PERKINSCOIE

1120 NW Couch Street
10th Floor
Portland, OR 97209-4128

+1.503.727.2000
+1.503.727.2222
PerkinsCoie.com

September 21, 2015

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

VIA EMAIL

Mr. John Floyd, Associate Planner
City of Tigard Planning Department
13125 SW Hall Blvd.
Tigard, OR 97223

Re: Application by Venture Properties for Approval of Heritage Crossing Zoning Map Amendment and Subdivision; City of Tigard File Nos. ZON2015-0002, SUB2015-0001 and VAR2015-0001; Applicant's Submittal for Reopened Public Hearing on October 20, 2015

Dear Mr. Floyd:

This office represents the Applicant, Venture Properties, Inc. (the "Applicant"). Attached to this letter is the Applicant's additional argument and evidence submitted for the reopened public hearing. The Applicant may submit additional argument and evidence prior to and at the reopened public hearing.

Attached to this letter is a revised zoning map showing retention of the part of the present R-12 zoning district adjacent to SW Hall Boulevard and a revised subdivision map showing proposed lots in the retained R-12 zoning district and the proposed R-7 zoning district. The Applicant proposes to create 35 lots in the R-7 zoning district and 27 lots in the retained R-12 zoning district for a total of 62 lots.

The Tigard City Council determined at its public meeting on September 8, 2015 to reopen the public hearing and the record for the above-referenced applications. The purpose of the reopened hearing and record is to allow the City Council and the public to consider changes to the proposed zoning map amendment and land division application in order to determine if a compromise can be reached. The primary objections by the Tigard Planning Commission and Planning Department to the zoning map application are disagreement about the impact of the zoning map amendment on the City's "minimum zoned capacity" and preservation of a variety of housing types.

The City relied upon Plan Policy 10.1.1 to conclude that the zoning map amendment reduced the variety of housing types in the city but, as the Applicant explained in its final written argument, this Plan policy is direction to implement through the TCDC certain land use regulations and not a policy mandating a variety of housing types.

Additionally, the City Council can find that Metro Urban Growth Management Functional Plan, Title 1, "Housing Capacity", Section 3.07.120.E is satisfied because neither the current zoning map amendment nor the "compromise" zoning map amendment reduces the City's minimum zone capacity beyond a "negligible effect", based on the City's acknowledged Plan finding that the City has a minimum zoned capacity of 6,308 dwelling units through 2017. (Plan at page 10-2).

The compromise zoning map amendment responds to the surrounding property owners' concern about compatibility of the new lots with their lots and the City's concern for not removing all of the R-12 zoning on this site. Consequently, it represents a compromise whereby some of the present R-12 zone adjacent to SW Hall Boulevard is maintained, while the portion of the R-12 zone adjacent to the surrounding single-family lots is changed to the R-7 zone.

