

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



**120 DAYS (extension requested) = 12/23/2016**

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** **TRIANGLE MEDICAL OFFICE BUILDING**

**CASE NOS.:** **Planned Development Review (PDR) PDR2016-00011**  
**Site Development Review (SDR) SDR2016-00007**

**REQUEST:** The applicant requests concurrent Planned Development Concept Plan and Detailed Development Plan review for a 36,000 square foot medical office building on a 3.76 acre vacant parcel located southwest of SW Dartmouth Street and SW 72nd Avenue. Proposed site improvements include a single-story building with surface parking taking access indirectly from SW Dartmouth through the adjacent Walmart development. A pedestrian path is proposed through the site from SW 72nd to the Walmart parking lot. A vegetated corridor along the northern property line is partially protected, mitigated, and improved.

**APPLICANT:** Base Camp I, LLC  
Brian Bennett  
29080 SW Pete's Mountain Rd  
West Linn, OR 97068

**OWNER:** Base Camp I, LLC  
1399 Franklin Blvd  
Eugene, OR, 97403

**LOCATION:** Southwest of the intersection of SW 72nd Avenue and SW Dartmouth Street;  
Washington County Tax Map 2S101BA, Tax Lot 00300.

**ZONE/  
COMP PLAN  
DESIGNATION:** C-G: general commercial district. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a city-wide and even regional trade area. Except where nonconforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally. The property is subject to an existing Planned Development (PD) overlay.

**APPLICABLE  
REVIEW  
CRITERIA:** Community Development Code Chapter 18.350, 18.520, 18.620, 18.705, 18.745, 18.765, 18.790, 18.795 and 18.810.

## **SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find that the proposed Planned Development Concept Plan meets the concept plan approval criteria as outlined in Section VI of this report and recommends **APPROVAL**. Staff further recommends that the Commission find that that proposed Detailed Development Plan conditionally meets the detailed plan approval criteria as outlined in Section VI of this report and recommends **APPROVAL** with recommended conditions of approval, as may be amended through the public hearing process.

### **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 site 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 site work, the applicant shall provide a **fee** for the city's cost of collecting and processing the inventory data for the entire urban forestry plan of 55 planted trees in the amount of \$1,750 (\$154 first tree + \$1,596 (\$28 x 57 additional trees)).
4. Prior to any site work, the applicant shall provide a tree establishment **bond** in the amount of \$25,300 (55 planted trees x \$460/tree).
5. Prior to any site work, the applicant shall submit a revised site plan showing visual clearance areas at proposed intersections.
6. Prior to any site work, the applicant shall submit a revised landscape plan that details the buffer and screening elements that meet the requirements in Tables 18.745.1 and 2 or that otherwise attain the same level of buffering and screening with alternate materials or methods.
7. Prior to any site work, the applicant shall submit a copy of a recorded 10-foot wide public bike/pedestrian access easement across the subject property from SW 72nd Avenue to the western property line with Walmart. The easement shall also include that portion of the Walmart site that is subject to the existing easement agreement to allow safe access to Walmart's existing pedestrian facilities, if permitted by Walmart.
8. Prior to any site work, the applicant shall submit a revised site plan demonstrating the proposed building meets the maximum 10-foot building setback along SW 72nd Avenue.
9. Prior to any site work, the applicant shall submit a revised site plan showing landscaping, raised planters, with benches and/or other street furnishings along the length of the building of at least three feet in depth behind the back of curb along SW 72nd Avenue.
10. Prior to any site work, the applicant shall submit a revised site plan showing a walkway at least six feet wide and paved with scored concrete or modular paving materials.
11. Prior to any site work, the applicant shall submit revised site and landscape plans that show the L-1

landscaping standards are met at sidewalk level between the parking lot and SW 72nd Avenue.

12. Prior to any site work, the applicant shall submit dimensioned elevations of the eastern façade demonstrating that the minimum 50 percent ground floor window requirement is met.
13. Prior to any site work, the applicant shall submit dimensioned elevations of the eastern building façade demonstrating the building facades standard, requiring articulation at least every 50 feet, is met.
14. Prior to any site work, the applicant shall submit site line studies and design details of proposed roof-mounted equipment screening for review and approval.
15. Prior to any site work, the applicant shall submit a revised site plan to include convenient bike and pedestrian improvements within the required bike/pedestrian easement area including an extension of the six foot scored concrete path, curb cuts, crosswalk striping, and signage on the Walmart site, if permitted by Walmart.
16. Prior to any site work, the applicant shall submit a revised site plan that shows the walkway surface materials, lighting and signing are designed as needed for safety purposes.
17. Prior to any site work, the applicant shall submit a revised site plan that provides the ability of the property to the southwest to connect via parking lot access and provide a recorded access/egress easement for future parking area crossover connections.
18. Prior to any site work, the applicant shall submit detailed plans of any service facilities demonstrating that they are screened from view.
19. Prior to any site work, the applicant shall submit a Pride Disposal service provider letter to demonstrate the proposed storage facility can be accessed and serviced as shown on Sheet A2.

**Submit to the Engineering Department (Kim McMillan, 503-718-2642) for review and approval:**

20. Prior to commencing site improvements, a Public Facility Improvement (PFI) permit is required for this project to cover all infrastructure work, storm water treatment facilities and any other work in the public right-of-way or work to public facilities. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Division. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page ([www.tigard-or.gov](http://www.tigard-or.gov)).
21. Prior to commencing site improvements, submittal of 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. For example, specify if the entity is a corporation, limited partnership, LLC, etc. Also specify the state within which the entity is incorporated and provide the name of the corporate contact person. Failure to provide accurate information to the Engineering Division will delay processing of project documents.
22. Prior to issuance of the site permit, the applicant shall submit a suite layout map to Jonny Gish, Engineering Department. If the applicant is not sure how many suites will be used, they must estimate a number. The City will then assign suite numbers and the address fee will then be calculated. The fee must be paid by the applicant prior to issuance of the site permit. (STAFF CONTACT: Jonny Gish, Engineering, 503-718-2467).
23. The Applicant shall provide a construction vehicle access and parking plan for approval by the City Engineer. The purpose of this plan is for parking and traffic control during the public improvement construction phase. All construction vehicle parking shall be provided on-site. No construction vehicles or equipment will be permitted to park on any adjoining residential public streets. Construction vehicles include the vehicles of any contractor or subcontractor involved in the construction of site improvements or buildings proposed by this application, and shall include the vehicles of all suppliers and employees associated with the project.
24. Prior to PFI, Applicant's plans shall show provision for stormwater runoff from upstream parcels to the

south.

25. Prior to commencing site improvements, sanitary sewer, storm drainage and storm water quality details shall be provided to the city for review and approval as part of the PFI permit plans.
26. The applicant shall provide connection of proposed buildings to the public sanitary sewerage system. A connection permit is required to connect to the existing public sanitary sewer system.
27. Prior to commencing site improvements, a 1200-CN permit is required.
28. Prior to commencing site improvements, a final grading plan shall be submitted showing the existing and proposed contours.
29. The applicant shall incorporate the recommendations from the submitted geotechnical report by GeoDesign, dated March 2, 2016, into the final grading plan. The geotechnical engineer shall be employed by the applicant throughout the entire construction period to ensure that all grading, including cuts and fills, are constructed in accordance with the approved plan and Appendix Chapter 33 of the UBC. A final construction supervision report shall be filed with the Building Department prior to issuance of occupancy permit.
30. Prior to commencing site improvements, the Applicant shall submit final design plans and calculations for the on-site storm water facilities, including any improvements/replacement needed to the existing plantings in the water quality facility. The plans must be reviewed and approved before issuance of a site permit.
31. Prior to commencing site improvements, the Applicant shall obtain a Clean Water Services (CWS) Storm water Connection Authorization prior to issuance of the City of Tigard PFI permit. Plans shall be submitted to the City of Tigard for review. The city will forward plans to CWS after preliminary review.
32. Prior to commencing site improvements, the applicant shall obtain approval from the Tualatin Valley Water District for all public water line improvements. Any extension of public water lines or work in a right-of-way shall be shown on the proposed Public Facility Improvement (PFI) permit construction plans.
33. Prior to commencing site improvements, the applicant will be required to provide written approval from Tualatin Valley Fire and Rescue for fire flow, hydrant placement and access prior to issuance of the City of Tigard's site permit.
34. Prior to commencing site improvements, the applicant shall provide a queuing analysis for the OR-217/SW 72nd Ave Westbound off-ramp in order to assess the development's impacts to OR-217.

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

**Submit to the Engineering Department (Kim McMillan, 503-718-2642) for review and approval:**

35. Prior to issuance of a building permit, submit the number of suites to be addressed and pay the addressing fee. (Oscar Contreras, 503-718-2687).

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO  
A FINAL BUILDING 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:**

36. Prior to a final building inspection, the applicant shall call for a planning inspection to ensure the completed project was built according to the approved plans.

**Submit to the Engineering Department (Kim McMillan, 503-718-2642) for review and approval:**

37. Prior to a final building inspection, the applicant shall complete the required public improvements, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for said improvements.
38. A joint use and maintenance agreement shall be executed and recorded on City standard forms for all common driveways. The agreement shall be referenced on and become part of all applicable parcel Deeds. The agreement shall be approved by the Engineering Department prior to recording.
39. Prior to final building inspection, the applicant shall submit as-built drawings tied to the GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91). As-built submittal shall include an Acrobat (\*\*\*.pdf) file, one 11x17 paper copy and the electronic point file as state above and shown in the example below.
- Excel spreadsheet/point database file example:  
"Feature"; "Type"; "XCOORD"; "YCOORD"; "ZCOORD":  
"SSMH02"; "MH"; "7456892.234"; "6298769.879"; "192.45"  
"WV03", "WV", "7456956.654", "6298723.587", "214.05
40. Prior to a final building inspection, the applicant shall demonstrate that they have entered into an agreement on City forms for the maintenance of any on-site water quality facilities that will ensure compliance with the requirements of the manufacture. Submit a maintenance plan as required by CWS Design Standards for other types of facilities.
41. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Contech, or another company that demonstrates they can meet the maintenance requirements of the manufacturer, for the proposed onsite storm water treatment facility.
42. Applicant shall comply with CWS requirements, as specified in the Service Provider Letter. This includes providing all onsite vegetated corridor planting, any offsite mitigation and maintenance of these facilities for a minimum two-year period.
43. Applicant shall assure for two-years, bond or cash, the maintenance of the private water quality facilities and vegetated corridor.

**THIS PLANNED DEVELOPMENT DETAILED PLAN APPROVAL SHALL BE VALID  
FOR SEVEN YEARS FROM THE EFFECTIVE DATE OF THIS DECISION**

## **SECTION III. BACKGROUND INFORMATION**

### **First Planning Commission Hearing**

The Planning Commission continued the October 17, 2016 hearing to November 14th to further consider the proposed Concept Plan and review of the Detailed Plan. The Commission held the record open for 14 days through October 31<sup>st</sup>, with a 7-day response period for all parties through November 7th.

The Commission's direction to the applicant included 1) providing cross sections of the site to better understand how the proposed development relates to site topography, 2) identify any private property rights with respect to adjacent property owners, and 3) clarify issues related to the proposed pedestrian connection to the adjacent Walmart site.

Specifically, Commissioners asked:

- When you come back on a more detailed development plan, I would like examples to visualize why a 20-foot wall is needed and why a ten-foot wall wouldn't. It would be helpful to have examples of that to help visualize on the detailed portion, once we get to that.
- Regarding private property rights, I would like to see more effort than what appears to have been made. I believe we have to be very cognoscente when we're potentially impeding someone's ability to use their property.
- I'd like to better understand how people in the neighborhood would be able to cut across this property to access the Walmart area.
- Can you show the pedestrian entrance on 72<sup>nd</sup> in those models if you have drawings. That would be helpful. I would like to see how that pedestrian access would work.

### **Testimony through October 31<sup>st</sup>**

The testimony submitted by Bill Kabeiseman dated October 31, 2016 restates a position in opposition, but focuses on Concept Plan approval criteria 1, 3, and 6 as not being met citing insufficient protection of natural features, lack of fair and equitable access, and lack of amenities that enhance the project or neighborhood.

The testimony submitted by Dana Krawczuk dated October 31, 2016 responds to questions and concerns raised in prior testimony and at the October 17<sup>th</sup> Commission hearing, and provides additional information and exhibits in response to the Commission's direction.

### **Response testimony through November 7<sup>th</sup>**

Additional testimony submitted by Bill Kabeiseman dated November 7, 2016 restates the position in opposition, and focuses on Elmhurst Street extension alternatives proposed by the applicant as being unreasonable and that outstanding drainage issues may be resolved in discussion with the applicant.

Additional testimony submitted by Dana Krawczuk dated November 7, 2016 responds to the points raised in the prior Kabeiseman letter, and argues for approval of the Concept Plan as proposed. In addition, in the event of an appeal, the applicant requests a procedure that will allow the Commission to vote on both the Concept and Detailed plans at the same hearing by making a tentative decision on the Concept Plan until the Detailed Plan is ready for approval.

### **Concept Plan Approval Criteria vs Detailed Plan Approval Standards**

The six planned development concept plan approval criteria are broadly drawn with certain suggested outcomes, but they leave discretion on how those outcomes are achieved and even to what level of achievement is expected. They inform developers and the community as to what issues will be addressed during the detailed plan review process. Concept plan approval criteria must be met first, as part of planned development review to set the parameters for development of the detailed plan.

In contrast, the Tigard Triangle District design standards are more specific and quantitative, but they also allow for

different design solutions to implement them. They address several important guiding principles adopted for the Tigard Triangle Plan District, including creating a high-quality mixed use employment area, providing a convenient pedestrian and bikeway system within the Triangle, and utilizing streetscape to create a high quality image for the area.

### **Staff issues with respect to concept plan findings**

**Criteria 1:** The applicant's basic assumption of a single-story building and level site is dictated by the requirements of the medical use tenant. The application did not address alternatives that would otherwise protect the landform, or slope, that is a natural feature of the site. However, through discussions with the applicant, staff is aware that the applicant's proposal protects more of the vegetated corridor than a prior 1998 approval on the site and acknowledges that the proposed building was modified to accommodate the minimum buffering of a jurisdictional wetland as allowed by Clean Water Services.

Do the proposed open space areas adequately protect the natural features of the site, or should the applicant find ways to preserve additional vegetated corridor to the north or step improvements with the grade to improve the project's relationship to SW 72<sup>nd</sup> Avenue on the east?

**Criteria 6:** This criterion requires protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood. The applicant states that "the project provides a higher quality of architectural features, that the future building will follow the guidance of the Tigard Triangle Plan District design standards, which will enhance the aesthetics of the surrounding area through incorporating unique architectural details, high quality building materials, and landscaping." However, some Triangle design standards were not addressed in the applicant's detailed plan findings that relate to the building's primary relationship to the public street, SW 72<sup>nd</sup> Avenue.

Does the proposal sufficiently protect natural features or provide additional amenities that enhance the neighborhood that are not otherwise available?

### **Staff issues with respect to detailed plan findings**

The Commission has discretion to exempt specific development standards in the 700 Chapters of the development code. However, for those chapters not specifically exempted (e.g. district specific standards including the Tigard Triangle District, 18.620), the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested. The interface of a building with the public street is a primary focus of the Tigard Triangle District site and building design standards, aimed principally to benefit the pedestrian experience and utilizing streetscape to create a high quality image for the area. In this case, the single-story building program dictated by the tenant is in conflict with the site's topography and is most evident along the SW 72<sup>nd</sup> Street frontage.

Although a number of the site and building design standards are not met with the applicant's proposed design, and would not meet the variance criteria if applied for, certain recommended conditions of approval could bring the design into compliance. These conditions are included in the findings for each standard in Section VI, below and listed selectively here:

- The applicant shall submit a revised site plan demonstrating the proposed building meets the maximum 10-foot building setback along SW 72<sup>nd</sup> Avenue.
- The applicant shall submit a revised site plan showing landscaping, raised planters, with benches and/or other street furnishings along the length of the building of at least three feet in depth behind the back of curb along SW 72<sup>nd</sup> Avenue.
- The applicant shall submit revised site and landscape plans that show the L-1 landscaping standards are met at sidewalk level between the parking lot and SW 72<sup>nd</sup> Avenue.
- The applicant shall submit dimensioned elevations of the eastern façade demonstrating that the minimum 50 percent ground floor window requirement is met.
- The applicant shall submit dimensioned elevations of the eastern building façade demonstrating the building facades standard requiring articulation at least every 50 feet is met.

## **Discussions with the Applicant**

Prior to issuing this staff report, Staff discussed these issues with the applicant to better understand the circumstances and tradeoffs associated with the proposed design and to create an opportunity for the applicant to revise their plans to meet the standards and provide them for Commission review and consideration at the November 14<sup>th</sup> hearing.

It is possible that the Commission's decision on the concept plan, assuming approval with further direction to the applicant, may change elements of the proposed detailed plans. Staff has prepared findings for the detailed plan to facilitate the Commission's deliberation, but not to prejudice the Commission toward approval of the proposed detailed plan in advance of the concept plan decision.

### **Site History and Vicinity Information:**

The subject ±3.76-acre property is located approximately 100 feet southwest of the SW Dartmouth Street and SW 72nd Avenue intersection. The site has 358 feet of frontage along SW 72nd Avenue. Site topography generally slopes downward approximately 50 feet in elevation over 620 feet in length (8 percent) diagonally from the southeast corner adjacent to the 72<sup>nd</sup> Ave to the northwest corner at the adjacent Walmart access way.

A drainageway for an unnamed tributary to Red Rock Creek and jurisdictional wetlands are located primarily off-site with a portion of wetlands and their associated vegetated corridor buffers extending onto the subject site. Clean Water Services approval has been obtained requiring on and off-site mitigation. The wetland area is not designated as Significant by the City of Tigard; therefore, a Sensitive Lands Review is not required.

The site was originally used for agricultural purposes until later developed for residential use in the nineteen fifties, with city records showing demolition of a duplex in 2000, resulting in a vacant parcel.

The city issued SIT2016-00015 on September 21, 2016 for grading of the site in preparation for future site improvements associated with the subject proposal. The applicant accepts any risk that the grading plan approved through the land use approval process may change from the preliminary grading plan on which the site permit was issued. In other words, the city's issuance of the site permit should not prejudice the Planning Commission's deliberation and decision on the proposed Concept and Detailed Plans.

### **Proposal Description:**

Base Camp I, LLC proposes a 36,000-square foot, single-story medical office building. Primary access is proposed from the west indirectly from SW Dartmouth over an established private access easement granted by Walmart. Utilities are readily available to serve the property. One hundred and sixty surface parking spaces are proposed on the south and west portions of the site, located behind and to the side of the building. To address the approximately six percent slope of the adjacent 72<sup>nd</sup> Avenue right-of-way with the proposed flattened site and single-story construction, the east façade of the proposed building is set back ten to twelve feet from back of sidewalk and built 30 feet in height.

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

The applicant held a formal neighborhood meeting on April 7, 2016 with eight participants attending. Discussion points included the stream and wetlands on the adjacent Tax Lot 100, trees on site, access, and site and building design features.

Written comments dated September 15<sup>th</sup> and October 13<sup>th</sup> were received from Bateman/Seidel, attorneys for Gordon Martin, Trustee of the Tri-County Center Trust, which owns property adjacent to the subject property. This testimony's primary interest is in the extension of SW Elmhurst to equitably serve the future development of his client's property, but raises other wide-ranging issues, as well.

In addition, the applicant's attorney, Dana Krawczuk, submitted letters dated October 7<sup>th</sup> and 17<sup>th</sup> in rebuttal to the Bateman Seidel letters.

## **SECTION V. SUMMARY OF APPLICABLE DEVELOPMENT CODE CHAPTERS**

This section lists the Development Code Chapters that are applicable to this decision in the order in which they are addressed.

- 18.350 Planned Developments
- 18.520 Commercial Zoning Districts
- 18.620 Tigard Triangle Plan District
- 18.705 Access, Egress and Circulation
- 18.745 Landscaping and Screening
- 18.755 Mixed Solid Waste and Recyclable Storage
- 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 VI. APPLICABLE REVIEW CRITERIA AND FINDINGS**

### **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.

In the early nineteen eighties the Planning Commission applied the Planned Development overlay zone to portions of the Tigard Triangle, including the subject property; therefore, a Planned Development Review is required.

- B. Elements of approval process.** There are three elements to the planned development approval process, as follows:
1. The approval of the planned development concept plan;
  2. The approval of the detailed development plan; and
  3. The approval of the planned development overlay zone.

The planned development review process requires both concept plan and a detailed plan approval by the Commission. The planned development overlay zone is existing.

**C. Decision-making process.**

1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.
2. The detailed development plan shall be reviewed by a means of a Type III-PC procedure, as governed by Section 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.
3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.
4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.

The applicant has applied for concurrent review and has agreed to have the plans heard at separate hearings to ensure the Commission's direction on the concept plan is carried forward to the detailed plan.

#### **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 request for concurrent review and for separate hearings for the concept and detailed plans is efficient for the applicant having to initiate only one application while still getting the benefit of Commission review of the concept plan at a separate hearing. At staff's request the applicant prepared a separate concept plan packet for the first Planning Commission hearing. However, the balance of the application for the detailed plan review will be sent with the concept plan packet to provide the Commission with background information that may prove useful in better understanding the proposed design and any issue areas Commissioners may have.

