First, there must be a nexus where the condition actually addresses a problem created by the development. Second, cost of the condition to developer must be proportional to that impact. So, if an early development comes in and adds to a future problem, but not creating an impact at that particular time, it is hard to condition because they are creating a long term impact. Therefore, the immediate impact does not support a condition. Ultimately the later development creates the street to be out of standard and if fixing the street is onerous the council may be in a position to approve the development regardless. Mr. Olsen added in order to require improvements now there would have to be a careful analysis by staff as to the nexus between this development and Lincoln Street and the cost or feasibility of that dedication in proportion to this development as opposed to another development. Council President Snider requested the analysis be done.

Public Testimony:

Ms. Jill Warren, 9280 SW 80th Avenue, Metzger, 97223, submitted and read a letter from her attorney into the record.

Mr. Steve Nys declined to speak.

Mr. Stephen Bintliff, 13520 SW 122nd Avenue, Tigard, 97223, testified in order to make the Goal 5 amendment the ESEE is the rationale for approval but it says almost nothing as to why this is a good deal for the community. He expressed concern about the vague references to some economic benefit and requested they be spelled out if a decision is based on that. Mr. Bintliff requested the applicant list the alternate sites considered and make it part of the record if that is going to be deliberated on. He stated there is a need for sidewalks on both sides on Lincoln Street, curbs on 90th Avenue, sidewalk all the way through from Greenburg Road to Hall Boulevard and improvements to drainage and should all happen before a big development like this is allowed. He said one thing he was glad to see brought up was the WSRP has not been visited in 14 years and should not be considered as so much has changed in the area.

Mr. Jim Long, 1070 SW 72nd Avenue, Tigard, 97223, chair of the CPO4-M, testified the committee is unanimously opposing this application and want to see it denied due to some ambiguity in the application.

Ms. Nancy Tracy, 7310 SW Pine Street, Portland, 97223, submitted her testimony into the record.

Ms. Penny Nash, 10231 SW Jefferson Avenue, Tigard, 97223, expressed concern for the 100-year flood plain being altered, the increasing amount of water going into the area, increased traffic to congestive proportions,

lack of sidewalks on the Metzger streets, the increased burden on the Metzger schools and the damage to the grounds from the combination of the liquefaction and amplification as indicated on the map she submitted into the record.

Ms. Allison Wyatt, 8820 SW Thorn Street, Tigard, 97223 testified she agreed with all the questions presented and is concerned with the traffic on the streets, that there are no sidewalks and there is no access to the bus shelter on Hall Boulevard.

Ms. Trudy Knowles, 10430 SW 82nd, Tigard, 97281, requested the city consider doing another traffic study in the area as there is concern for the level of increased traffic on Greenburg Road, Hall Boulevard, 87th Avenue and 90th Avenue. She submitted a flood plain map into the record showing the flood plain area for the proposed development.

Mr. Ryan O'Brien, 1862 NE Estate Drive, Hillsboro, 97123, representing Gene Davis, testified about the desire for Lincoln Street to be dedicated and concern with a possible condemnation to secure the right of way. He requested the right of way be secured before any planning or development occurs.

Mr. Todd Kinsley, 8840 SW Spruce Street, Tigard, 97223 testified a five house development is underway near his home in which the contractors ignored building standards and the building department did not catch certain things during the building process. The neighbors and developers entered into mediation to resolve the issues. Mr. Kinsley expressed concern that the city's building division be well enough staffed to handle a development of this size and ensure compliance.

Closing of Public Hearing – Mayor Cook closed the public hearing.

Mr. Olsen stated the recommendation to council is to keep the record open for anyone who wants to submit written material on any matter related to the application, including argument or new evidence, to be received by 5:00 p.m. on February 10th. The record will be held over for one more week for anyone to respond to the evidence in the record, including the material that came in during the week leading up to February 10, until February 17 at 5:00 p.m. Any person can read the material submitted in the week up to February 10th and can respond. There will not be new evidence allowed. Finally, the applicant felt three days would be sufficient to submit rebuttal which would allow the applicant to submit rebuttal until 5:00 p.m. on February 23rd. This would be an argument and no new evidence is allowed. The question is what date the council wishes to continue this matter for deliberation and decision.