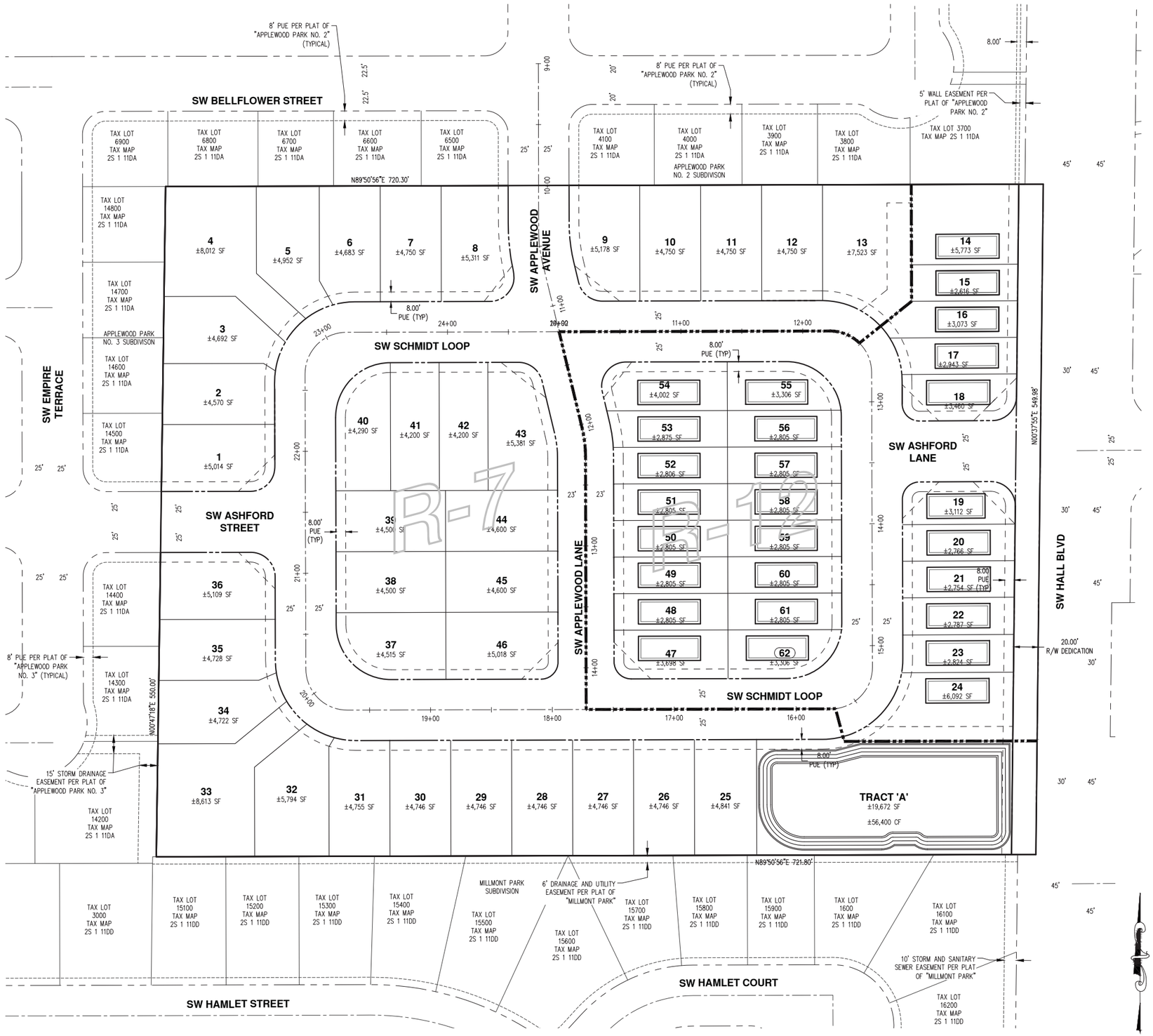
The City Council has the authority pursuant to TCDC 18.39.050.E.3 to issue a final order "which either approves, denies, or approves the permit or action with conditions". The City Council can approve the zoning map amendment with a condition of approval, which, in this case, would require that some of the R-12 zone be retained and the remainder of the R-12 zone be changed to the R-7 zone. If the City Council agrees with the compromise zoning map amendment, it can also concurrently consider the revised land division application. While the Applicant is willing to withdraw the current land division application and resubmit through a Type II process, it would be more efficient to condition the current subdivision application on a revised land division map conforming to the compromise zoning map amendment. The Planning Commission did not deny the land division application because of failure to meet the approval criteria but denied the land division application because of its denial of the zoning map amendment.

Venture Properties appreciates the City Council's reopening of the record and the opportunity to determine whether a compromise zoning map amendment is possible. We look forward to meeting with the City Council on October 20, 2015.

Very truly yours,

Michael C. Robinson

MCR:rsp
cc: Mr. Kenny Asher (via email) (w/encls.)
Mr. Tom McGuire (via email) (w/encls.)
Ms. Shelby Rihala (via email) (w/encls.)
Ms. Kelly Ritz (via email) (w/encls.)
Ms. Mimi Doukas (via email) (w/encls.)



DENSITY CALCULATIONS

R-7 ZONE

GROSS SITE AREA: 262,621 SF (6.03 AC)
PUBLIC R.O.W. DEDICATION: 65,896 SF (1.51 AC)
NET DEVELOPABLE AREA: 196,725 SF (4.52 AC)

MINIMUM AVERAGE LOT AREA: 5,000 SF
MINIMUM LOT AREA: 4,000 SF

MAXIMUM DENSITY: (196,725/5,000) = 39.35= 39 LOTS
MINIMUM DENSITY: 39 LOTS(80%) = 31.2 = 31 LOTS

PROPOSED UNIT DENSITY: 35 UNITS
PROPOSED AVERAGE LOT AREA: (177,053/35 LOTS) = 5,059 SF
PROPOSED MINIMUM LOT AREA: 4,200 SF