#### **18.350.030 Administrative Provisions**

- A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in Section 18.350.070.**

The applicant has requested concurrent review of the concept and detailed plan. The decision by the Commission on the concept plan will be valid for 18 months or until a detailed plan decision is approved within that period.

- B. Zoning map designation. The planned development overlay zone application shall be concurrently approved if the detailed development plan is approved by the Planning Commission. The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.**

The planned development overlay is existing.

#### **18.350.050 Concept Plan Approval Criteria**

**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.**

As shown on the Concept Site Plan (Sheet C002) and the Concept Grading Plan (Sheet C003) the project includes specific areas of open space on the north and south ends of the property.

An existing vegetated corridor located on the north side of the site (13.3 percent of the site) will be partially preserved as open space and enhanced with new plantings as determined through Clean Water Service's Service Provider Letter (SPL). Permanent impacts to the vegetated corridor (0.12 acres) will be mitigated through both on-site and off-site restoration planting. The open space will be passive in nature, observable from views from SW 72<sup>nd</sup> and Dartmouth Streets, as well as by the employees and customers of the proposed building and the adjacent Walmart. The proposed open space augments the unnamed tributary to Red Rock Creek, jurisdictional wetlands, and their associated vegetated corridor to the north located on Tax Lot 100, which is a mitigation site resulting from the adjacent Walmart site development. Retaining walls mitigate further encroachment of the proposed building and parking areas.

The triangular landscaping area to the south (16.3 percent of the site) contains the significant cut bank that would allow the proposed single-story building and level development site. The proposed retaining wall would be approximately 20 feet high at SW 72<sup>nd</sup> Avenue and taper to zero feet over two thirds of the site length to the west. In addition, a pedestrian path is proposed through this open space along the top of the wall, which is shown connecting SW 72<sup>nd</sup> Avenue to the Walmart site.

The applicant states that the proposed medical use requires a single-story building and level site and that the plan demonstrates that the vegetated corridor is protected to the greatest extent practicable. The applicant's basic

assumption of a single-story building and level site is dictated by the requirements of the medical use tenant. Therefore, the applicant has not addressed alternatives that would otherwise protect the landform, or slope, that is a natural feature of the site.

Provided the Commission agrees with the applicant, given the requirements of this particular use, that the proposed open space areas adequately protect the natural features of the site, then 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.**

As shown on Existing Conditions Plan (Sheet C001), of the 12 on-site trees, the applicant proposes to retain the three property-line conifers located in the southeast corner of the property. The 50-foot regulated vegetated corridor is also shown on C001. The proposed development would permanently encroach on 0.12 acres of the buffer, with the buffer being as little as 23 feet wide at the least extent. The Concept Site Plan (Sheet C002) shows how the proposed building and parking lot are arranged to minimize the impact to the vegetated corridor to the greatest extent practicable, given the proposed development plan. The Clean Water Services SPL identifies on-site and off-site mitigation for the impacted corridor. 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.**

As shown on the Concept Neighborhood Plan (Sheet C007), the applicant states that future development will integrate with the existing neighborhood by providing similar uses and incorporating architectural styles required by the Tigard Triangle Plan District standards. The plan shows medical offices across SW 72<sup>nd</sup> Avenue to the east and single-story developments surrounding the site. As shown on the Concept Landscape and Utility Plan (Sheet C004), the applicant proposes a buffer to transition between planned commercial uses on site and existing residential uses located to the south. The location of the buffer accounts for the effect of the proposed retaining wall to effectively screen the project towards the east end of the site.

The Concept Neighborhood Plan also shows a conceptual future street location that anticipates the extension of SW Elmhurst Street to connect with a planned extension of SW 74<sup>th</sup> Street along the eastern edge of the Walmart site. Although these streets are not shown in the current 2010 Transportation System Plan (TSP) for the City of Tigard, they are a projection of the requirements of the connectivity standards in the Tigard Triangle District (18.620.020) and the 2015 Tigard Triangle Strategic Plan (TTSP). The TTSP shows the Elmhurst extension from SW 72<sup>nd</sup> Avenue to the Walmart site as a local pedestrian oriented street with on-street parking within a 60-foot right-of-way.

The applicant's proposed conceptual alignment of SW Elmhurst is the subject of interest by neighbors owning property adjacent to the subject site over which the alignment traverses. See attached comment letter from Mr. Bateman. The objective of staff, in this case, is to ensure that a feasible alignment is preserved and that the proposed development does not preclude the connection where it is, arguably, not required at this time. 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 applicant states that walkability will be promoted through the creation of a new pedestrian connection between SW 72<sup>nd</sup> Avenue and the existing Walmart property to the west. The new pedestrian way will be within a public access easement, and will provide a shorter, safer, and a more pedestrian-friendly route rather than following SW 72<sup>nd</sup> Avenue north to SW Dartmouth Street. It will also provide a shorter route to access area destinations for transit riders who utilize the existing TriMet stop for Route 78 near SW 69<sup>th</sup> Avenue and SW Beveland Street. Bicycle parking is also planned on site, which will promote cycling. This criterion is met.

**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.**

As shown on Concept Site Plan (Sheet C002), the entire site is planned for commercial/medical uses, with the exception of areas necessary to preserve natural features or provide required parking and landscaping. Known vegetated corridor areas on the north side of the site will be preserved to the greatest extent possible, enhanced, and expanded in some areas. A buffer will be established to create a transition to residential uses located to the south. The future building will be located near SW 72nd Avenue to comply with maximum setback requirements. Therefore, parking areas are limited to central and western portions of the property. 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 applicant states that “this project involves a new medical office building, which is planned to include permitted uses allowed in the CG zone and will be built to comply with the development standards of the zone. The project also provides for open space/natural resource preservation and enhancement. The plan has a significant advantage over standard development because it provides a higher quality of architectural features and includes pedestrian and bicycle amenities. The future building will follow the guidance of the Tigard Triangle Plan District design standards, which will enhance the aesthetics of the surrounding area through incorporating unique architectural details, high quality building materials, and landscaping. A new pedestrian connection is planned from SW 72nd Avenue to the adjacent Walmart property. The new pedestrian way will be within a public access easement, and will provide a shorter, safer, and a more pedestrian-friendly route rather than following SW 72nd Avenue north to SW Dartmouth Street. It will also provide a shorter route to access area destinations for transit riders who utilize the TriMet bus stops for Route 78.” This criterion is met.

**FINDING:** As shown in the analysis above, staff finds that the proposed concept plan meets all of the concept plan approval criteria.

**RECOMMENDATION:** Staff recommends the Planning Commission approve the concept plan, as proposed. However, through the public hearing process, the Commission may find alternative approaches that better meet the approval criteria. The Commission shall provide clear direction to the applicant for preparation of the detailed plan to be heard at a time certain established by the Commission.

### **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. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:**
  - 1. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;**
  - 2. The change reduces the amount of open space and landscaping;**
  - 3. The change involves a change in use;**
  - 4. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and**
  - 5. The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.**

Upon approval of the Concept Plan, a Detailed Plan may be approved if found consistent with the approved Concept Plan.

- 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. These chapters are not applicable.

- 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.

1. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to planned development reviews. The detailed development plan review is intended to address the same type of issues as the site development review.
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).
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.
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.
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
  - 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
  - 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
  - d. Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or
  - 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.
6. Chapter 18.780, Signs. The commission may grant an exception to the sign dimensional requirements in the applicable zone if:
  - a. The sign is not increased by more than 10% of the required applicable dimensional standard for signs; and
  - b. The exception is necessary for adequate visibility of the sign on the property; and
  - c. The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.
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;
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:
  - a. Public safety will not be compromised; and
  - b. In the case of public streets, maintenance costs will not be greater than with a conforming design; and
  - 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.

Chapters 18.360 and 18.715 of the above listed chapters do not apply to the proposed commercial planned development. The applicant has not requested any exceptions to the requirements of the applicable chapters above.

The applicant's narrative provides findings for the applicable standards below, without exception. For those chapters not specifically exempted (e.g. district specific standards including the Tigard Triangle District, 18.620), the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.

**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;**

The applicant states that "As shown on Sheet C100 of the preliminary detailed plans (Exhibit A), and as described in the Natural Resource Assessment (Exhibit E), the planned building and parking area have been located to preserve the vegetated corridor to the maximum extent feasible."

An unnamed tributary to Red Rock Creek, jurisdictional wetlands, and their associated vegetated corridor are located north of the subject site on Tax Lot 100. Tax Lot 100 is itself a mitigation site since approximately 2000, resulting from development of the adjacent Walmart site. An extension of the vegetated corridor from Tax Lot 100 onto the north side of the subject site (13.3 percent of the site) will be partially preserved as open space and enhanced with new plantings as determined through Clean Water Service's Service Provider Letter (SPL). According to the SPL, permanent impacts to the vegetated corridor (0.12 acres) will be mitigated through both on-site and off-site restoration planting. Since CWS has the authority to regulate the vegetated corridor, the City can conclude that the natural drainage associated with it is preserved to the greatest degree possible, given the proposed development.

The applicant further states that "The site will be graded as necessary in order to provide a relatively flat site for a single story building, which is important for a medical facility where many of the patrons will likely have limited mobility."

The applicant's basic assumption of a single-story building and level site is dictated by the requirements of the medical use tenant. Therefore, the applicant has not addressed alternatives that would otherwise protect the landform, or slope, that is a natural feature of the site, while still accommodating staff and clients of the medical offices.

At the October 17<sup>th</sup> hearing the Commission asked the applicant to provide cross sections through the site to better understand how the proposed development relates to the site's topography. Provided the Commission agrees with the applicant that the buildings and other site elements, including surface parking, are designed and located to preserve the existing topography to the greatest degree possible, then this criterion is met.

Alternatively, the Commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion.

- 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**

A geotechnical report (Exhibit M) was prepared by GeoDesign Engineering dated March 2, 2016. Subsurface conditions were found to be suitable for the planned development. Therefore, 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 applicant states that "The planned structure is sited with the longest sides of the building having an east-west orientation, maximizing exposure for solar and wind." Given the site topography, the proposed single story building would be shielded somewhat from winds from the south. The long southern-facing façade of the building would allow the greatest potential for solar gain. Therefore, 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;**

- 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.
- 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.

Adjacent uses to the subject property include a similar use (retail commercial) to the west, undeveloped wetland area to the north, a full improved SW 72nd Avenue right-of-way to the east, and single-family residential uses to the south. Table 18.745.1 requires a D-level Buffer between a single family residence and parking lots in excess of 50 spaces. In this case, due to intervening topography, the western portion of the proposed parking lot would be visible from the existing dwelling located approximately 100 feet up-slope.

The applicant states that “The project complies with Option 2 with a six-foot tall fence and shrubs within a 15-foot wide buffer. However, as shown on the Preliminary Landscape Plan (Sheet L100), buffering and screening of the planned parking area includes trees and ground cover, but no shrubs and the fence height and material is not called out on the plan. Further analysis is necessary to determine whether the proposed buffering and screening is adequate. In addition, it is likely that vehicle circulation will be required between the subject site and the adjacent site to the south when redeveloped, which may inform the design of the D-level buffer screening.

The applicant shall submit a revised landscape plan that details the buffer and screening elements to meet the requirements in Tables 18.745.1 and 2, or that otherwise attain the same level of buffering and screening with alternate materials or methods.

**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;**

As shown on sheets L100-L102 of the preliminary plans (Exhibit A), numerous trees, a retaining wall, and fence are planned within the buffer, which will separate the medical office building from the adjacent homes to the south. This barrier will provide ample distance and grade separation between the two uses to prevent any potential impacts pertaining to privacy and noise that the planned commercial use may have on a residential use. As conditioned above for a refinement of the proposed buffering and screening plan, this criterion is met.

**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 project is commercial for a medical office use. This criterion does not apply.

**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.**

The project is commercial for a medical office use. This criterion does not apply.

**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 project is commercial for a medical office use. This criterion does not apply.

**7. Access and circulation:**

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

Findings for Chapter 18.705 Access, Egress, and Circulation are provided below, which fully address how the project complies with all applicable requirements of that chapter, including the 50-foot access with 40-foot paved with curbs requirement for a single access serving parking lots in excess of 100 spaces. This criterion is met.

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

As shown in the preliminary plans, appropriately sized curve radii and turnaround areas have been provided to accommodate emergency and service vehicles. This criterion is met.

- 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.**

There are no bike/pedestrian facilities shown on adopted plans or that terminate at boundaries of the subject site. This criterion does not apply. However, the connectivity standards in TDC 18.620.020 require bike/pedestrian connections at least every 330 feet in the Tigard Triangle. To meet the connectivity standard, as shown on the Preliminary Site Plan (Sheet C100), the applicant proposes a public bike/pedestrian access easement and improvements through the site from SW 72<sup>nd</sup> Avenue to the Walmart site.

- 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 project is commercial for a medical office use. This criterion does not apply.

**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 closest transit route is TriMet Bus Route 78, which runs through the intersection of SW 72nd Avenue at SW Beveland Street, which is  $\pm 0.2$  miles away from the subject site. The closest bus stop is Stop ID 13736, which is  $\pm 0.3$  miles away from the subject site. Transit facilities are not planned for the site. However, a hard surface pedestrian path is planned for the site to provide greater connectivity within the neighborhood, including to transit services. 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;

As shown on the Preliminary Site Plan (Sheet C100), the project is planned to comply with the off-street parking standards. Findings for Chapter 18.765 are included 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.

As shown on the Preliminary Storm Drainage Plan (Sheet C200), the project is designed to comply with the drainage standards. Findings for Chapter 18.810 are included 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 is not located within the 100-year floodplain. This criterion does not apply.

- 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 project is for a commercial medical office use. This criterion does not apply.

- 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.**

The project does not include open space conveyance. This criterion does not apply.

**FINDING:** As shown in the analysis above, the applicable Detailed Development Plan Approval Criteria have not all been met, but can be met with the following condition of approval.

In addition, the Commission may require the applicant to provide an alternate site plan to demonstrate that the buildings and other site elements have been designed and located to preserve the existing topography to the greatest degree possible.

**CONDITION:**

The applicant shall submit a revised landscape plan that details the buffer and screening elements that meet the requirements in Tables 18.745.1 and 2 or that otherwise attain the same level of buffering and screening with alternate materials or methods.

**18.520 COMMERCIAL ZONING DISTRICTS**

**Uses:**  
**The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where nonconforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.**

According to Table 18.520.1, the proposed Triangle Medical Office Building is a permitted use in the General Commercial zone.

**Development Standards:**  
**All development must comply with:**

**All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370.**

As shown in the applicant’s narrative and plan set and the table below, the proposed Triangle Medical Office development meets the applicable development standards contained in the underlying zoning district. However, the Tigard Triangle Design Standards supersede these standards where they conflict. As shown in the table below, a maximum front yard setback is additionally required by the Tigard Triangle Design Standards. The proposed Building only partially meets the maximum front yard setback standard as described later in this report under the Tigard Triangle Design Standards section.

**TABLE 18.520.2  
 COMMERCIAL DEVELOPMENT STANDARDS**

<u>STANDARDS</u>	<u>C-G</u>	<u>TT Standards</u>	<u>Proposed</u>
Minimum Lot Width	50 ft		358 ft.
Minimum Front Yard Setback	0 ft.	(TTDS max 10 ft.)	10 - 12 ft.
Minimum Side Yard Setback	0 ft.		36/260 ft.
Minimum Rear Yard Setback	0 ft.		400 ft.
Maximum Building Height	45 ft.		30 ft.
Maximum Site Coverage	85%		70.4%
Minimum Landscaping	15%		29.6%

**All other applicable standards and requirements contained in this title.**

As shown in the findings in this staff report, not all other applicable standards and requirements have been met, but

can be met with the conditions of approval recommended in this staff report.

**FINDING** As shown in the analysis above, the proposed medical office use is a permitted use and the proposed Detailed Development Plan meets the applicable development standards contained in the underlying C-G General Commercial zoning district. However, not all other applicable standards in Title 18 are met by the applicant's proposal, but can be met with recommended conditions of approval in this Staff Report.

## **18.620 TIGARD TRIANGLE PLAN DISTRICT**

### **18.620.020 Street Connectivity**

**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.**

#### **A. Design option.**

##### **1. Local street spacing shall provide public street connections at intervals of no more than 660 feet.**

The distance between SW Dartmouth Street along the west side of SW 72<sup>nd</sup> Avenue to the next street, SW Hermoso Way, is approximately 930 feet, which exceeds the 660-foot maximum street spacing standard. On the east side of SW 72<sup>nd</sup> Avenue, SW Elmhurst is approximately 560 feet from SW Dartmouth. Typical street design would extend SW Elmhurst across 72<sup>nd</sup> to the west to serve the parcels west of 72<sup>nd</sup>, including the subject parcel. However, there are extenuating circumstances that may preclude a through connection of SW Elmhurst to the west including limited site distance along 72<sup>nd</sup> Avenue where it crests the hill, and existing development to the west.

The Concept Future Street Plan (Sheet C400) shows how this connection could be made consistent with the March 2015 Tigard Triangle Strategic Plan Street Network and Design Classification Preferred Option (non-regulatory). Since the subject site extends 400 feet south of SW Dartmouth, the extension of Elmhurst at 72<sup>nd</sup> Avenue is not required in connection with this application. However, given the site topography, the more feasible connection to the Walmart site appears to cross a portion of the subject site toward the west in alignment with the Walmart parking lot drive aisle. To the extent the extension shown on the plans is feasible and is not precluded by the proposed development, this standard is met.

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

As shown on the Concept Future Street Plan (Sheet C400), public bicycle and pedestrian connections within the project vicinity are located on SW 72<sup>nd</sup> Avenue, SW Dartmouth Street and SW Beveland Street. The block length along SW 72<sup>nd</sup> that includes the subject site between Dartmouth and Hermoso Way is 930 feet in length. Two pedestrian connections to the west along this block length should be expected with future development. As measured from Dartmouth, 330 feet is within the subject property frontage. The proposed pathway is located approximately 290 feet south of the north property line providing a new east/west pedestrian route from SW 72<sup>nd</sup> Avenue to the Walmart property to the west. The proposed 10-foot public access easement is shown on the Preliminary Site Plan (Sheet C100).

However, the applicant's access easement with Walmart (Washington County 2010-100727) may preclude this connection where it connects with the Walmart property. A safe pedestrian through-connection to the Walmart site may require a revised easement agreement between Walmart and Base Camp extending the public access and improvements onto the Walmart site to ensure connectivity is achieved and safe to use. It is the city's position that the existing access easement over the Walmart site is broad enough to include a pedestrian route between the properties regardless of where that route originates.

To ensure safe bike and pedestrian connectivity is achieved, the applicant shall submit a copy of a recorded 10-foot wide public bike/pedestrian access easement across the subject property from SW 72<sup>nd</sup> Avenue to the western property line with Walmart. The easement shall also include that portion of the Walmart site that is subject to the existing easement agreement to allow safe access to Walmart's existing pedestrian facilities, if permitted by Walmart.

### 18.620.030 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 must 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.** 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. See Diagram 1 for some examples of how this standard may be met.

The planned medical office building will have frontage along SW 72nd Avenue, which is classified as an “Arterial” according to the Tigard Triangle Plan District and the City’s Transportation System Plan. As shown on the Preliminary Site Plan (Sheet C100), the proposed building will occupy approximately 165 feet of the 358-foot site frontage, or 46 percent. However, with 42 feet of frontage located within an adjusted vegetated corridor area, the property has just 316 feet of developable frontage on SW 72nd Avenue. Therefore, the proposed building will occupy 52 percent of the developable frontage. This standard is met.

**B. Building setback.** The minimum building setback from public street rights-of-way or dedicated wetlands/buffers and other environmental features shall be zero feet; the maximum building setback shall be 10 feet.

As shown on Preliminary Site Plan (Sheet C100), the proposed medical office building uses buffer averaging along the vegetated corridor to the north, as allowed by Clean Water Services, with an effective setback of zero feet, which meets the standard.

As shown on Preliminary Site Plan (Sheet C100) and the Color Building Elevations (Sheet A1) Northeast View (B1) and Southeast View (D1), the proposed building has two planes to the eastern façade along 72<sup>nd</sup> Avenue. The southern 40 feet of the building and a parapet continuing the full length of the building are setback ten feet from SW 72<sup>nd</sup> Avenue. However, a 125-foot length of the building is recessed two feet from the parapet and setback 12 feet from the street. This area includes windows that are below the adjacent grade of the street and others that mass at the corner where the building is proudest above the street grade. The applicant states “the office building will comply with the building setback standards,” but does not elaborate. For approximately 50 feet of the building length, the above-grade portion of the building façade would be setback ten feet from the right-of-way. For the next 110 feet an increasing portion of the façade above grade would be setback 12 feet from the right-of-way.

To ensure this standard is met, the applicant shall submit a revised site plan demonstrating the proposed building meets the maximum building setback along SW 72<sup>nd</sup> Avenue. As conditioned, this standard is met.

**C. Front yard setback design.** 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 paragraph 5 of this subsection A. 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 applicant did not address this standard. As shown on Preliminary Site Plan (Sheet C100) and the Color Building Elevations (Sheet A1) Northeast View (B1) and Southeast View (D1), the proposed building includes landscaping in planter boxes at the finish floor elevation (204 feet, from eight to 17 feet below street grade) within a graveled area ten to 12 feet wide at the base of the retaining wall. These features do not relate to the pedestrian path along SW 72<sup>nd</sup> Avenue. The proposed single-story building design does not include landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path at street level between the building and SW 72<sup>nd</sup> Avenue.