Councilor Henderson motioned to postpone the Quasi-Judicial Public Hearing to March 3, 2015, seconded by Councilor Goodhouse. Motion passed by unanimous vote of the council.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

7. NON AGENDA ITEMS – None

8. ADJOURNMENT

At 11:03 p.m. Director Henderson motioned to adjourn the meeting. Director Woodard seconded the motion and all voted in favor.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

Norma I. Alley, Deputy City Recorder

Attest:

Chair, City Center Development Agency

Date: _____

AIS-2115

4.

CCDA Agenda

Meeting Date: 03/03/2015
Length (in minutes): 20 Minutes
Agenda Title: Art/Gateway Update
Submitted By: Sean Farrelly,
Community
Development

Item Type: Update, Discussion,
Direct Staff
Meeting Type: City Center
Development
Agency

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Receive update on Main Street art and gateway design.

STAFF RECOMMENDATION / ACTION REQUEST

No CCDA Board action is requested.

KEY FACTS AND INFORMATION SUMMARY

Public art was identified in the Tigard Downtown Streetscape Design Plan as an important element “to bring more vitality to the downtown experience by creating a set of interconnected places and emphasizing the flow of people, history, and nature.” The Tigard Downtown Alliance and others have also identified art as an important component to a vital downtown and has organized events like the Tigard Art Walk this May.

On January 7, 2014 the CCDA Board approved the “Petals” concept by artist Brian Borrello that was recommended by the CCAC and the CCAC Public Art Subcommittee. Mr. Borrello has completed fabrication of the 16 foot tall steel sculptures. The last step will be coating the pieces with an aliphatic acrylic polyurethane coating. Mr. Borrello is waiting for the city to give him the go ahead to transport the pieces from the fabricators to the painting contractors and then to the city. Once painted, the number of times the pieces need to be loaded and moved should be minimized due to the potential for scratching. The pieces have been reviewed by a structural engineer. An art conservation specialist has also reviewed it for durability and ease of maintenance. The city has an IGA with ODOT to allow a project, which is technically ODOT right-of-way. ODOT reviewed sight distances and issued a permit in September, 2014.

The city also contracted with Koch Landscape Architecture on a plan for the gateway area landscaping lighting plan, and stonework. The firm recently completed 100% design documents for the gateway. It will feature a stone wall, including built in seating made of rock, similar to the Hall Blvd. and Burnham St. gateway. It will feature the message “Welcome to Downtown Tigard.” The artwork would rest on a mounded area behind the wall (approximately 8 feet above grade) to make the artwork highly visible, which was considered a priority by the CCAC Public Art Subcommittee, CCAC and CCDA.

Based on the construction drawings, estimates to construct both gateway projects set the costs at approximately \$400,000. In addition, Public Works internal costs are estimated at \$21,000. \$110,000 had been budgeted in the CCDA budget for the gateways, a number that was derived before any design work had begun. The significantly higher estimate is mainly due to the length and height of wall and stone veneer, the fact that this stone wall is serving as a retaining wall for the mounded earth (unlike the Burnham St. and Hall Blvd. gateway), and the cost to install electric utilities for lighting.

The landscape architects are currently responding to city staff comments and finalizing the construction drawings. Bids are scheduled to be requested in mid-March. The contractors will be requested to provide alternate bid packages to construct both gateways, and just the south gateway. After the bids are received the CCDA Board will be requested to provide guidance on whether to pursue one or both gateway projects this fiscal year, or to defer the projects to a future fiscal year. This decision will be placed in context with other urban renewal budget priorities.

At their February 11th meeting, the CCAC voted to send a letter to the CCDA Board recommending completion of both gateway improvements this Fiscal Year.

OTHER ALTERNATIVES

No CCDA Board action is requested.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

City Council 2015-17 Goals and Milestones

Goal #2 Make Downtown Tigard a Place Where People Want to Be

- Strengthen downtown’s identity by completing gateway improvements and install art at both Main Street entrances.

Tigard Downtown Streetscape Design Plan

DATES OF PREVIOUS CONSIDERATION

September 2, 2014: Main Street Gateway Art Update

January 7, 2014: Consider Approval of the CCAC/Public Art Subcommittee Recommended Gateway Art Concept

October 1, 2013

July 23, 2013

May 7, 2013
March 6, 2012

Fiscal Impact

Cost: \$420,000 (estimate)

Budgeted (yes or no): partial

Where Budgeted (department/program): CCDA

Additional Fiscal Notes:

FY 14-15 CCDA Budget had \$929,000 in resources. Approximately \$590,000 has been spent or allocated.

Attachments

No file(s) attached.