R-12 ZONE

GROSS SITE AREA: 133,902 SF (3.07 AC)
PUBLIC R.O.W. DEDICATION: 47,684 SF (1.09 AC)
NET DEVELOPABLE AREA: 86,218 SF (1.98 AC)

MINIMUM AVERAGE LOT AREA: 3,050 SF

MAXIMUM DENSITY: (86,218/3,050) = 28.27 = 28 UNITS
MINIMUM DENSITY: 28 LOTS(80%) = 22.4 = 22 UNITS

PROPOSED UNIT DENSITY: 27 UNITS
PROPOSED AVERAGE LOT AREA: (86,218/27 LOTS) = 3,193 SF
PROPOSED MINIMUM LOT AREA: 2,616 SF

AKS ENGINEERING AND FORESTRY, LLC
12965 SW HERMAN RD
SUITE 100
TUALATIN, OR 97062
PHONE: 503.563.6151
FAX: 503.563.6152
www.aks-eng.com

AKS ENGINEERING · PLANNING · SURVEYING
FORESTRY · LANDSCAPE ARCHITECTURE

HERITAGE CROSSING SUBDIVISION

TIGARD OREGON
TAX LOT 400 WASHINGTON COUNTY ASSESSOR'S MAP 2S 1 11DA

MIXED ZONE ALTERNATE #3 LAYOUT WITH EYEBROWS

DESIGNED BY:	DS
DRAWN BY:	DS
CHECKED BY:	PAS
SCALE:	AS NOTED
DATE: 08/20/2015	

PRELIMINARY NOT FOR CONSTRUCTION

REVISIONS

JOB NUMBER 3876

SHEET ALT3

AKS DRAWING FILE: 3876 MIXED ZONE ALTERNATE PLAT-EYE EXHIBIT.DWG | LAYOUT: ALT3

DENSITY CALCULATIONS

R-7 ZONE

GROSS SITE AREA:	262,621 SF (6.03 AC)
PUBLIC R.O.W. DEDICATION:	65,896 SF (1.51 AC)
NET DEVELOPABLE AREA:	196,725 SF (4.52 AC)
MINIMUM AVERAGE LOT AREA:	5,000 SF
MINIMUM LOT AREA:	4,000 SF
MAXIMUM DENSITY:	(196,725/5,000) = 39.35= 39 LOTS
MINIMUM DENSITY:	39 LOTS(80%) = 31.2 = 31 LOTS
PROPOSED UNIT DENSITY:	35 UNITS
PROPOSED AVERAGE LOT AREA:	(177,053/35 LOTS) = 5,059 SF
PROPOSED MINIMUM LOT AREA:	4,200 SF

R-12 ZONE

GROSS SITE AREA:	133,902 SF (3.07 AC)
PUBLIC R.O.W. DEDICATION:	47,684 SF (1.09 AC)
NET DEVELOPABLE AREA:	86,218 SF (1.98 AC)
MINIMUM AVERAGE LOT AREA:	3,050 SF
MAXIMUM DENSITY:	(86,218/3,050) = 28.27 = 28 UNITS
MINIMUM DENSITY:	28 LOTS(80%) = 22.4 = 22 UNITS
PROPOSED UNIT DENSITY:	27 UNITS
PROPOSED AVERAGE LOT AREA:	(86,218/27 LOTS) = 3,193 SF
PROPOSED MINIMUM LOT AREA:	2,616 SF

AKS ENGINEERING AND FORESTRY, LLC
12965 SW HERMAN RD
SUITE 100
TUALATIN, OR 97062
PHONE: 503.563.6151
FAX: 503.563.6152
www.aks-eng.com
AKS
ENGINEERING · PLANNING · SURVEYING
FORESTRY · LANDSCAPE ARCHITECTURE

HERITAGE CROSSING SUBDIVISION

TIGARD
TAX LOT 400

OREGON
WASHINGTON COUNTY ASSESSOR'S MAP 2S 1 11DA

MIXED ZONE ALTERNATE #3 LAYOUT WITH EYEBROWS

DESIGNED BY:	DS
DRAWN BY:	DS
CHECKED BY:	PAS
SCALE:	AS NOTED
DATE: 09/14/2015	

PRELIMINARY NOT FOR CONSTRUCTION

REVISIONS

JOB NUMBER
3876

SHEET
ALT3

AKS DRAWING FILE: 3876 MIXED ZONE ALTERNATE PLAT-EYE EXHIBITDWG | LAYOUT: ALT3 AERIAL