To ensure this standard is met, the applicant shall submit a revised site plan showing landscaping, raised planters, with benches and/or other street furnishings along the length of the building between the building and the back of sidewalk along SW 72<sup>nd</sup> Avenue. As conditioned, this standard is met.

**D. Walkway connection to building entrances.** 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 near a public street intersection are encouraged. These areas shall contribute to the minimum landscaping requirement per 18.520.040.B and Table 18.520.2.

The applicant did not address this standard. Because of the single-story building program, the walkway connection to the building entrance from SW 72<sup>nd</sup> Avenue has not been made directly. Instead, a path is provided south of the development site from the sidewalk of SW 72<sup>nd</sup> Avenue to the interior parking lot-facing entry to the building. As shown on Preliminary Site Plan (Sheet C100), the sidewalk is a six-foot wide asphalt path within a ten-foot public pedestrian access easement.

To ensure this standard is met, the applicant shall submit a revised site plan showing a walkway at least six feet wide and paved with scored concrete or modular paving materials. As conditioned, this standard is met.

**E. Parking location and landscape design. Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50% of the street frontage and must be behind a landscaped area constructed to an L-1 landscape standard. The minimum depth of the L-1 landscaped area is eight feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to an L-2 landscape standard, except where a side yard abuts a public street where it shall be landscaped to an L-1 landscape standard. See Diagram 2 below.**

As shown on Preliminary Site Plan (Sheet C100), parking will be located on the sides and rear of the planned medical office building and will be limited to approximately 18 percent of the SW 72<sup>nd</sup> Avenue street frontage. As shown on the Preliminary Landscape Plans (Sheets L100—L103), landscaped areas will meet the minimum depth but will also be grade-separated by a retaining wall 17 to 22 feet in height. Interior side and rear yards are shown to be landscaped to an L-2 landscape standard.

Since the parking lot is grade-separated from the adjacent public street, the landscaping screen at the parking lot level would not contribute more than the retaining wall would to the screening of the parking lot from most views from SW 72<sup>nd</sup> Avenue. However, landscaping provided at back of sidewalk along SW 72<sup>nd</sup> Avenue would help screen the parking lot from views by pedestrians.

To ensure an effective parking lot screen, the applicant shall submit revised site and landscape plans that show the L-1 landscaping standards are met at sidewalk level between the parking lot and SW 72<sup>nd</sup> Avenue. As conditioned, this standard is met.

#### **18.620.040 Building Design Standards**

**A. Nonresidential buildings. All nonresidential buildings 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.**

- 1. Ground floor windows. All street-facing elevations within the building setback (zero 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 all of the requirement is located at a building corner.**

As shown on the Color Building Elevations (Sheet A1) the building is planned to be located at a significantly lower grade than SW 72<sup>nd</sup> Avenue. Therefore, the ground floor windows located along the planned building's eastern façade will not be visible from the street or sidewalk. Several large windows are planned along the northeast corner of the building, where the change in elevation is less substantial, and numerous large windows are planned along the planned building's northern façade, which is visible from SW Dartmouth Street.

The application did contain scalable elevations or sufficient information to determine whether the standard is met. Assuming the building is 30 feet tall, it would be 13 feet above ground at the south end and 22 feet above ground at the north end. Most of the three to nine foot measurable window area above the adjacent sidewalk does not contain

windows except for the tall windows at the northeast corner. Estimating that 180 square feet is available on the 72<sup>nd</sup> Avenue façade and a like amount on the adjoining north elevation, 360 square feet is in windows, or approximately 36 percent.

To ensure this standard is met, the applicant shall submit dimensioned elevations of the eastern façade demonstrating that the minimum 50 percent ground floor window requirement is met. As conditioned, this standard is met.

- 2. Building façades. 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.**

As shown on the Color Building Elevations (Sheet A1), the building's eastern façade is 165 feet in length and appears to feature a terra cotta metal wall panel and a champagne metal wall panel separated by a two-foot building off-set vertically at 40 feet from the south corner of the building and then running horizontally for approximately 125 feet, which defines the parapet. A window wall extends along the northern 30 feet of the façade. The standard requires a variation in features that extend along the width of the building at intervals of 50 feet or less. The central wall area extends without variation for approximately 95 feet.

To ensure this standard is met, the applicant shall submit dimensioned elevations of the eastern building façade demonstrating the building facades standard is met. As conditioned, this standard is met.

- 3. Weather protection. 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. Awnings and canopies shall not be back lit.**

As shown on the Color Building Elevations (Sheet A1), the building's primary entrance will feature a significant awning. A second awning is provided on the building's south east side where a limited access entry will provide access to bicycle parking, the trash enclosure, and other uses. The awning at the entrance will not be back lit. Due to differences in grade between the public sidewalk and the planned building, no weather protection is provided along the building's SW 72<sup>nd</sup> Avenue frontage. Since the standard does not require, but only encourages weather protection along building frontages, the standard is otherwise met.

- 4. Building materials. 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.**

As shown on the Color Building Elevations (Sheet A1), building materials will not include any of the materials prohibited by this Section. The applicant states that the exposed formed concrete foundation wall surface voids will be filled, forming fins removed and "sacked" to provide a consistent texture suitable for painting. Shadow line reveals will be added along with a surface texture in preparation for painting. The wall will be painted to blend with the field brick. This standard is met.

- 5. Roofs and roof lines. 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.**

As shown on the Color Building Elevations (Sheet A1), the building will include architectural features such as parapets and blade walls that form and accent the roofline. This standard is met.

- 6. Roof-mounted equipment. 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.**

As shown on the Color Building Elevations (Sheet A1), roof-mounted equipment will be screened or set back to minimize exposure from SW 72<sup>nd</sup> Avenue. Since SW 72<sup>nd</sup> Avenue crests at 248 feet elevation and the building parapet is at 234 feet, southbound vehicles and pedestrians will look down on the roof during an approach from the south over approximately 400 feet.

To ensure roof-mounted equipment is adequately screened from view, the applicant shall submit site line studies and design details of proposed screening for review and approval. As conditioned, this standard is met.

#### **18.620.050 Signs**

**A. Sign standards. In addition to the requirements of Chapter 18.780 of the development code the following standards shall be met:**

A Concept Signage Plan (Sheet C006) was submitted. However, any proposed sign will require a separate sign permit application and review for consistency with the applicable provisions of Chapter 18.780 and these standards, prior to placement of signs.

#### **18.620.060 Entry Portals**

**Required locations. Entry portals shall be required at the primary access points into the Tigard Triangle Plan District.**

The subject site is located adjacent to the Tigard Triangle Focal Point at SW 72<sup>nd</sup> and Dartmouth and not in the vicinity of any of entry portals. These standards do not apply.

#### **18.620.070 Landscaping and Screening**

**Applicable levels. Two levels of landscaping and screening standards are applicable to the Tigard Triangle Plan District. 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 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 3-1/2 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.**

To ensure an effective parking lot screen, the applicant shall submit revised site and landscape plans that show the L-1 landscaping standards are met at sidewalk level along SW 72<sup>nd</sup> Avenue. As conditioned, this standard is met.

**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 L-1 parking lot screen). For trees and shrubs required by Chapter 18.745, the L-2 standard is an additional standard. L-2 trees that are also street trees, median trees, and trees required to frame entry portals shall be selected in conformance with Table 18.620.1 of this section. If conformance with Table 18.620.1 is precluded by physical constraints caused by public utilities or required public improvements, the director may approve alternative selections. All L-2 trees shall be a minimum of 2-1/2-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.**

L-2 standards apply throughout the site. As shown in the Preliminary Landscape Plan (Sheet L100), this standard is met.

#### **18.620.080 Street and Accessway Standards**

**Tables and diagrams. The following tables and diagrams show street and pedestrian accessway standards for the Tigard Triangle Plan District. Landscape and street design details are also included in this section.**

The site is located on SW 72<sup>nd</sup> Avenue, which is included in Table 18.620.2. Along the property's frontage, SW 72<sup>nd</sup> Avenue is already a fully improved public street, including two striped travel lanes, a center turn lane, a right-turn lane

onto SW Dartmouth Street, two bike lanes, curbs, storm drainage, street trees, concrete sidewalks, and street lighting. These standards are met.

**FINDING:** As shown in the analysis above, not all of the Tigard Triangle design standards are met, but can be met with the following conditions of approval.

**CONDITIONS:**

- The applicant shall submit a copy of a recorded 10-foot wide public bike/pedestrian access easement across the subject property from SW 72nd Avenue to the western property line with Walmart. The easement shall also include that portion of the Walmart site that is subject to the existing easement agreement to allow safe access to Walmart's existing pedestrian facilities, if permitted by Walmart.
- The applicant shall submit a revised site plan demonstrating the proposed building meets the maximum 10-foot building setback along SW 72nd Avenue.
- The applicant shall submit a revised site plan showing landscaping, raised planters, with benches and/or other street furnishings along the length of the building of at least three feet in depth behind the back of curb along SW 72nd Avenue.
- The applicant shall submit a revised site plan showing a walkway at least six feet wide and paved with scored concrete or modular paving materials.
- The applicant shall submit revised site and landscape plans that show the L-1 landscaping standards are met at sidewalk level between the parking lot and SW 72nd Avenue.
- The applicant shall submit dimensioned elevations of the eastern façade demonstrating that the minimum 50 percent ground floor window requirement is met.
- The applicant shall submit dimensioned elevations of the eastern building façade demonstrating the building facades standard is met.
- The applicant shall submit site line studies and design details of proposed roof-mounted equipment screening for review and approval.

**18.705 ACCESS, EGRESS, AND CIRCULATION**

**18.705.030 General Provisions**

**A. Continuing obligation of property owner. The provisions and maintenance of access and egress stipulated in this title are continuing requirements for the use of any structure or parcel of real property in the city.**

An existing access easement provides access from the Walmart driveway onto SW Dartmouth Street. Pedestrian access is also provided from the SW 72nd Avenue right-of-way. The provisions and maintenance of access and egress stipulated in this title are continuing requirements for the use of any structure or parcel of real property in the city.

**B. Access plan requirements. No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress and circulation requirements are to be fulfilled. The applicant shall submit a site plan. The director shall provide the applicant with detailed information about this submission requirement.**

The applicant has provided preliminary detailed plans (Exhibit A), including a Preliminary Site Plan (Sheet C100), that show how access, egress and circulation requirement are to be fulfilled. This requirement is met.

**C. Joint access. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this title, provided:**

1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and

**2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the city.**

The applicant will share access through a joint access easement agreement with Walmart on the west side of the project, through the Walmart access south of Dartmouth. Satisfactory legal evidence is included in the application materials (Washington County 2010-100727) and is a part of the permanent land use record. This requirement is met.

**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.**

The proposed development site shares access to SW Dartmouth Street, a public street, through a joint access easement agreement with Walmart. This requirement is met.

**E. Curb cuts. Curb cuts shall be in accordance with 18.810.030.N.**

Public street frontage improvements were completed on SW 72<sup>nd</sup> Avenue by the city in conjunction with the 72<sup>nd</sup> and Dartmouth intersection construction. This requirement does not apply.

**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.**

As shown on the Preliminary Site Plan (Sheet C100) walkways are planned from all ground-floor entrances through parking areas to the adjacent Walmart site and the SW 72nd Avenue public right-of-way. The site plan shows the bike/pedestrian easement terminating at the western property line, but does show improvements within the existing access easement area that would make the connection safe and convenient between the proposed development and the existing Walmart development.

To ensure this requirement is met, the applicant shall submit a revised site plan to include convenient bike and pedestrian improvements within the required bike/pedestrian easement area including an extension of the six foot scored concrete path, curb cuts, crosswalk striping, and signage on the Walmart site, if permitted by Walmart. As conditioned, this standard is met.

- 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.**

The proposed project is a commercial project. This standard does not apply.

- 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.**

As shown in the Preliminary Site Plan (Sheet C100), the proposed walkways within the site meet the walkway safety design guidelines. This standard is met.

- 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 C100), the proposed walkways are paved with asphalt or graveled. Signing and lighting are not indicated in the plan set.

To ensure the required walkways meet this standard, the applicant shall submit a revised site plan that shows the walkway surface materials, lighting and signing are designed as needed for safety purposes. As conditioned, this requirement is met.

**G. Inadequate or hazardous access.**

These requirements are not applicable to the subject proposal.

**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).**

A Transportation Impact Study, dated July 2, 2016, was submitted by Lancaster Engineering. The applicant will share access through an easement on the west side of the project, through the Walmart access south of Dartmouth. In addition, a Technical Memorandum dated September 7, 2016 was submitted as an addendum to address the Haines St/65<sup>th</sup> Avenue intersection concluding that no mitigation would be required.

- 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 proposed driveway connects to the Walmart driveway approximately 180 feet south of the signalized intersection. This criterion 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.**

The proposed driveway does not directly access Dartmouth, a collector. Access is provided by connection to the Walmart driveway at a signalized intersection. These criteria do not apply.

**J. Minimum access requirements for commercial and industrial use.**

- 1. Vehicle access, egress and circulation for commercial and industrial use shall not be less than as provided in Table 18.705.3**

**TABLE 18.705.3  
VEHICULAR ACCESS/EGRESS REQUIREMENTS:  
COMMERCIAL AND INDUSTRIAL USES**

<b>Required Parking Spaces</b>	<b>Minimum Number of Driveways</b>	<b>Minimum Access Width</b>	<b>Minimum Pavement</b>
<b>0-99</b>	<b>1</b>	<b>30'</b>	<b>24' curbs required</b>
<b>100+</b>	<b>2</b>	<b>30'</b>	<b>24' curbs required</b>

or

1

50'

40' curbs required

2. Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances;
3. Additional requirements for truck traffic may be placed as conditions of site development review.

The proposed development includes 160 parking spaces. One access drive is provided to the existing Walmart access way out to SW Dartmouth. Therefore, a minimum 50-foot access width with 40 feet paved with curbs is required. Internal access drives come within 12 feet of the primary ground floor entrance. As shown in the Preliminary Site Plan (Sheet C100) the commercial vehicle access/egress requirements are met.

**K. One-way vehicular access points. Where a proposed parking facility indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility; the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.**

No one-way access is proposed. This standard does not apply.

**L. Director's authority to restrict access. The director has the authority to restrict access when the need to do so is dictated by one or more of the following conditions:**

1. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the director may restrict the location of driveways on streets and require the location of driveways be placed on adjacent streets, upon the finding that the proposed access would:
  - a. Cause or increase existing hazardous traffic conditions; or
  - b. Provide inadequate access for emergency vehicles; or
  - c. Cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.
2. To eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The Director shall require access easements between properties where necessary to provide for parking area connections;
3. To facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or pathway connections, as feasible, between neighboring developments or land uses;
4. A decision by the director per paragraphs 1—3 of this subsection L may be appealed by means of a Type II procedure, as regulated by Section 18.390.040, using criteria contained in Section 18.370.020.C.3.

To eliminate the need to use public streets for movements between commercial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible.

To ensure this requirement is met, the applicant shall provide an access/egress easement for future parking area connections to the property to the south of the subject property. As conditioned, this requirement is met.

**FINDING:** As shown in the analysis above, not all of the access/egress standards are met, but with the following conditions of approval can be met.

**CONDITIONS:**

The applicant shall submit a revised site plan to include convenient bike and pedestrian improvements within the required bike/pedestrian easement area including an extension of the six foot scored concrete path, curb cuts, crosswalk striping, and signage on the Walmart site, if permitted by Walmart.

The applicant shall submit a revised site plan that shows the walkway surface materials, lighting and signing are designed as needed for safety purposes.

The applicant shall submit a revised site plan that provides the ability of the property to the southwest to connect via parking lot access and provide a recorded access/egress easement for future parking area crossover connections.

## **18.745 LANDSCAPING AND SCREENING**

### **18.745.040 Street Tree Standards**

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.

Public street frontage improvements, including street trees, were completed on SW 72<sup>nd</sup> Avenue by the City in conjunction with the SW 72<sup>nd</sup> Avenue and Dartmouth intersection construction project. This requirement does not apply.

### **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.

#### **B. Buffering and screening requirements.**

1. A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.
2. A buffer area may only be occupied by utilities, screening, sidewalks and bikeways, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the city.
3. A fence, hedge or wall, or any combination of such elements, which are located in any yard is subject to the conditions and requirements of paragraph B.8 and subsection D of this section.
4. The minimum improvements within a buffer area shall consist of combinations for landscaping and screening as specified in Table 18.745.1.

D-Level buffering is required along the southern property line. As conditioned above in the detailed planned development section of this report, this standard is met.

#### **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 shown in the Preliminary Landscape Plans (Sheets L100-1003), landscaping is provided around the proposed parking lot and 53 percent parking lot tree canopy is provided. These standards are met.

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.**

As shown on the Building Shell Plan (Sheet A2), the refuse area will be enclosed and screened with a masonry brick wall. The applicant states that “any other service facilities or equipment will be appropriately screened if visible from the public right-of-way.” The standard requires screening of service facilities that would also be visible from customer parking and residential areas.

To ensure this standard is met, the applicant shall submit detailed plans of any service facilities demonstrating that they are screened from view. As conditioned, this standard is met.

#### **F. Buffer matrix.**

1. **The buffer matrices contained in Tables 18.745.1 and 18.745.2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts.**

Adjacent uses to the subject property include a similar use (retail commercial) to the west, undeveloped wetland area to the north, SW 72nd Avenue right-of-way to the east, and single-family residential uses to the south. Table 18.745.1 requires a D-level Buffer between a single family residence and parking lots in excess of 50 spaces. In this case, due to intervening topography, the western portion of the proposed parking lot would be visible from the existing dwelling located approximately 100 feet up-slope.

The applicant states that “The project complies with Option 2 with a 6-foot tall fence and shrubs within a 15-foot wide buffer. However, as shown on the Preliminary Landscape Plan (Sheet L100), buffering and screening of the planned parking area includes trees and ground cover, but no shrubs and the fence height and material is not called out on the plan. Further analysis is necessary to determine whether the proposed buffering and screening is adequate. In addition, vehicle circulation will be required between the subject site and the adjacent site to the south when redeveloped, which should inform the design of the D-level buffer screening. As conditioned, above, this standard is met.

**FINDING:** As shown in the analysis above, not all of the landscaping standards are met, but can be met with the following conditions of approval.

#### **CONDITION:**

The applicant shall submit detailed plans of any service facilities demonstrating that they are screened from view.

### **18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE**

#### **18.755.010 Purpose and Applicability**

**A. Purpose.** The purpose of this chapter is to ensure that certain new construction incorporates functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclable materials prior to pick-up and removal by haulers.

**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 storage standards apply to the proposed commercial development. As shown in the Building Shell Plan (Sheet A2)

the applicant demonstrates compliance with the Location, Design and Access Standards of this Chapter.

**F. Franchised hauler review method.**

- 1. Applicability. The franchised hauler review method is only available in jurisdictions with franchise collection service areas because there is certainty as to which hauler will actually provide service to the proposed development, once it is constructed;**
- 2. Description of method. This method provides for coordinated review of the proposed site plan by the franchised hauler serving the subject property;**

A service provider letter from Pride Disposal is required to demonstrate that the proposed storage facility can be accessed and serviced as shown in the application materials. The application did not include a Pride SPL. Therefore, as a condition of approval, the applicant shall provide a Pride Disposal service provider letter to demonstrate the proposed storage facility can be accessed and serviced as shown on Sheet A2.

**FINDING:** As shown in the analysis above, not all of the applicable Mixed Solid Waste and Recyclable Storage standards are met, but with the following condition of approval can be met.

**CONDITION:** The applicant shall submit a Pride Disposal service provider letter to demonstrate the proposed storage facility can be accessed and serviced as shown on Sheet A2.

**18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS**

**18.765.030 General Provisions**

**A. Vehicle parking plan requirements. No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress and circulation requirements are to be fulfilled. The applicant shall submit a site plan. The director shall provide the applicant with detailed information about this submission requirement.**

The applicant's submittal included a Preliminary Site Plan (Sheet C100), which is scaled and shows proposed on-site parking, access, egress, and circulation. This provision is met.

**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.**

As shown on the Preliminary Site Plan (Sheet C100), six disabled parking spaces are provided located close to the primary building entrance. Specific design requirements for disabled parking will be reviewed by the Building Division during building plans review. This provision is met.

**18.765.040 General Design Standards**

**A. Maintenance of parking areas. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.**

This is the ongoing obligation of the applicant.

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

- 1. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site;**
- 2. The number and size of access drives shall be in accordance with the requirements of Chapter 18.705, Access, Egress and Circulation;**
- 3. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives;**
- 4. Access drives shall have a minimum vision clearance in accordance with Chapter 18.795, Visual Clearance;**
- 5. Access drives shall be improved with an asphalt, concrete, or pervious paving surface. Any pervious paving surface must be designed and maintained to remain well-drained; and**

As shown on the Preliminary Site Plan (Sheet C100), the access drives meet the applicable standards.

**F. Pedestrian access.** Pedestrian access through parking lots shall be provided in accordance with 18.705.030.F. Where a parking area or other vehicle area has a drop-off grade separation, the property owner shall install a wall, railing, or other barrier which will prevent a slow-moving vehicle or driverless vehicle from escaping such area and which will prevent pedestrians from walking over drop-off edges.

As shown on the Preliminary Site Plan (Sheet C100), the pedestrian access meets the provisions of 18.705.030.F, as reviewed above.

**G. Parking lot landscaping.** Parking lots shall be landscaped in accordance with the requirements of Chapter 18.745.

As shown on the Preliminary Site Plan (Sheet C100), the parking lot is landscaped with planting beds, parking lot trees, and screening vegetation as required in Chapter 18.745. These requirements are met.

**I. Parking lot striping.**

1. Except for single-family and duplex residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked; and
2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

As shown on the Preliminary Site Plan (Sheet C100), all parking spaces are clearly marked and compact spaces are named. Further flow direction marking and signage for pedestrian safety may be necessary.

**J. Wheel stops.** Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall. The front three feet of the parking stall may be concrete, asphalt or low lying landscape material that does not exceed the height of the wheel stop. This area cannot be calculated to meet landscaping or sidewalk requirements.

As shown on the Preliminary Site Plan (Sheet C100), each parking space includes a wheel stop located three feet back from the front of the parking stall. This requirement is met.

**K. Drainage.** Off-street parking and loading areas shall be drained in accordance with specifications approved by the city engineer to ensure that ponds do not occur except for single-family and duplex residences, off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.

As shown on the Preliminary Drainage Plan (Sheet C200), the parking areas are drained to avoid ponding. This requirement is met.

**L. Lighting.** A lights providing to illuminate any public or private parking area or vehicle sales area shall be arranged to direct the light away from any adjacent residential district.

As show on the Lighting Site Plans (Sheets E010 and E011), the parking areas are illuminated with 4000K led down-lights on 20-foot poles with an average luminance of 1.71 and decreasing luminance toward the southern property line adjacent to exiting residential development. This standard is met.

**M. Signs.** Signs which are placed on parking lots shall be designed and installed in accordance with Chapter 18.780, Signs.

No signs have been proposed within the parking lot. If signs are proposed, they will require review under Chapter 18.780.

**N. Space and aisle dimensions.** (Figure 18.765.1)

As shown on the Preliminary Site Plan (Sheet C100), the space and aisle dimension meet the standards in Figure 18.765.1.

### **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 located 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.**

As shown on the Preliminary Site Plan (Sheet C100), 14 bike parking spaces are required (0.40/1000 x 36) and 14 covered bike parking spaces are shown within 50 feet of the building's main entrance consistent with the bike parking design, location and access standards. These standards are met.

### **18.765.070 Minimum and Maximum Off-Street Parking Requirements**

According to Table 18.765.2, the medical office use requires a minimum of 140 spaces (3.9/1000 x 36) and permits a maximum of 176 spaces (4.9/1000 x 36); 160 spaces proposed. This requirement is met.

### **18.765.080 Off-Street Loading Requirements**

#### **A. Off-street loading spaces. Commercial, industrial and institutional buildings or structures to be built or altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space as follows:**

- 1. A minimum of one loading space is required for buildings with 10,000 gross square feet or more;**
- 2. A minimum of two loading spaces for buildings with 40,000 gross square feet or more.**

As shown on the Preliminary Site Plan (SheetC100), one 12-foot by 23-foot loading space is provided at the west end of the building. This requirement is met.

**FINDING:** As shown in the analysis above, the applicable Off-Street Parking and Loading Requirements are met.

## 18.790 URBAN FORESTRY PLAN

### 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;
2. Meet the tree preservation and removal site plan standards in the Urban Forestry Manual (UFM);
3. Meet the tree canopy site plan standards in the Urban Forestry Manual; and
4. Meet the supplemental report standards in the Urban Forestry Manual.

FINDING: A certified arborist, Bruce Baldwin with AKS Engineering has prepared an Urban Forestry Plan including the Tree Preservation and Removal Plan (Sheet C030), the Preliminary Tree Canopy Plan (Sheets L102-L103), and a supplemental arborist report date June 30, 2016, in which Mr. Baldwin attests to meeting the applicable Urban Forestry Manual standards. This criterion is 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.

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. The plan includes 55 new trees. Therefore, a bond in the amount of \$25,300 (55 planted trees x \$460/tree) is required. As conditioned, this requirement is met.

#### C. 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. The plan includes 55 planted trees and three retained trees. Therefore, a fee in the amount of \$1,750 (\$154 first tree + \$1,596 (\$28 x 57 additional trees) is required. As conditioned, this requirement is met.

FINDING: Based on the analysis above, the applicable urban forestry plan implementation standards are met. To ensure these standards are implemented, the following conditions of approval are required.

#### CONDITIONS:

- Prior to any site 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 site work, the applicant shall provide a fee for the city's cost of collecting and processing the inventory data for the entire urban forestry plan of 55 planted trees in the amount of \$1,750 (\$154 first tree + \$1,596 (\$28 x 57 additional trees).
- Prior to any site work, the applicant shall provide a tree establishment **bond** in the amount

of \$25,300 (55 planted trees x \$460/tree).

### **18.795 VISUAL CLEARANCE**

#### **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 applicant refers to the Preliminary Site Plan (Sheet C100), and concludes “the project’s site design prevents any obstructions or visual clearance issues at the planned driveway intersection or within the parking area.” However, visual clearance areas have not been shown on the plans. The plan shows potential conflicts with retaining walls and the Landscaping Plan does not show features on the Walmart property where the driveway connects. To ensure visual clearance areas are maintained, a condition of approval shall require visual clearance areas be shown on the site plan.

**CONDITION:**

The applicant shall submit a revised site plan showing visual clearance areas at proposed intersections.

### **SECTION 18.810: STREET AND UTILITY IMPROVEMENTS STANDARDS**

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.

This project abuts SW 72<sup>nd</sup> and Dartmouth, both sides of which have recently been improved to meet current 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.

No new streets are proposed as part of this application.

**Minimum Rights-of-Way and Street Widths:**

This project abuts 72<sup>nd</sup> Avenue, which has been fully improved to its ultimate width. The project will access SW Dartmouth Street, with a shared access with Walmart, which has been improved to its ultimate width. No new public street improvements will be required.

**Future Street Plan and Extension of Streets:** Section 18.810.030.F states that a future street plan shall be filed which shows the pattern of existing and proposed future streets from the boundaries of the proposed land division. This section also states that where it is necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed and a barricade shall be constructed at the end of the street. These street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.

In early meetings with the city, the applicant was asked to show how Elmhurst Street could be extended through the subject site. However, the Elmhurst Street and 72<sup>nd</sup> Avenue intersection does not line up with this property's frontage. The street alignment would have to be manipulated to line up with the intersection, cross the applicant's site and then connect to the access easement on Walmart's site. Walmart has only granted access rights to the subject property, not to any other property or public street access.

The applicant has prepared a future street plan that shows Elmhurst Street aligned with the existing intersection. The street then runs in the westerly direction, towards Walmart at approximately 15 percent grade. The street right-of-way would run through at least two of the three parcels south of the subject site. When development of any of the three parcels south of the subject site occurs the future street will have to be addressed.

**Street Alignment and Connections:**

**Section 18.810.030.H.1 states that full street connections with spacing of no more than 530 feet between connections is required except 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.**

The extension of Elmhurst Street is not required with this application, as Elmhurst Street does not line up with this property's frontage. The proposed development does not preclude future development of Elmhurst Street. A future applicant can also provide plans with a street alignment or connections through adjacent parking lots.

The applicant's plans shall provide the ability of the property to the southwest to connect via parking lot access and cross over easements. This access cannot be activated until there is a modified access agreement with the Walmart property management team.

**Section 18.810.030.H.2 states that all local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is precluded when it is not possible to redesign, or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.**

The extension of Elmhurst Street is not proposed with this application because the project site does not align horizontally with the existing Elmhurst Street and 72<sup>nd</sup> Avenue intersection.

**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.**

No streets are proposed or required with the proposed development. However, extension of SW Elmhurst to the west of SW 72<sup>nd</sup> Avenue may occur with development of adjacent parcels to the south of the subject parcel at which time these issues will be addressed.

**Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 1,800 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.**

Not applicable to the subject application.

Section 18.810.040.B.2 also states that bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is not possible. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code.

The applicant proposes a pedestrian path through the site, which meets this standard and is addressed in detail in the Tigard Triangle Connectivity section, above. This standard is met.

**Sidewalks:** Section 18.810.070.A requires that sidewalks be constructed to meet City design standards and be located on both sides of arterial, collector and local residential streets. Private streets and industrial streets shall have sidewalks on at least one side.

The site has frontage on SW 72<sup>nd</sup> Avenue, which was recently improved to its ultimate street section, including sidewalks on both sides of the Arterial. These improvements extend beyond the property frontage in each direction.

**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.

The proposed development will connect to an existing public sanitary sewer located on the adjacent site to the west.

**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.

NA

**Storm Drainage:**

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

**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).

City design standards mandate that developments shall extend utilities to any unserved parcels. The applicant shall provide a storm drain connection that is sized to convey runoff from upstream parcels through the proposed development site.

**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 2000 and including any future revisions or amendments).

In 1997, Clean Water Services 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.

The applicant has proposed an underground detention system. Water quality treatment will be provided by a storm filter manhole. A final stormwater report shall be submitted for review and approval.

**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 no overhead utilities along the project frontage.

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

**Traffic Study Findings:**

A Transportation Impact Study has been prepared by Lancaster Engineering, dated July 2, 2016. The report addresses site trips, operational analysis, safety analysis, future street plan and sight distance. From the executive summary the study concludes the following:

- The proposed development is projected to generate 86 site trips during the morning peak hour and 129 site trips during the evening peak hour.
- Based on the results of the operational analysis the intersection of SW Haines Street at SW 65<sup>th</sup> Avenue is currently failing; however, the intersection is within the City of Portland. Interim mitigation measures to improve operation would be to restripe the northbound approach.
- All other study intersections are currently operating acceptably per City of Tigard and ODOT standards.
- Based on the most recent five years of crash data, no significant safety hazards were identified at any of the study intersections and no mitigation is recommended.
- The proposed development does not preclude establishing an efficient future street system, including the western extension of SW Elmhurst Street.
- Lancaster Engineers submitted a Traffic Impact Analysis Addendum #1, dated September 7, 2016. The focus of the addendum is on the existing and future operation of the SW Haines Street at SW 65<sup>th</sup> Avenue intersection with respect to capacity and level-of-service (LOS) and impacts from the proposed development. Based on the results of the delay study and the calibrated capacity and LOS analysis, the intersection of SW Haines at SW 65<sup>th</sup> Avenue is projected to operate acceptably through year 2018 either with or without the addition of site trips from the proposed development. Therefore, no mitigation is necessary or recommended at the intersection.
- ODOT commented that the OR-217/SW 72nd Ave Westbound off-ramp intersection needs to adhere to the 0.85 V/C standard per the OHP. The development is increasing the V/C from 0.85 to 0.87 and therefore ODOT would like to see a queuing analysis done for this off-ramp in order to assess its impacts to OR-217. A condition will require further analysis.

**Fire and Life Safety:**

A six-inch fire line was previously installed to serve this parcel. The applicant shall obtain approval for hydrant placement from Tualatin Valley Fire and Rescue (TVF&R).

**Public Water System:**

Water service in this area is provided by Tualatin Valley Water District (TVWD). The applicant shall obtain a Service Provider Letter from TVWD

**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. 00-7) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from 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.**

Prior to issuance of permits, the applicant shall submit plans and calculations for a water quality facility that will meet the intent of the CWS Design Standards. In addition, the applicant shall submit a maintenance plan for the facility that must be reviewed and approved by the City prior to construction.

The proposed unit from Contech is acceptable, provided the property owner agrees to hire the manufacturer (or approved equal) to provide the required maintenance of the unit. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Contech, or another company that demonstrates they can meet the maintenance requirements of the manufacturer.

Applicant has proposed private water quality facilities. Applicant shall enter into agreements of maintenance on city forms.

**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 Federal Clean Water Act requires that a National Pollutant Discharge Elimination System (NPDES) erosion control permit be issued for any development that will disturb one or more acre of land. Since this site is over five acres, the developer will be required to obtain an NPDES permit from the City prior to construction. This permit will be issued along with the site and/or building permit.**

The current 1200C-N shall be modified and a Storm Water Connection Authorization shall be obtained prior to any onsite utility work.

GeoDesign, Inc. submitted a Report of Geotechnical Engineering Services, dated March 2, 2016. The purpose of the scope of work was to explore site subsurface conditions and provide geotechnical engineering recommendations for use in design and construction of the proposed development. Based on the results of the subsurface explorations and engineering analyses, it is the opinion of the consultant that the site can be developed as proposed. The applicant shall incorporate the recommendations of this report into their construction plans.

**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 is separate from grading permit that is already issued. Site permit will be required.

**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 issuance of building permit.

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.

The developer will also be required to provide signage at the entrance of each shared flag lot driveway or private street that lists the addresses that are served by the given driveway or street. This will assist emergency services personnel to more easily find a particular home.

## **SECTION VII. OTHER STAFF COMMENTS**

**The City of Tigard Development Review Engineer** (Contact Kim McMillan, 503-718-2642) has reviewed the proposal and provided findings and recommended conditions of approval in a Memorandum dated October 31, 2016, which have been incorporated into the body of this staff report and included as an attachment.

**The City of Tigard Public Works Department** (Contact John Goodrich, 503-718-2609) reviewed the proposal and provided comment addressed in the findings for the utilities section of this report.

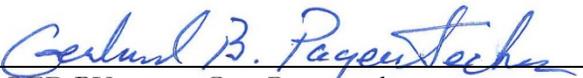
**The City of Tigard Police Department** has reviewed the proposal and has no objections to it.

## **SECTION VIII. AGENCY COMMENTS**

**Oregon Department of Transportation** (Seth Brumley, 503-731-8234) has reviewed the proposal and provided a comment letter dated September 9, 2016 which took issue with the applicant's analysis of three intersections including Haines/65<sup>th</sup> Ave, OR-217/SW 72<sup>nd</sup> Ave Westbound off-ramp, and OR-99W/SW Dartmouth St. The applicant submitted a Technical Memorandum from Lancaster Engineering dated September 7, 2016 that found that the Haines/65<sup>th</sup> Ave intersection would perform adequately and not require mitigation. The City Engineer determined that the turn lane change to the OR-99W/SW Dartmouth Street intersection would not be the responsibility of the applicant, in this case, but that a condition would be imposed on the applicant to address the queuing analysis at the OR-217/SW 72<sup>nd</sup> Ave Westbound off-ramp.

**Clean Water Services** has reviewed the proposal and issued a Service Provider Letter (CWS File No. 16-001563) dated June 8, 2016 which describes on and off-site sensitive areas, encroachment into the vegetated corridor and mitigation requirements. CWS also submitted a stormwater connection permit review letter dated September 13, 2016 with conditions of approval. The letter notes that the site must complete the annexation process for inclusion into the CWS jurisdictional boundary in order for public sanitary or storm sewer services to be provided. A condition approval of this staff report will ensure compliance with CWS regulations.

**Tualatin Valley Fire and Rescue** (John Wolfe, 503-259-1504) has reviewed the proposal and submitted a comment letter dated October 10, 2016 with conditions of approval with respect to access, water supply, hydrant placement, and building access. A condition of approval of this staff report will implement the conditions of the TVF&R letter.

  
PREPARED BY: Gary Pagenstecher  
Associate Planner

November 7, 2016  
DATE

  
APPROVED BY: Tom McGuire  
Assistant Community Development Director

November 7, 2016  
DATE

October 31, 2016

Tigard Planning Commission  
c/o Gary Pagenstecher, Planner  
City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97232

**via e-mail: [garyp@tigard-or.gov](mailto:garyp@tigard-or.gov)**

Re: **Case ID No. PDR2016-00011**  
Site Development Review (SDR) 2016-00007

Dear Commissioners:

This firm represents Gordon R. Martin, Trustee of the Tri-County Center Trust (the "Trust"). Please accept these comments into the record as the Trust's submission for the open record period ending on October 31, 2016, on the concept plan for the proposed planned development referenced above.

As we have indicated in previous correspondence on this matter, the Trust is interested in this matter as it owns property adjoining the proposed development. The Trust continues to believe that the proposal by the applicant, Base Camp 1, LLC, does not meet the City's Community Development Code and is not consistent with the City's Comprehensive Plan. There are better alternatives available to the applicant that do meet the code and are fairer and more equitable to the property owners in the Triangle area.

Just last year, the City finalized the Tigard Triangle Strategic Plan, which included a "street network" that was to guide the future development of the Triangle. As explained below, if this development is approved as proposed, it will gut one of the key elements of that plan – the Elmhurst extension. Make no mistake, if this is not built as part of this development, it will not happen. As the primary author of that plan, Laurence Quamar has said as much to the City's planning staff. A number of people put a lot of work into that plan and it would be a betrayal of that work to simply ignore it now.

Turning to the approval criteria for concept plans, CDC 18.350.050.A.1 requires the development to "protect [the] natural features of the site," but this proposal does not do so. As noted by Gary Pagenstecher at the Planning Commission hearing on October 17, 2016, this site has significant slope issues and is very steep. The proposal does nothing to protect that natural feature; instead, the proposal levels the site relies on significant retaining walls on three sides. The proposal does not "protect" the natural features of the site – it destroys them. The applicant suggests that this is acceptable because of the specific nature of the use; however, the Planning

Commission has no method to ensure that use remains and any commercial use could go into the development. Although we are sympathetic to the needs of the clinic's patients, if steep slopes present an issue, this site may not be the best choice for their location.

In addition, CDC 18.350.050.A.3 requires future development to “integrate into the existing neighborhood” through measures including a “compatible street layout.” The proposed street layout is in no sense of the word “compatible” and the proposal does not integrate into the neighborhood. As noted above, the proposed street layout ignores the recently finalized Tigard triangle Strategic Plan. It also proposes a street plan that cannot meet CDC 18.620.020, which governs street connectivity in the Triangle as explained in our earlier correspondence. Finally, the proposed street plan requires a street that cannot be built in compliance with the City's code and that street goes directly through an existing home. Such a plan cannot be said to “integrate into an existing neighborhood” and must be rejected.

Finally, CDC 18.350.050.A.6 allows a planned development to be approved only if it has “significant advantages over a standard development.” To provide such an advantage, CDC 18.350.050.A.6 spells out what constitutes a “significant advantage”:

“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.”

In this case, as discussed above, the project does not protect the natural features on the site, nor does it provide any amenities or features that are not otherwise available. In fact, because of the street slopes, the proposal does not enhance the site or neighborhood, but creates dangerous situations. One method to enhance the neighborhood would have been to include the Elmhurst extension as shown in the Tigard Triangle Strategic Plan, but the applicant has not done so. Instead, the applicant has created a development that damages its neighbors and does not fit on the site.

For all of the above reasons, the Planning Commission should reject the concept plan proposed in Case ID PDR2016-00011 or, in the alternative, condition any approval on providing the Elmhurst Extension.

Very truly yours,



Bill Kabeiseman

November 7, 2016

VIA E-MAIL: [garyp@tigard-or.gov](mailto:garyp@tigard-or.gov)

Tigard Planning Commission  
c/o Gary Pagenstecher, Planner  
City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97232

Re: **Case ID No. PDR2016-00011**  
Site Development Review (SDR) 2016-00007

Dear Commissioners:

### **Introduction**

This document briefly responds to the letters from Base Camp of October 17 and 31, 2016. After reviewing the responses, most of our concerns previously raised still stand. Odor may not be a problem, and discussions with the applicant may resolve the outstanding drainage issues.

### **Feasible Alternatives**

To help establish a common understanding, the use of the word “feasible” within the context of alternative street routes has no value unless it is understood to represent a street route that is reasonably possible. For instance, determining an alternative is “feasible” would have little value if it is not also reasonable. The Future Street Plan submitted with the Site Plan is considered to be feasible by the City, but it is NOT a reasonably possible street route. The use of the word “feasible” has no meaningful value when used this way.

### **Elmhurst Street Extension Alternatives**

Base Camp has prepared three possible alternatives to the highly recommended Laurence Qamar Elmhurst Extension. Two of the alternatives leave TL401 with little developable land and are clearly unreasonable based on City Code violations, equitable block design, existing home, adverse impacts, redirecting 74<sup>th</sup> further east to not violate City Code grades, and severe grade issues. The alternatives are not feasible as they are not reasonably possible. Base Camp is careful to shroud its advocacy of these alternatives by referring to them as being apparently considered “feasible by the City.” These are not serious alternatives to the Laurence Qamar

Elmhurst Extension. In every measurable aspect that can be used to assess street alternatives, the Laurence Qamar Elmhurst Extension is far better.

The new future street route submitted by Base Camp does not connect with 74th. While the exact route has not been identified, 74th is a street that is to connect to Beveland through Hermosa Way. As shown, 74th cannot connect to Hermosa Way from this location without removing homes and creating a winding road with sharp turns. Regardless, the profile grade appears to be 12% or higher, which would also violate City code and other requirements for block design. The Laurence Qamar Elmhurst Extension route remains by far the best and most efficient street connection.

A third alternative relies upon parking lot street connectivity. Severe grade issues remain with this plan that will likely be impossible to overcome. Grades over 13% are required and, even if a parking lot approach to street connectivity could work if all the tax lots were developed together and grading across property lines could be accomplished, this is not the case. It is not feasible under multiple property ownerships unless the entire area is developed together.

The Laurence Qamar Elmhurst extension remains the only reasonable street connection design. It is feasible in the meaningful sense of the word. It provides equitable block design for all the owners involved and was well known for years that it would be required. It is not a surprise. The site development on TL300 will forever block the only possible street connection for the Elmhurst Extension. There should be no doubts lingering after reading all our previous letters and the emails to the City by the City hired Urban Designer.

### **Triangle Street Efficiency Improvements**

Street connectivity is important to the entire Triangle and especially in its focal area, and in particular the Dartmouth Street/72<sup>nd</sup> Avenue intersection. Elmhurst Street will soon connect with the eastern side of the Triangle and, along with the Elmhurst Extension, will provide an important east-west street connection. The Elmhurst Street and its extension to 74th will provide an alternate route for cross Triangle traffic in addition to Dartmouth Street. The Elmhurst Extension will help reduce the amount of green signal time for left turns onto westbound Dartmouth Street from 72<sup>nd</sup> Avenue. Nobody should accept LOS F or E left turns as being acceptable when there is a feasible alternative (in the meaningful sense of the word) through improved street connectivity such as the Laurence Qamar Elmhurst Extension.

### **Vegetated Corridor Information**

The City has been informed that the CWS Service Provider Permit did not identify the vegetated corridor correctly. This is because TL100 in its entirety is considered by the Department of State Lands to be a Compensatory Wetland Mitigation (“CWM”) site. We do not agree with DSL’s belief that TL100 is a CWM site and have appealed their decision; however, because DSL

considers all of TL100 to be a CWM site, the vegetated corridor should have been measured from the property line of TL100.

### **Drainage**

The problem with drainage, especially as it pertains to the vegetated corridor, is that the site development creates and essentially acts as a dam in which a reservoir forms and eventually redirects drainage onto TL100 to its north. This reservoir will also promote the creation of an additional wetland. The creation of this wetland damages TL100 because of the 50 foot setbacks that must be mitigated around it. Any wetland created within 50 feet of a property line devalues the adjacent property.

The drainage basin demarcation of the subject site is in error as it shows about half of the site draining onto TL100. This is incorrect. A gully on TL300 runs parallel to its north property line and, as it approaches the Wal-Mart site, a small ridge exists about 5 feet from the property line that directs accumulated drainage from TL300 onto the Wal-Mart site. In short, as the site originally existed the drainage basin of TL300 empties almost entirely onto the Wal-Mart site, and not onto TL100. A significant portion of tax lot 100 adjacent to the north of TL300 drains onto the Wal-Mart site as well.

Base Camp has indicated that it not redirect its drainage onto adjacent property to the north and south of its site and will submit plans for our engineers to review. Due to grades, this will likely require that drainage from the vegetated corridor will continue as before into the Wal-Mart storm drain system.

### **Retaining Walls**

Retaining walls are a big item because, in this case, they are big. The north side of the development facing TL100 will have a retaining wall that reaches 14 feet in height. That means with railing and protective fencing, the view from TL100 will be of a nearly 20 foot high monstrous wall. This will block all views to the south from TL100, the property to the north of the site development. The parking lot in that portion of the site should be lowered by no less than 8 feet to remove this dangerous and abnormal feature.

The view from TL401 on its western portion will be of another earthen wall over 7 feet in height. TL401 in the western portion will feel as if it is in a hole because of the increased elevations on TL300.

The destruction of views by the site development on TL300 arises from placing a flat site project onto one of the steeper areas in the Triangle. It also arises from not accepting or following City Code to improve Triangle street connectivity. The Laurence Qamar Elmhurst Extension recommendation is under attack and has been ignored and replaced with several unrealistic alternatives that also require the violation of City Codes.

### **Providing ROW and Easement**

City Code allows the City to preserve ROW as needed for future street connections. The easement language with Wal-Mart allows the site development to provide an easement as shown in our October 13, 2016 letter and without any conditions attached. TL401 cannot use it for access until the City provides a public access over the Wal-Mart driveway as part of the Elmhurst Extension/74<sup>th</sup> street connection, or Wal-Mart allows access.

### **City Code and Street Connectivity Requirements**

City Code **18.620.020** asks every development to demonstrate how it will meet one of two options (regarding street connectivity), design or performance. The site plan provided by the applicant does nothing and provides nothing to improve street connectivity and the proposed development does not meet either option. The development as designed will prevent any future Elmhurst Extension and, therefore, forever preclude an opportunity to improve Triangle street efficiency. The applicant has indicated that it would provide parking lot connectivity at certain locations. However, because of topographic problems at these connecting locations this does not meet City Code requirements established to determine street block design, location, and acceptably steep grades. To be useful to the Triangle and adjacent property, the street connectivity or parking lot connectivity needs to follow the Laurence Qamar Elmhurst extension route. There has been no other meaningful feasible alternative presented.

The City Code is clear as to what is considered important to protect and improve traffic flow within commercial areas. Under City Code **18.810.030** Street alignments and connections, subsection **H.1**, it states “Full street connections with spacing of no more than 530 feet between connections is required.” This means that both 74<sup>th</sup> connecting Hermosa with Dartmouth Street is desired, and the Elmhurst Extension connecting 72<sup>nd</sup> Avenue with the 25 acre commercial area and 74<sup>th</sup> is also important.

Within subsection **H.2** it then states “All local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints.” (emphasis added). This requires that the Elmhurst Extension to not be precluded. The only known street route that is meaningfully feasible to reach 74<sup>th</sup> and provide a full east-west Triangle street connection is the Laurence Qamar Elmhurst Extension. Topographical constraints do exist on the land and any street to the south of the site development will create an enormous impact to the entire tax lot because very little developable land will remain after impacts of a street extending Elmhurst. However, there is no topographical constraint over the land of the subject site as aptly pointed out by the City hired Urban Designer, Laurence Qamar.

City Code **18.620.010** regarding Purpose and Applicability, subsection **B** states “All new developments, ..., are expected to contribute to the character and quality of the area.” This site development does nothing to improve the quality of the street system in the area. It further states

under subsection **B.1** that developments will be required to “Dedicate and improve public streets, ... roughly proportional to an impact of the development.” Dedication of the Right-of-way for the Elmhurst Extension as shown by Laurence Qamar would be a minimal requirement.

Within subsection **B.3** it also states development will be required to “participate in funding future transportation and other public improvement projects in the Tigard Triangle Plan District, ...roughly proportional to an impact of the development.” Again, the dedication of the Right-of-way for a public street that has been determined by an expert in Urban Design to be essential for improved street efficiency in the Tigard Triangle is a minimal requirement.

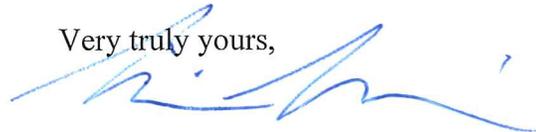
As stated in City Code **18.620.020** Street Connectivity, “All development must demonstrate how one of the following standard options will be met” (emphasis added). The options consist of Design and Performance. The site development demonstrates that nothing will be done to meet either option. Instead, the applicant has presented drawings that show how other property will do what it is required to do itself. Worse, the drawings are not meaningfully feasible and the site development will forever block the Elmhurst Extension as described and explained by Laurence Qamar to be essential to the Triangle Street system.

There should be no doubt that if the Laurence Qamar Elmhurst Extension is not included as part of the site development, there will never be an Elmhurst Extension and the Triangle will not only suffer at its primary intersection with degraded traffic flow quality, it will forever lose an important east to west Triangle street connection. The intersection of Dartmouth Street/72<sup>nd</sup> Avenue will not have a better quality of traffic flow as a result. Eventually vehicles will be backed up similar to the left turns from Dartmouth Street onto westbound Pacific Highway. All steps to alleviate such an outcome should be taken and they currently require the Laurence Qamar Elmhurst Extension.

### **Conclusion**

As previously stated in correspondence, this application should be denied. The Laurence Qamar Elmhurst Extension is the best alternative with the least impacts, and most important, provides equitable block design for the entire area. The site plan blocks views, destroys the natural features of the land, and precludes an important street connection.

Very truly yours,



Bill Kabeiseman

BK:kms

cc: client

October 31, 2016

Dana L. Krawczuk  
DKrawczuk@perkinscoie.com  
D. +1.503.727.2036  
F. +1.503.346.2036

**VIA EMAIL**

Gary Pagenstecher  
City of Tigard  
Community Development Department  
13125 SW Hall Blvd  
Tigard, OR 97223

**Re: Additional Evidence in Support of Base Camp I, LLC's Cancer Treatment Center  
Project Concept Plan**

Dear Mr. Pagenstecher:

This office represents Base Camp I, LLC ("Base Camp"), the applicant for a cancer treatment center project (the "Project") located at the corner of SW Dartmouth Street and SW 72nd Avenue, on Tax Lot 300 (the "Project Site"). This letter responds to questions and concerns raised in prior written testimony and at the October 17, 2016 Planning Commission ("Commission") hearing and provides additional evidence to support Base Camp's application and how the application meets the criteria for approval of a Concept Plan under City Code Section 18.350.050. Exhibits attached provide additional evidence in support of the application.

**I. Connectivity**

**A. Street Connectivity is Not Required or Appropriate Across the Project Site**

Access to the Project will be across the existing Wal-Mart private driveway to SW Dartmouth Street, for which Base Camp has a negotiated access easement. The Project Site does not connect to the existing SW Elmhurst Street and therefore does not propose to provide an extension of this street across the Project Site. Moreover, our previous testimony explains why requiring a street alignment that crosses the Project Site is not roughly proportional to the impacts of the Project. Nothing further is required for the Project.

Two options for a future street plan are attached as Exhibit A, Figures 1 and 2, which demonstrate that Base Camp's development will not prohibit an east-west connection of SW Elmhurst Street. Since Elmhurst Street does not touch or align with the Project Site, connectivity through the Project Site is not required or appropriate. Furthermore, a connection of SW Elmhurst is not shown on the City's Transportation System Plan at this time. Additionally, an extension of SW Elmhurst would need to connect to an extension of Wal-Mart's entry drive /

Hermoso or to a public access way across Wal-Mart's existing driveway. The City has not provided for either public access extension at this time.

The SW Elmhurst extension options provided by Base Camp provide at least two feasible options for street connectivity. As detailed in our October 7 and October 17, 2016 letters, we understand that City planning and engineering staff agree that the road alignment concept plans offered by Base Camp are feasible, and demonstrate that the Project does not preclude the future street, should a street be determined to be appropriate in the future when nearby properties develop.

The Commission was interested in the impacts of the first potential future street connection option shown as Exhibit A, Figure 1 (presented in Base Camp's original application and discussed at the Commission hearing) on other property owners. If the City were to require a street connection to be constructed in accordance with the future street alignment submitted by Base Camp, we estimate that the new extension would be approximately 500 feet in length and impact the following properties: Tax Lot 401 owned by Mr. Martin, Tax Lot 400 and 402, owned by Base Camp.

- Approximately 56% of the proposed street connection is on Tax Lot 401 (the "Martin Property"). Tax lot 401 is approximately 2.15 acres, and the street area is approximately 16,800 square feet (assuming a 60-foot right of way), so the street would occupy approximately 18% of Tax Lot 401.
- Approximately 44% of the street connection is on the combined Tax Lots 400 and 402, which are owned by Base Camp, but not proposed for development at this time. Tax Lots 400 and 402 combined are approximately 0.78 acres, and the street area is approximately 13,200 square feet, so the street would occupy approximately 39% of Tax Lots 400 and 402. If the City were to require a street connection, and the owner of Tax Lot 401 (currently Base Camp) desired to develop Tax Lot 402 individually, that tax lot would not be developable.

While this allocation is feasible, we believe that the better alternative is to provide connectivity through internal driveways and parking lots when and if these properties develop in the future, as detailed below.

The road alignment preferred by Mr. Martin places none of the road on the Martin Property. Instead, 100% of the new extension crosses the Project Site and Tax Lots 400 and 402, and connects into the existing Wal-Mart driveway.

## **B. Alternate Connectivity Options are Feasible**

Another option for both vehicular and pedestrian connectivity between SW Elmhurst and SW Dartmouth is through driveways and parking lots. As shown on Exhibit A, Figure 3, which provides a conceptual site development plan, it is feasible to connect SW Elmhurst and SW Dartmouth and provide access to Tax Lots 400, 401 and 402 from the Project Site through parking lots and drives aisles.

A development plan similar to this, would also be advantageous as it would not rely on a connection to the Wal-Mart property (where their approved site grading design lowered the parking lot elevations significantly). Based on recent meetings with City engineering and planning staff, they believe this alternative for connectivity is feasible and satisfies the City's connectivity standards. The alternate route was provided to Mr. Martin on October 25, 2016 and multiple offers to meet on this issue were extended to Mr. Martin and his legal counsel.

## **C. Legal Limitations on Connectivity**

The Project Site has access over Wal-Mart's driveway via an easement. No public access was required across Wal-Mart's Property at the time it developed, and Mr. Martin has not secured access rights over the Wal-Mart Property. Until Mr. Martin negotiates access with Wal-Mart or the City condemns an access and pedestrian easement, vehicles and pedestrians originating from the Martin Property or connecting between SW 72<sup>nd</sup> Avenue and SW Elmhurst Street do not have the legal ability to enter Wal-Mart's Property.

Although Base Camp already has an easement over Wal-Mart's Property, Base Camp has initiated negotiations with Wal-Mart to expand its existing easement and obtain public vehicular and pedestrian access over Wal-Mart's driveway. While we are optimistic that Wal-Mart may grant broader access rights, Base Camp has not yet obtained an agreement from Wal-Mart to provide such access. Further, the City cannot condition the Project's approval on obtaining easement rights for other property owners or the public across Wal-Mart's Property.

In the absence of access rights over the Wal-Mart Property, Base Camp is providing connectivity to the maximum extent it can. Base Camp is willing to provide access to the Martin Property over the Project Site and a public pedestrian access easement. However, due to the limitations in the Wal-Mart access easement, Base Camp cannot allow the public to access the Wal-Mart Property through the Property until such time as a public access easement is secured over the Wal-Mart Property.

Given these limitations, Base Camp will provide a public access easement at the time of development, but the easement is clear that the City must obtain a comparable public access

easement from Wal-Mart. As for the timing of when the trail is constructed, Base Camp sees two solutions:

1. At the time Wal-Mart access is secured by the City, Base Camp will construct the complete path.
2. In the alternative, Base Camp can construct the path at the time of development, but will either end the path short of the Wal-Mart property or will install signage or other barriers at the terminus of the path near the Wal-Mart property.

## **II. Wetlands and Drainage**

Mr. Martin raised concerns at the Commission hearing and in his submitted written materials that grading of the Project Site could change the flow of storm water in the areas surrounding the Project Site. Mr. Martin expressed concerns that wetlands could be created on his property (Tax Lot 100 and 401) through the diversion of storm water due to grading changes. The only change to the site relatively close to Tax Lot 401 is a small triangular landscaped area in the southwest corner of the Site (which occurs along approximately 66 feet or 13% of the south property line). All other areas adjacent to Tax Lot 401 slope downward and away from Tax Lot 401. As shown on Exhibit B, the final construction plans will move the trail to the north (curb tight) which will allow for more room on the Site to direct drainage further from Mr. Martin's property. This will ensure that runoff from Tax Lot 300 will not drain onto Tax Lot 401.

With regards to Tax Lot 100, as mentioned below, a substantial buffer of undisturbed ground is provided between the Site and Tax Lot 100. In addition, the Site will collect, detain, treat and release runoff from the development to the existing storm drainage system through an existing public storm drainage easement in the northwest corner of the Site. This buffer and storm drainage plan will ensure no additional drainage is discharged onto Tax Lot 100. The site also provides a stormwater Easement as shown on Exhibit C.

Mr. Martin also raised concerns regarding possible impacts to Tax Lot 100, which contains existing wetlands, and the accuracy of Base Camp's topographic maps of this area. As shown in the attached Service Provider Letter from Clean Water Services (Exhibit C), the Project will establish a 50-foot averaged buffer from the edge of the existing on-site and off-site wetland, as required by Chapter 3 of Clean Water Services Design and Construction Standards, 07-20, June 2007, amended August 2008. This buffer requires that Base Camp leave this area between the applicant's development and Tax Lot 100 intact. This buffer area will not be graded or disturbed and the existing topography will continue. While we believe that substantial evidence supports the accuracy of Base Camp's topographic information, any difference in opinion regarding the existing topography is immaterial, as this setback, which varies from 42 feet from the property

line at the building's northeast corner to 75 feet from the property line at the building's northwest corner, will not be disturbed as part of the Project.

Finally, Mr. Martin questions the accuracy of Base Camp's wetland report, and alleges that the Base Camp may have destroyed or created wetlands on the Project Site through grading activity. The applicant's natural resource assessment was completed by AKS Engineering's certified staff and was reviewed by Clean Water Services whereby CWS provided the applicant with a service provider letter. No wetlands were destroyed on the Project Site and none will be created through the planned grading. AKS Engineering is experienced in natural resources assessment and completed their natural resource related work in a professional manner.

### **III. Grading and Views**

The Project's tenant, a cancer treatment center, requires a flat site to accommodate a single-story building. The Site has a relatively steep grade and City staff expressed concerns early on regarding the Project's grading. To minimize the grading required while providing a flat enough site for the tenant's needs, Base Camp proposed to include higher retaining walls.

The design team considered many iterations and alternatives to the layout submitted, but the user parameters for the site are very specific. The alternatives involved grading concepts that are not graphic in nature. The applicant reviewed raising or lowering the building, increasing sloped areas within the parking field or drive aisles, and changing the building height. All of these considerations need to be balanced with access concerns for patients. Base Camp did not include alternatives that were not reasonable or not buildable.

Unlike the tall retaining walls of the other recent adjacent developments, the retaining walls proposed for the Project have the added benefit of protecting and enhancing views from 72<sup>nd</sup> Avenue while shielding views from adjacent properties (including the Martin Property) of the Project's parking lot. The walls also protect the adjacent property from storm water flows and erosion. The Project Site and surrounding lots are not within a protected view corridor and the retaining wall does not block any specifically protected views.

Additionally, Mr. Martin raised concerns about a "berm" created by some of the grading that could block views from the existing home on Tax Lot 401. Due to existing vegetation at the home, shown on Exhibit D and the elevation of Tax Lot 401, it does not appear that grading proposed for the Project would impact views. As noted above, the Project Site and surrounding lots are not within a protected view corridor. The proposed grading will not block any specifically protected views.

Gary Pagenstecher  
City of Tigard  
October 31, 2016  
Page 6

#### **IV. Conclusion**

The Project meets the criteria for approval of a Concept Plan under TMC Section 18.350.050. The Project demonstrates that street or alternative connectivity can be achieved for adjacent undeveloped properties.

Changes to the Property's topography will not increase the flows of water onto adjacent properties above the current baseline. Project grading will not impact the existing wetland features on Tax Lot 100 due to the CWS-approved buffer area in which grading will not occur. Finally, the Project's proposed retaining wall will shield views of the parking area and provide protection from stormwater and erosion.

We request that the Planning Commission approve the Concept Plan application for the Project as proposed.

Very truly yours,



Dana L. Krawczuk

DLK:dlk

### *Exhibit A: Connectivity*

Three feasible options for connectivity are provided.

Figure 1 shows the original street connectivity plan for a future extension of SW Elmhurst Street with a slight change to the profile. The original plan is discussed at length in the narrative. The change reduced the portion of the street that would have been over 12% (252 feet in original figure) to less than 12% (195.9 feet in revised figure)

Figure 2 shows an alternate alignment and profile for a future connection of SW Elmhurst Street which shows an alternative connection plan which provides a connection further south along the Walmart property. As this alignment would connect to a future north/south road taking off from Hermoso, this alignment would connect to that portion closer to Hermoso and thus higher in elevation lessening the slopes.

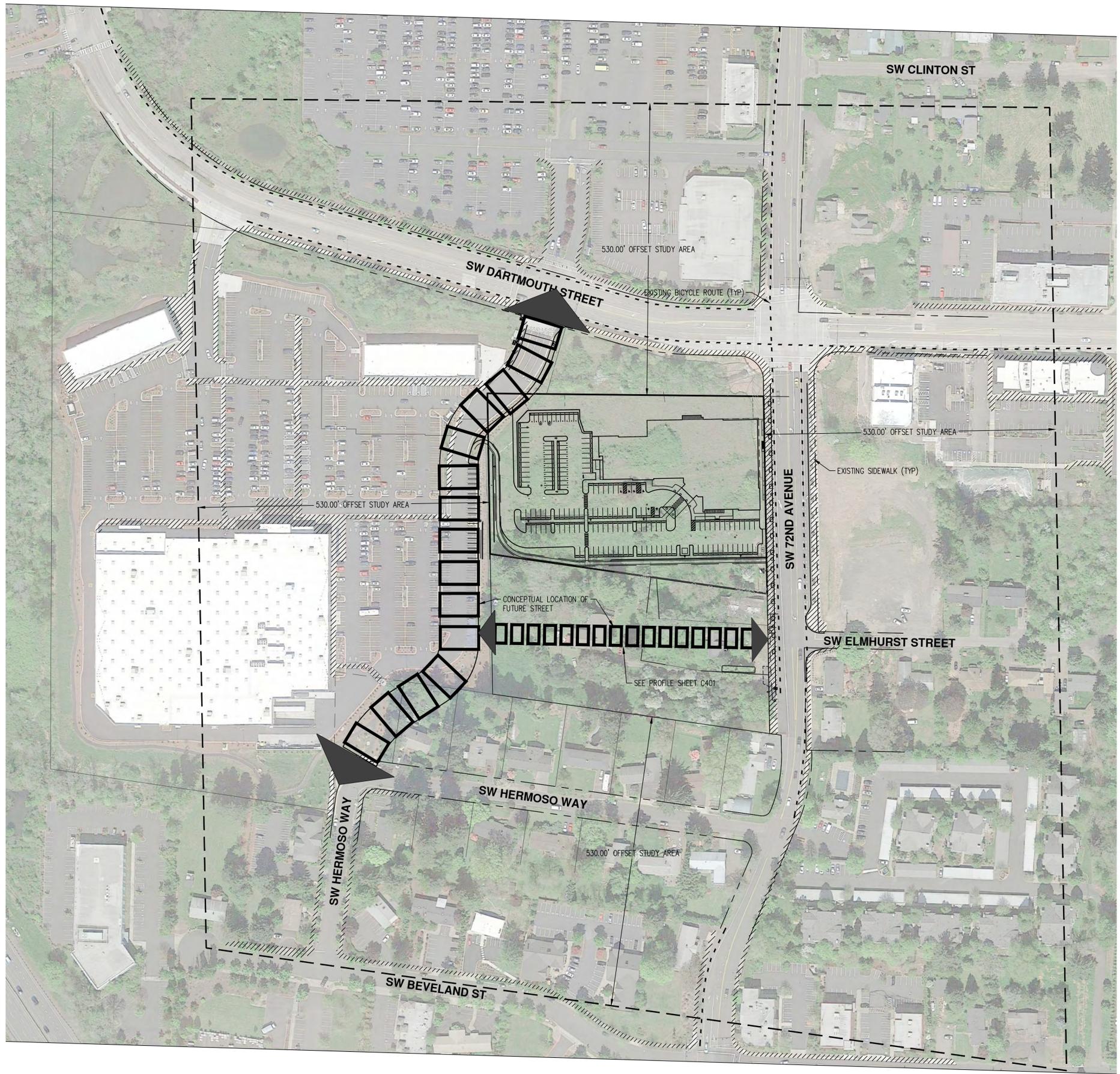
Figure 3 shows an option for connectivity by means of parking lots and driveways. This plan shows standard 24 foot wide drive aisles sufficient for delivery and fire trucks. This plan separates the access from the lower Wal-Mart parking lot elevations as such would provide more flexibility in designing a development to match existing ground elevations. Along with several potential pedestrian access ways, this plan provides a vehicular connection from 72<sup>nd</sup> Avenue to the southwest corner of the Site which is currently designed to match existing ground elevations.

Cross section C1 shows a cross-section of the proposed improvements from north to south through the proposed parking lot. This cross-section looks to the east towards SW 72nd Avenue.

Cross section E1 shows a cross-section of the proposed improvements from north to south through the proposed building and parking lot. This cross-section looks to the east towards Wal-Mart.

Cross section H1 shows a cross-section of the proposed improvements from west to east through the proposed parking lot. This cross-section looks to the North towards SW Dartmouth Street.

AKS DRAWING FILE: 4762 C400 FUTURE STREETS/LAYOUT: CONCEPT FUTURE STREET PLAN



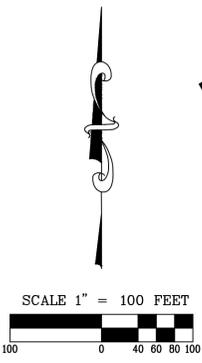
**LEGEND**

EXISTING BICYCLE ROUTES      - - - - -

EXISTING SIDEWALK            ▨ ▨ ▨ ▨ ▨

CONCEPTUAL FUTURE STREET LOCATION      ← ▣ ▣ ▣ ▣ ▣ →

NOTE: NO BUS ROUTES, PULLOUTS, OR OTHER TRANSIT FACILITIES WITHIN STUDY AREA



**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
 17980 SW HEWMAN RD STE 100  
 TIGARD, OR 97146  
 P: 503.663.6151  
 F: 503.663.6152  
 aks-eng.com

**TRIANGLE MEDICAL OFFICE BUILDING**  
**TIGARD OREGON**  
 WASHINGTON COUNTY TAX MAP 251018A  
 TAX LOT 300

**CONCEPT FUTURE STREET PLAN**

DESIGNED BY: CAK  
 DRAWN BY: CAK  
 CHECKED BY: CEG  
 SCALE: AS NOTED  
 DATE: 6/30/2016



REVISIONS:

JOB NUMBER  
**4762**

SHEET  
**C400**

**TRIANGLE MEDICAL  
 OFFICE BUILDING**

OREGON  
 WASHINGTON COUNTY TAX MAP 25107BA

TIGARD  
 TAX LOT 300

**CONCEPT FUTURE STREET  
 PROFILE**

DESIGNED BY: CAK  
 DRAWN BY: CAK  
 CHECKED BY: CEG  
 SCALE: AS NOTED

DATE: 6/30/2016

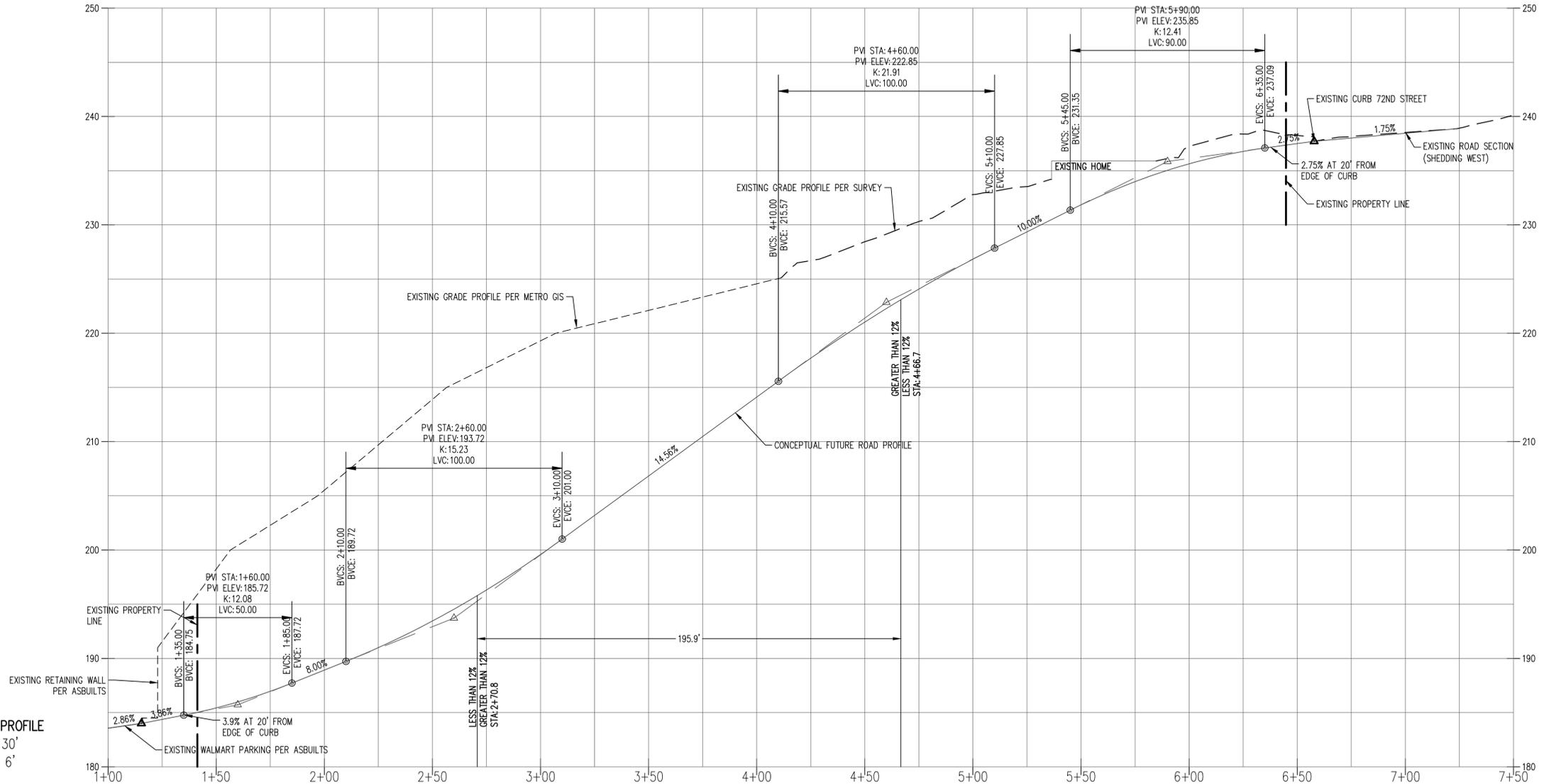
REGISTERED PROFESSIONAL ENGINEER  
 STATE OF OREGON  
**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**  
 REnews: JUNE 30, 2017

REVISIONS

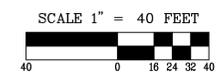
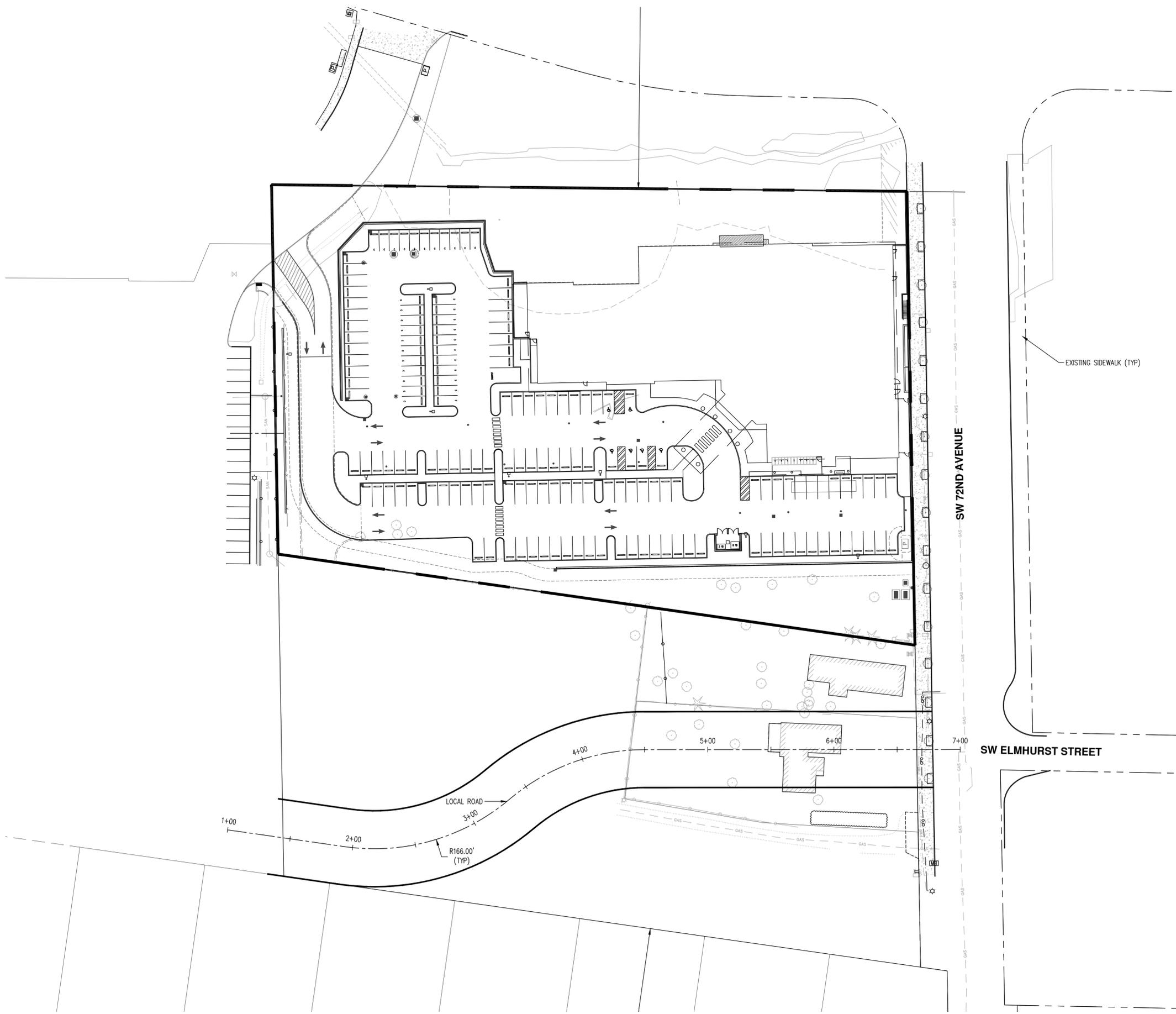
JOB NUMBER  
 4762

SHEET  
**C401**

**FUTURE STREET PROFILE**  
 Hor. Scale: 1" = 30'  
 Vert. Scale: 1" = 6'



AKS DRAWING FILE: 4762\_C3B\_ALTERNATE\_CONNECTIVITY\_PLANDWG | LAYOUT: CONCEPT FUTURE STREET PLAN



**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
 17390 SW HEWMAN RD STE 100  
 TIGARD, OR 97146  
 P: 503.663.6151  
 F: 503.663.6152  
 aks-eng.com

**TRIANGLE MEDICAL  
 OFFICE BUILDING**  
**TIGARD**  
 TAX LOT 300

**ALTERNATIVE STREET  
 CONNECTIVITY PLAN**

DESIGNED BY: CAK  
 DRAWN BY: CAK  
 CHECKED BY: CEG  
 SCALE: AS NOTED  
 DATE: 6/30/2016

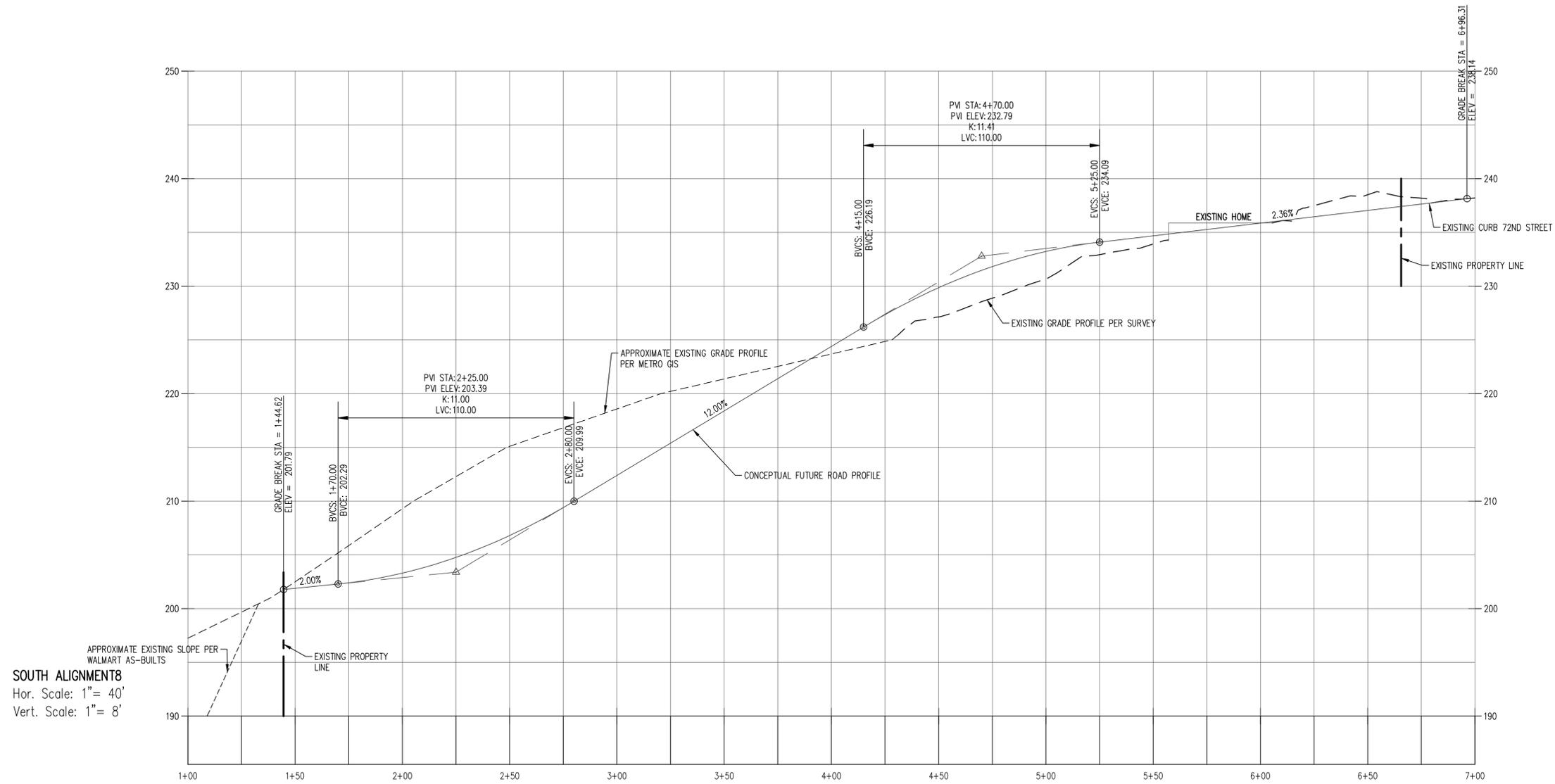
**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

REVISIONS


JOB NUMBER  
**4762**  
 SHEET  
**C2A**

ENGINEERING · SURVEYING · NATURAL RESOURCES  
 FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

OREGON  
 WASHINGTON COUNTY TAX MAP 25101BA



**TRIANGLE MEDICAL  
 OFFICE BUILDING**  
**TIGARD**  
 TAX LOT 300  
**OREGON**  
 WASHINGTON COUNTY TAX MAP 25107BA

**ALTERNATIVE STREET  
 CONNECTIVITY PROFILE**

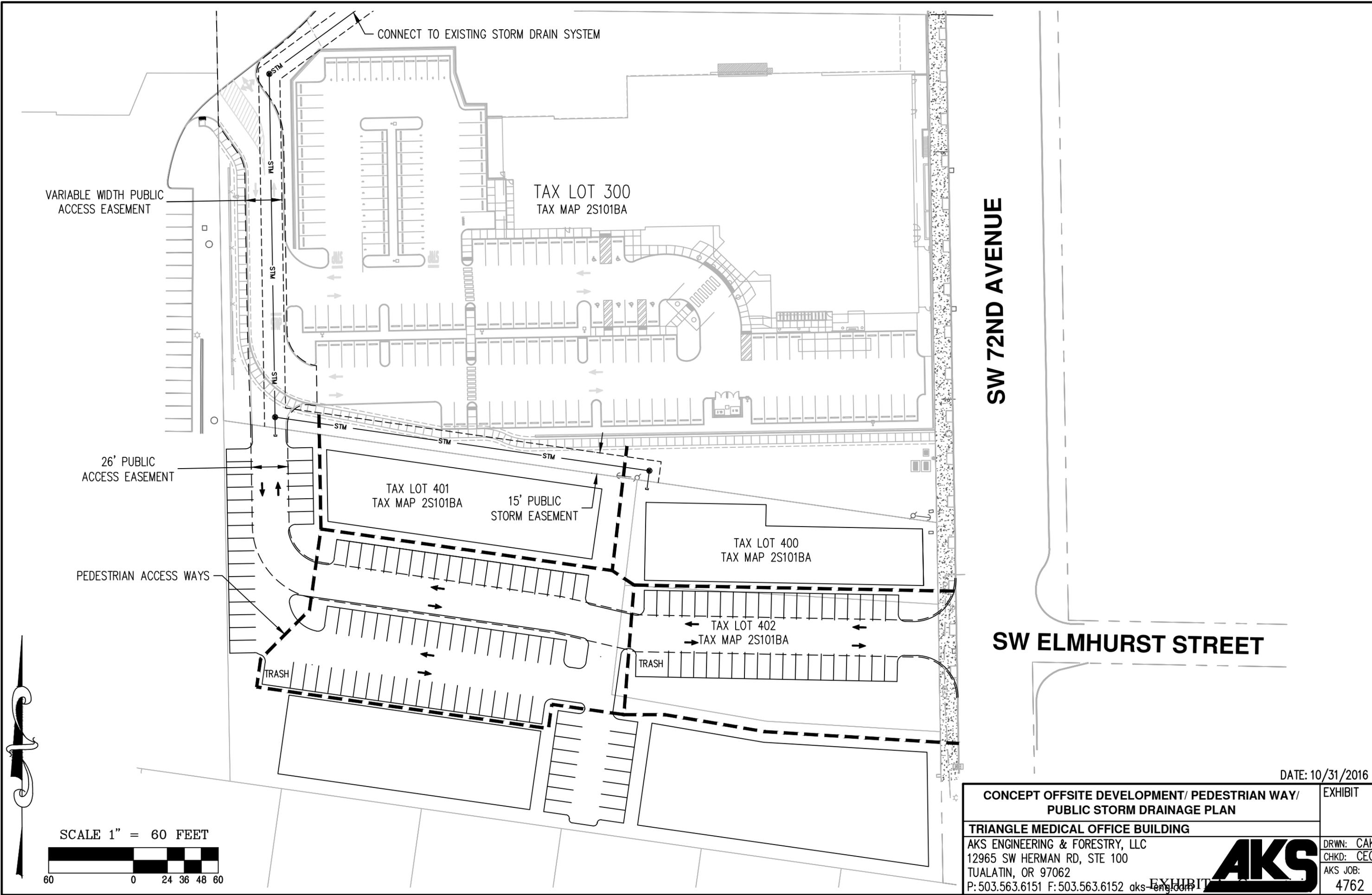
DESIGNED BY: CAK  
 DRAWN BY: CAK  
 CHECKED BY: CEG  
 SCALE: AS NOTED  
 DATE: 6/30/2016

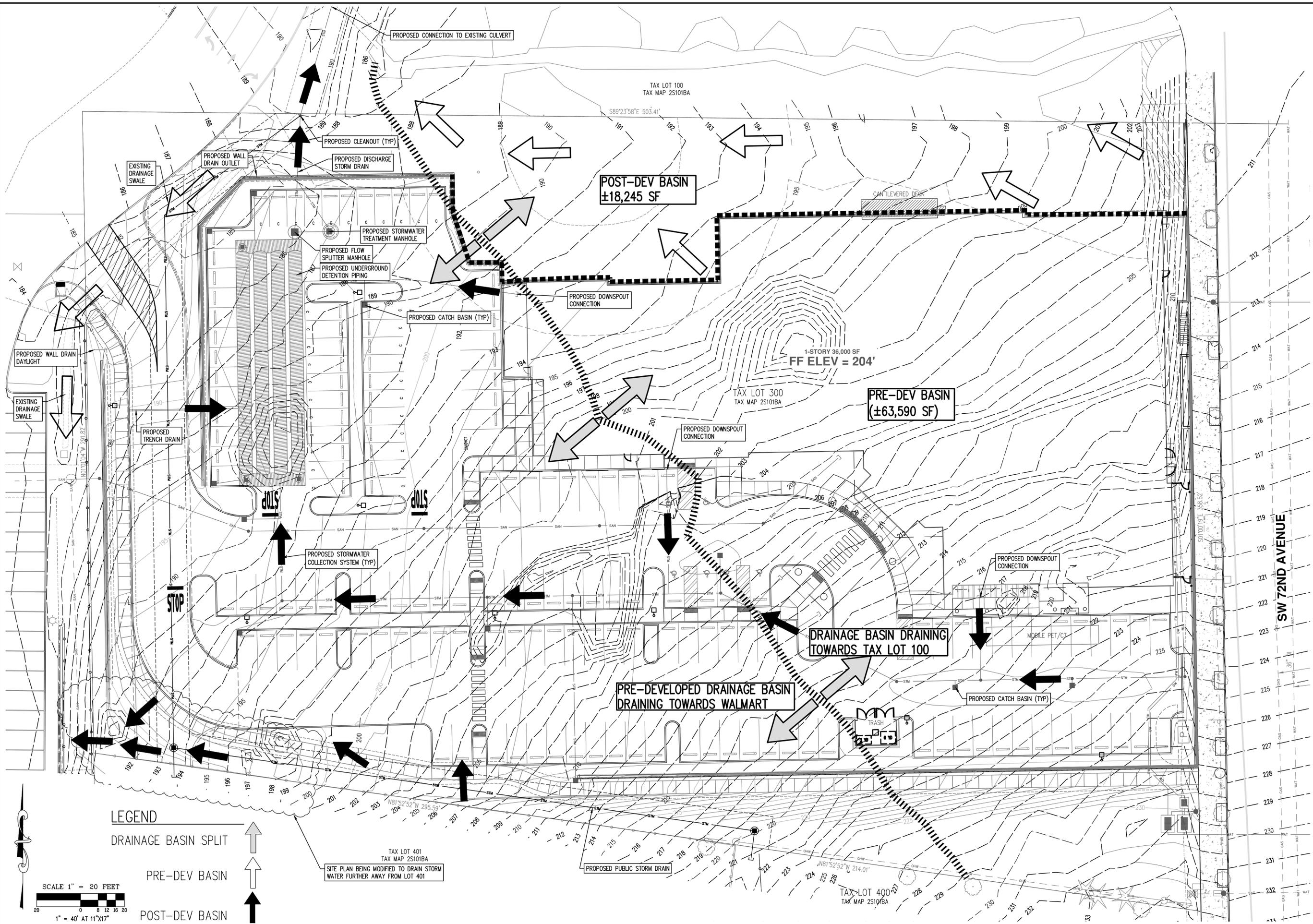
**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

REVISIONS

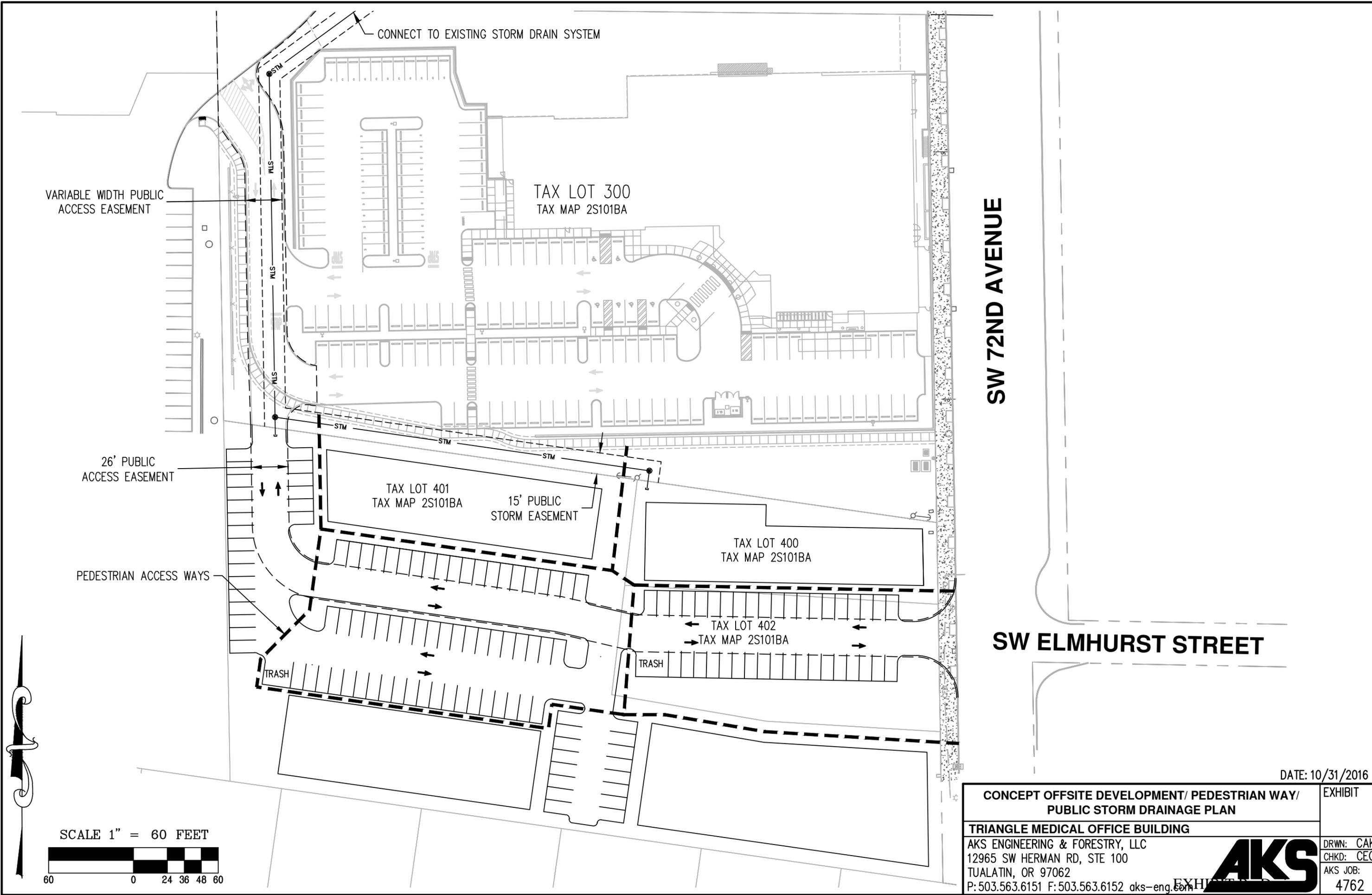
JOB NUMBER  
**4762**

SHEET  
**C2B**





AKS DRAWING FILE: 4762\_C200\_STM-BASIN\_EXHIBIT.DWG | LAYOUT: PRELIMINARY STORM DRAINAGE PLAN



SCALE 1" = 60 FEET



DATE: 10/31/2016

<p>CONCEPT OFFSITE DEVELOPMENT/ PEDESTRIAN WAY/ PUBLIC STORM DRAINAGE PLAN</p>	<p>EXHIBIT</p>
<p><b>TRIANGLE MEDICAL OFFICE BUILDING</b></p>	
<p>AKS ENGINEERING &amp; FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com</p>	
<p>DRWN: CAK CHKD: CEG AKS JOB: 4762</p>	

## Service Provider Letter

This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 07-20).

Jurisdiction: Tigard Review Type: Tier 2 Analysis  
 Site Address: 12105 SW 72nd AVE SPL Issue Date: June 08, 2016  
 / Location: Tigard, OR 97223 SPL Expiration Date: June 08, 2018

**Applicant Information:**

Name: \_\_\_\_\_  
 Company: BASE CAMP 1, LLC  
 Address: 1399 FRANKLIN BLVD  
EUGENE, OR 97403  
 Phone/Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**Owner Information:**

Name: JUSTIN STANDLEY  
 Company: CLACKAMAS  
 Address: SUITE 100  
 Phone/Fax: (503) 563-6151  
 E-mail: aks@aks-eng.com

**Tax lot ID**

**Development Activity**

2S101BA00402,  
2S101BA00300,  
2S101BA00400

Triangle Medical Office Building

**Pre-Development Site Conditions:**

**Post Development Site Conditions:**

Sensitive Area Present:  On-Site  Off-Site  
 Vegetated Corridor Width: 50  
 Vegetated Corridor Condition: Degraded

Sensitive Area Present:  On-Site  Off-Site  
 Vegetated Corridor Width: Variable

Enhancement of Remaining  
 Vegetated Corridor Required:

Square Footage to be enhanced: 14,375

**Encroachments into Pre-Development Vegetated Corridor:**

Type and location of Encroachment:	Square Footage:
<u>Building and parking (Permanent Encroachment; Mitigation Required)</u>	<u>5,227</u>
<u>Construction access (Temporary Encroachment; Mitigation/Planting-in-place)</u>	<u>2,178</u>

**Mitigation Requirements:**

Type/Location	Sq. Ft./Ratio/Cost
<u>On-site/ 2S101BA00300</u>	<u>1,743/ 1:1</u>
<u>Off-site/ 1N206CB04000 (A separate easement for the VC mitigation area will be required)</u>	<u>5,226</u>
<u>Public Benefit Mitigation/ Off-site/ 1N206CB04000 (A separate easement for the VC mitigation area will be required)</u>	<u>1,800</u>

Conditions Attached  Development Figures Attached (5)  Planting Plan Attached  Geotech Report Required

**This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.**

## TIER 2 ALTERNATIVES ANALYSIS CRITERIA

The proposed project will result in encroachment exceeding 30% of the depth of the 50-foot wide vegetated corridor, requiring a Tier 2 Alternatives Analysis. The project will meet all of the Tier 2 criteria outlined in CWS' R&O Design and Construction Standards. Details are described below.

### *3.07.4.c.1 The proposed encroachment area is mitigated in accordance with Section 3.08.*

The project requires mitigation for a total of 0.12 acres of permanent vegetated corridor impact. To mitigate for the impacts, the applicant is proposing 0.04 acres of on-site replacement vegetated corridor mitigation (at 1:1 replacement ratio). The existing condition of the replacement mitigation area is in *degraded* condition and will be enhanced to *good* condition, per the attached Vegetated Corridor Enhancement Planting Specification Tables (Appendix E).

The project will require 0.12 acres (5,226 square feet) of off-site replacement vegetated corridor mitigation (based on 1.5:1 off-site replacement ratio). The off-site mitigation area is located at the McKay Fields site, which is situated off of West Union Road in North Plains (see attached Figure 10). The off-site replacement mitigation area is located continuous and adjacent to an existing 50-foot wide vegetated corridor associated with McKay Creek, previously permitted under CWS File No. 2013-001827. The mitigation meets the requirements set forth in Section 3.08 of CWS' R&O Design and Construction Standards. The off-site mitigation area includes approximately 1,800 square feet of additional mitigation area to serve as public benefit mitigation.

### *3.07.4.c.2 The replacement mitigation protects the functions and values of the Vegetated Corridor and Sensitive Area.*

The on-site and off-site replacement mitigation areas are continuous with the existing 50-foot vegetated corridor. The existing condition of the on-site replacement mitigation area was determined to be in *degraded* condition. The installation of native trees and shrubs will increase structural diversity, resulting in increased functional capacities. The native plantings will also provide thermal regulation to the water temperature in the nearby tributary to Red Rock Creek (onsite) and McKay Creek (offsite), as well as create riparian habitat and nutrient recycling for the organisms in the riparian areas. Therefore, the replacement mitigation proposed would protect as well as improve the functions and values of the vegetated corridor and the associated sensitive areas.

### *3.07.4.c.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 site will have approximately 0.33 acres of remaining on-site *degraded* condition vegetated corridor. The remaining 0.33 acres, in addition to the 0.04 acres of on-site replacement vegetated corridor mitigation area, will be enhanced to *good* condition, per CWS standards, per the attached Planting Specification Tables (Appendix E). The Site Plan also includes planting the 0.05 acres of temporarily disturbed vegetated corridor to *good* condition.

### *3.07.4.c.5 Location of development and site planning minimizes incursion into the Vegetated Corridor.*

The proposed layout provides the least amount of vegetated corridor impact possible while achieving the project's goals. The City is requiring a sidewalk through the site to provide pedestrian connectivity from SW Dartmouth Street to SW 72nd Avenue. Due to topographic constraints, the location of the sidewalk requires the building to be moved to the north, closer to the vegetated corridor. Site topography also pushes the building location towards the northern, flatter portion of the site, as the City is requiring the building entrance to be at street grade. The Project Architect incorporated an undesirable jag into the building to reduce vegetated corridor encroachment closest to the on-site wetland boundary. The remaining encroachment from the building is necessary to accommodate the minimum building size. Retaining walls have been incorporated to minimize vegetated corridor encroachment. The applicant reduced the size of the proposed parking area and shifted the building to the south in order to maintain a minimum 25-foot wide vegetated corridor. Therefore, the proposed Site Plan provides the least practical incursion into vegetated corridor.

### *3.07.4.c.6 No practicable alternative to the location of the development exists that will not disturb the Sensitive Area or Vegetated Corridor.*

There is no practical alternative layout that would avoid vegetated corridor encroachment. The medical building requires a one-story facility. The applicant has specific requirements regarding level parking for patients and staff, with the minimal acceptable parking shown on the Site Plan and optimal parking levels exceeding that amount. In addition to the applicant's expressed parking requirements, it is the expert opinion of the Project Architect, who has designed multiple buildings for the specific type of medical use proposed, that the number of parking spaces shown are the minimum required for this type of user. Substantial (both in length and height) retaining walls at the top and bottom of the site have been incorporated to minimize vegetated corridor encroachment.

*3.07.4.c.7 The proposed encroachment provides public benefits.*

The Site Plan includes 1,800 square feet of additional public benefit vegetated corridor area located continuous and adjacent to the existing 50-foot wide vegetated corridor at the McKay Fields site. The location of the public benefit area is shown on attached Figure 10. According to the property owner, the public benefit mitigation area has already been enhanced to *good* condition. The addition of enhanced riparian buffer area adjacent to McKay Creek and wetlands will provide a net water quality public benefit.

**In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:**

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 07-20, Chapter 3.
2. **Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 07-20, Section 3.06.1 and per approved plans.**
3. **If there is any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. **Prior to ground disturbance an erosion control permit is required. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.**
6. Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.
7. Activities located within the 100-year floodplain shall comply with R&O 07-20, Section 5.10.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. If applicable, the water quality facility shall be planted with Clean Water Services approved native species, and designed to blend into the natural surroundings.
10. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

**SPECIAL CONDITIONS**

11. The Vegetated Corridor width for sensitive areas within the project site shall be a minimum of 50 feet wide, as measured horizontally from the delineated boundary of the sensitive area.
12. For Vegetated Corridors up to 50 feet wide, the applicant shall enhance the entire Vegetated Corridor to meet or exceed good corridor condition as defined in R&O 07-20, Section 3.14.2, Table 3-3.
13. Prior to any site clearing, grading or construction, the applicant shall provide Clean Water Services with a Vegetated Corridor enhancement/restoration plan. Enhancement/restoration of the Vegetated Corridor shall be provided in accordance with R&O 07-20, Appendix A.
14. Prior to installation of plant materials, all invasive vegetation within the Vegetated Corridor shall be removed per methods described in Clean Water Services' Integrated Pest Management Plan. During removal of invasive vegetation care shall be taken to minimize impacts to existing native tree and shrub species.

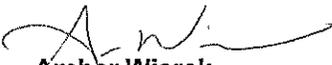
- 15. Clean Water Services shall be notified 72 hours prior to the start and completion of enhancement/restoration activities. Enhancement/restoration activities shall comply with the guidelines provided in Landscape Requirements (R&O 07-20, Appendix A).
- 16. **Maintenance and monitoring requirements shall comply with R&O 07-20, Section 2.11.2. If at any time during the warranty period the landscaping falls below the 80% survival level, the owner shall reinstall all deficient planting at the next appropriate planting opportunity and the two-year maintenance period shall begin again from the date of replanting.**
- 17. **Performance assurances for the Vegetated Corridor shall comply with R&O 07-20, Section 2.06.2, Table 2-1 and Section 2.10, Table 2-2.**
- 18. **Clean Water Services will require an easement over the on-site Vegetated Corridor and the mitigated Vegetated Corridor on tax lot 1N206CB04000 conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.**

**FINAL PLANS**

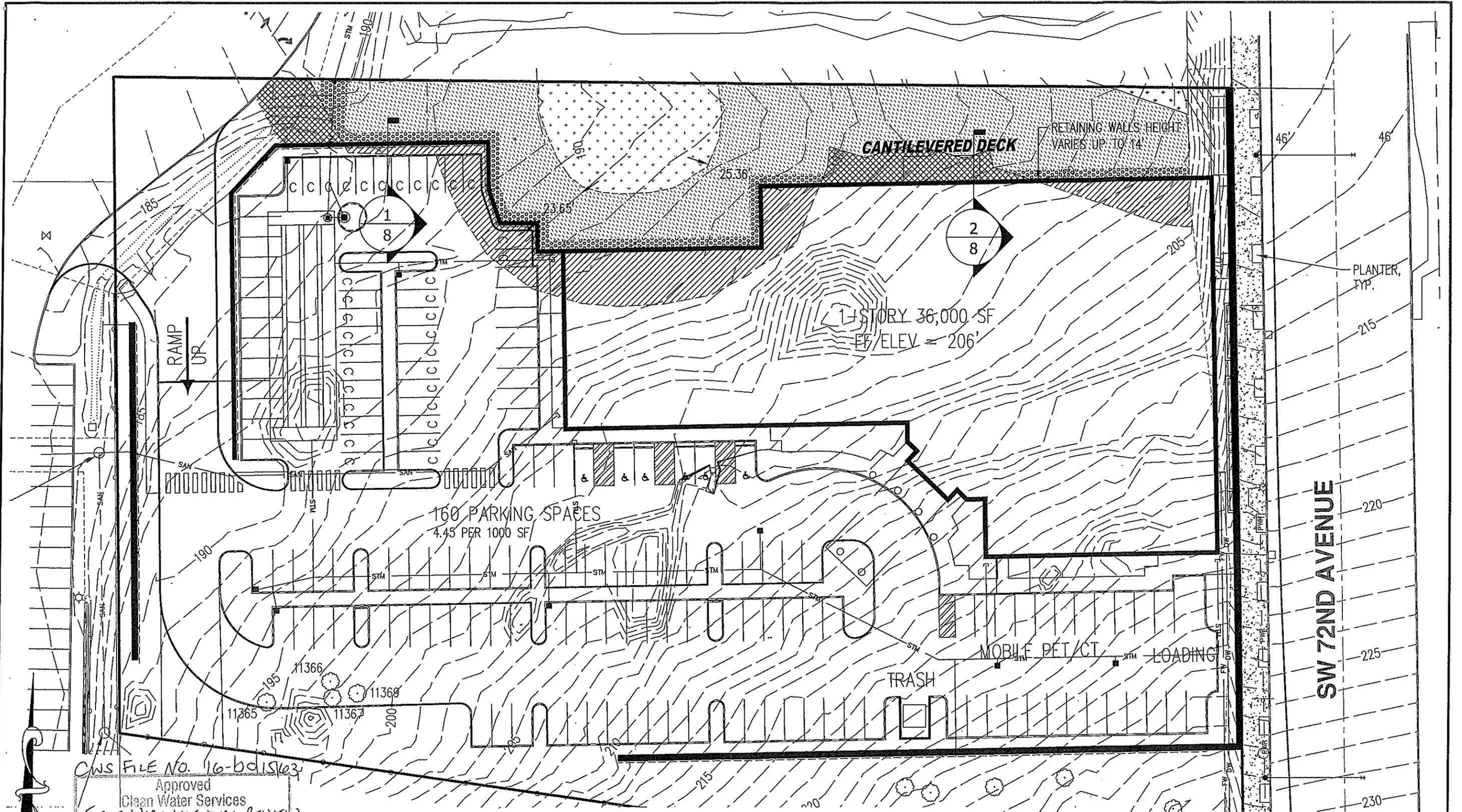
- 19. **Final construction plans shall include landscape plans.** In the details section of the plans, a description of the methods for removal and control of exotic species, location, distribution, condition and size of plantings, existing plants and trees to be preserved, and installation methods for plant materials is required. Plantings shall be tagged for dormant season identification and shall remain on plant material after planting for monitoring purposes.
- 20. **A Maintenance Plan shall be included on final plans** including methods, responsible party contact information, and dates (minimum two times per year, by June 1 and September 30).
- 21. **Final construction plans shall clearly depict the location and dimensions of the sensitive area and the Vegetated Corridor** (indicating good, marginal, or degraded condition). Sensitive area boundaries shall be marked in the field.
- 22. Protection of the Vegetated Corridors and associated sensitive areas shall be provided by the installation of permanent fencing and signage between the development and the outer limits of the Vegetated Corridors. **Fencing and signage details to be included on final construction plans.**

**This Service Provider Letter is not valid unless CWS-approved site plan is attached.**

Please call (503) 681-3653 with any questions.

  
**Amber Wierck**  
 Environmental Plan Review

**Attachments (5)**



CWS FILE NO. 16-00151023  
 Approved  
 Clean Water Services  
 FOR ENVIRONMENTAL REVIEW  
 By AW Date 6/8/16

SPL ATTACHMENT 1 OF 5  
 SCALE 1" = 40 FEET

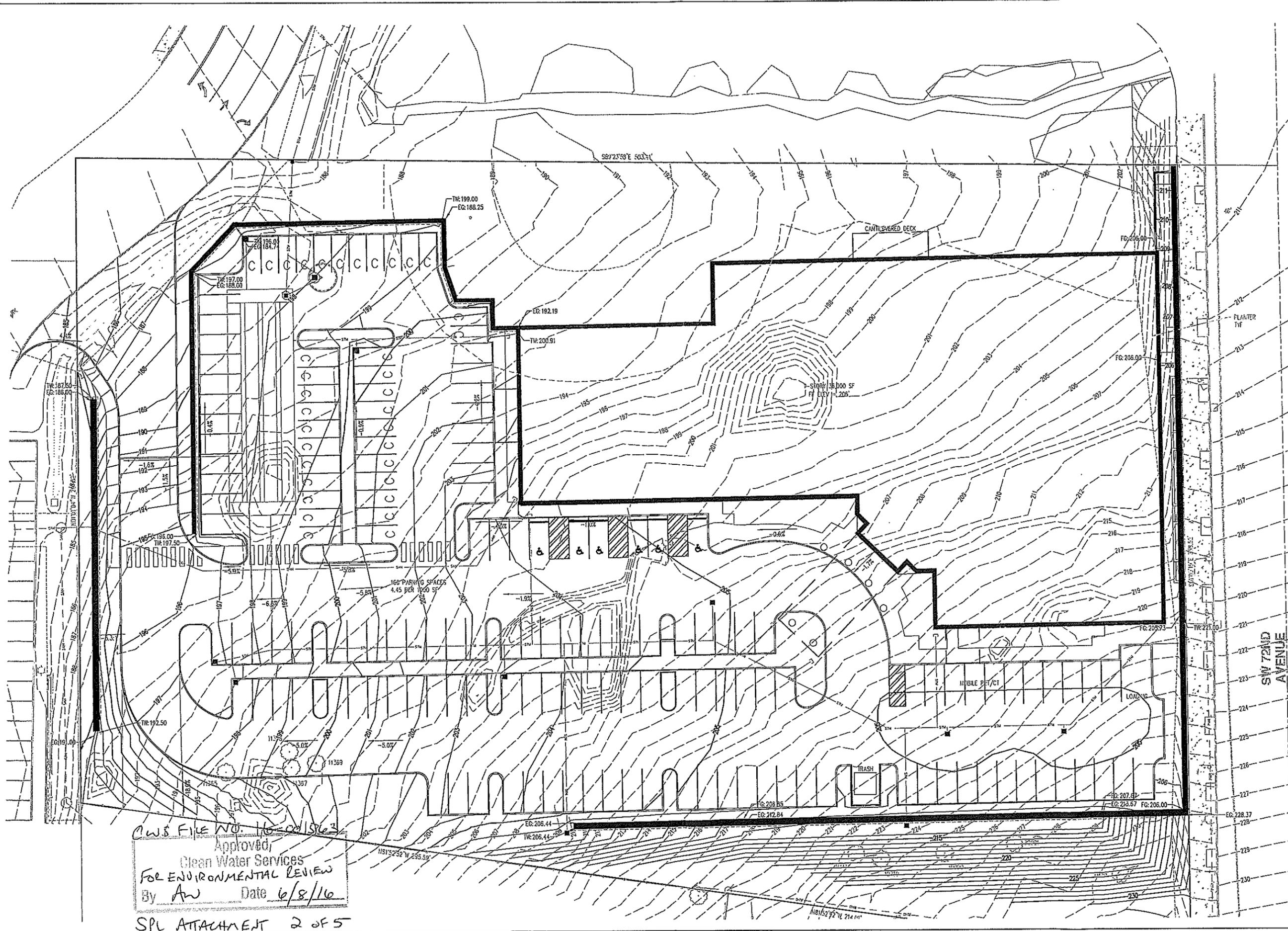


-  PERMANENT VEGETATED CORRIDOR IMPACT AREA = 0.12 ACRES
-  VEGETATED CORRIDOR ENHANCEMENT AREA = 0.33 ACRES TO BE PLANTED TO GOOD CONDITION PER ATTACHED PLANTING SPECIFICATION TABLE

-  VEGETATED CORRIDOR MITIGATION AREA = 0.04 ACRES TO BE PLANTED TO GOOD CONDITIONS PER ATTACHED PLANTING SPECIFICATION TABLE
-  TEMPORARY VEGETATED CORRIDOR IMPACT AREA = 0.05 ACRES TO BE REPLACED TO GOOD CONDITION PER ATTACHED PLANTING SPECIFICATION TABLE

DATE: 4/21/2016

SITE PLAN	FIGURE
TRIANGLE MEDICAL OFFICE BUILDING	6
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com	DRWN: CAK CHKD: CEG AKS JOB: 4762



CWS FILE NO. 16-CWS163  
 Approved  
 Clean Water Services  
 FOR ENVIRONMENTAL REVIEW  
 By *AW* Date *6/8/16*  
 SPL ATTACHMENT 2 OF 5

**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
 12065 SW HERMAN RD STE 100  
 TUALATIN, OR 97062  
 P: 503.563.6151  
 F: 503.563.6152  
 aks-eng.com

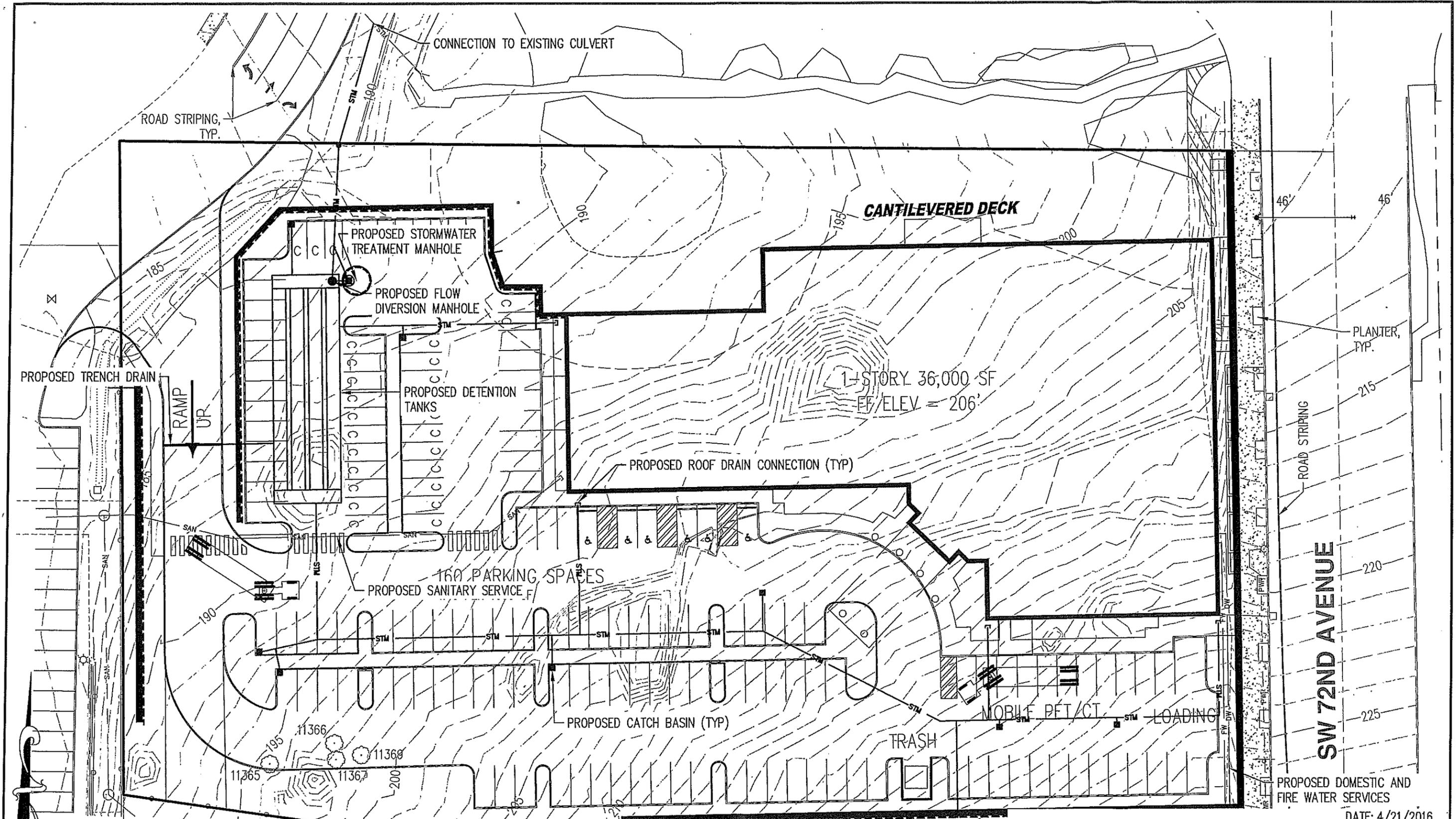
**TRIANGLE MEDICAL  
 OFFICE BUILDING**  
 TIGARD OREGON  
 WASHINGTON COUNTY TAX MAP 25101A  
 TAX LOT 300

**PRELIMINARY GRADING  
 PLAN**

DESIGNED BY: CAK  
 DRAWN BY: CAK  
 CHECKED BY: CEG  
 SCALE: AS NOTED  
 DATE: 4/22/2016

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

REVISIONS  
 JOB NUMBER  
 4762  
 SHEET  
**C070**



SW 72ND AVENUE

PROPOSED DOMESTIC AND FIRE WATER SERVICES

DATE: 4/21/2016

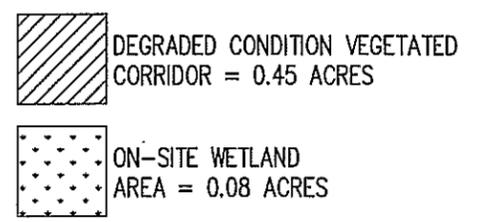
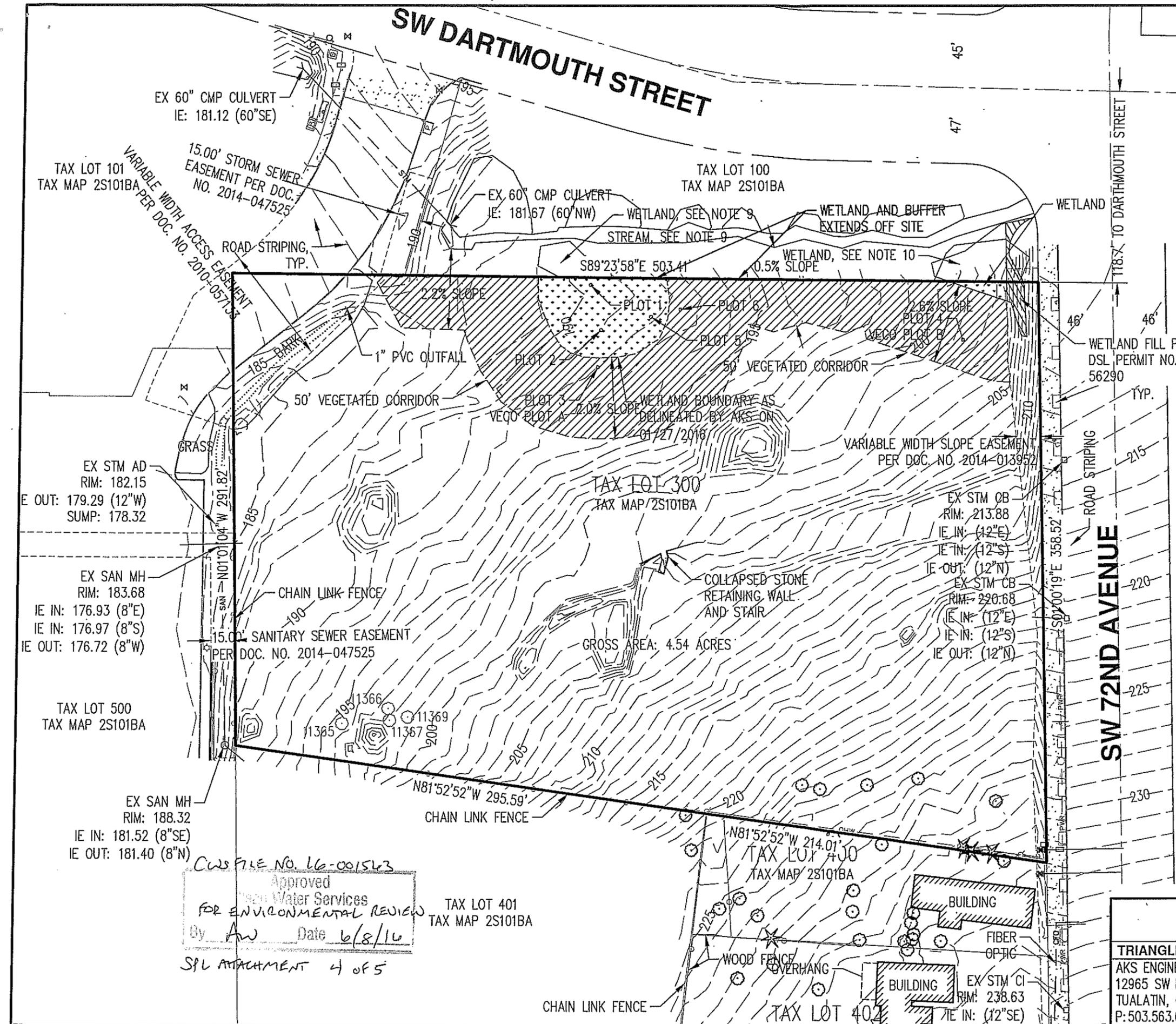
SCALE 1" = 20 FEET



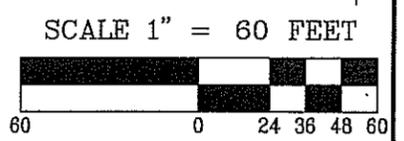
CWS FILE NO. 16-0015673  
 Approved  
 Clean Water Services  
 FOR ENVIRONMENTAL REVIEW  
 By AW Date 6/8/16

PRELIMINARY STORMWATER PLAN		FIGURE
TRIANGLE MEDICAL OFFICE BUILDING		9
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: CAK CHKD: CEG AKS JOB: 4762





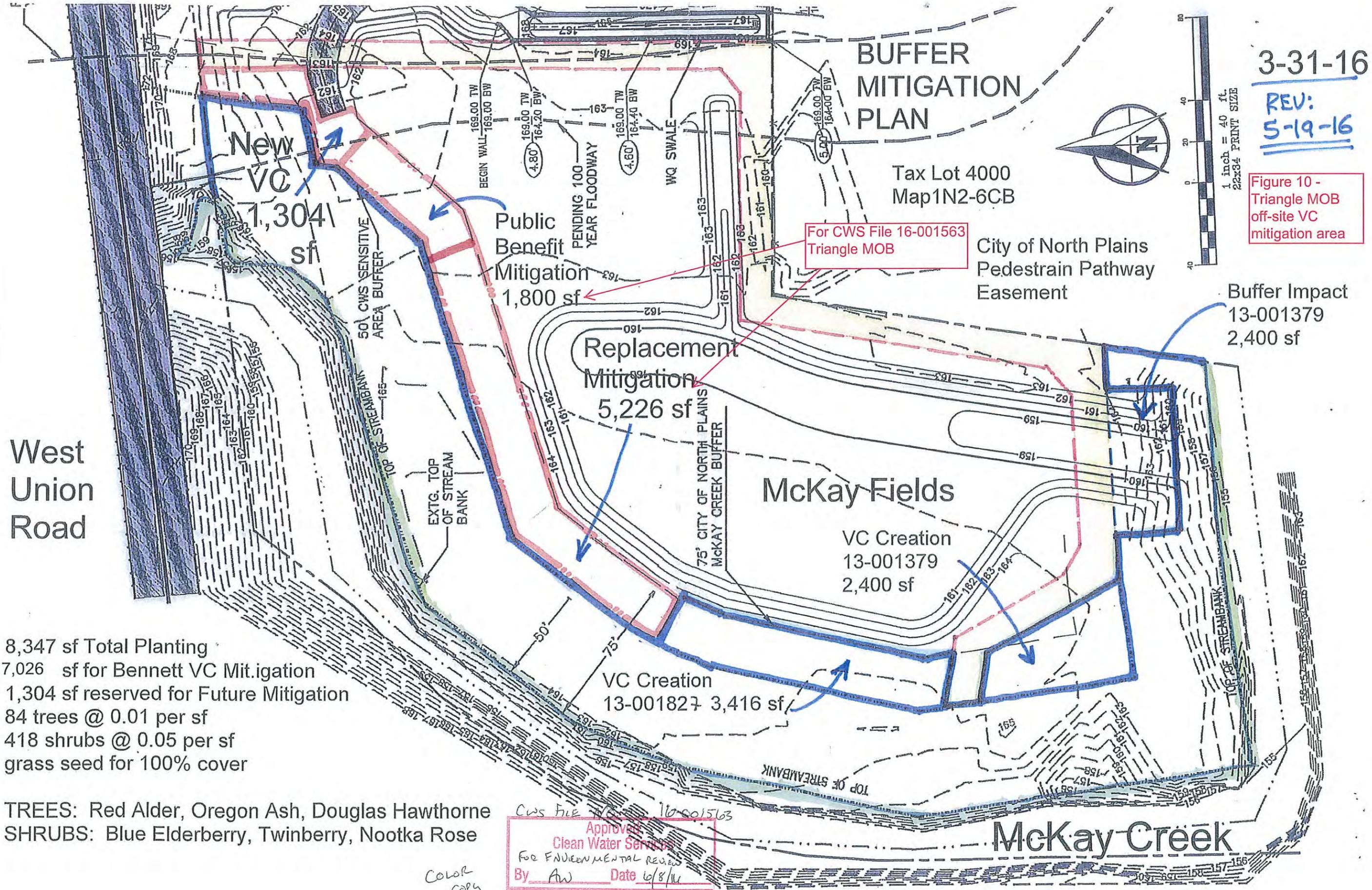
- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS PER UTILITY LOCATE TICKET NUMBERS 16001505, 16001506 AND 16001507. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
  - FIELD WORK WAS CONDUCTED JANUARY 5-11, 2016.
  - VERTICAL DATUM: ELEVATIONS ARE BASED ON CITY OF TIGARD DATUM, PER CITY OF TIGARD BENCHMARK NO. 252 AT THE SE CORNER OF 72ND AVENUE AND HAMPTON STREET WITH AN ELEVATION OF 222.84 FEET.
  - THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
  - SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
  - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
  - CONTOUR INTERVAL IS 1 FOOT.
  - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.
  - STREAM AND WETLAND BOUNDARIES AS SHOWN WERE DIGITIZED BY AKS ENGINEERING & FORESTRY, LLC. FROM DSL WD# 2013-0373, DATED MARCH 14, 2014.
  - WETLAND BOUNDARIES AS SHOWN WERE DIGITIZED BY AKS FROM DSL WD# 2014-0158, DATED JUNE 13, 2014.



CWS FILE NO. 16-001563  
 Approved  
 Water Services  
 FOR ENVIRONMENTAL REVIEW  
 By *AW* Date *6/8/16*  
 SPL ATTACHMENT 4 OF 5

TAX LOT 401  
 TAX MAP 2S101BA

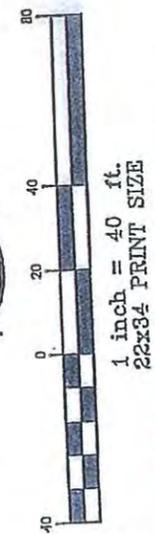
EXISTING CONDITIONS PLAN		FIGURE
TRIANGLE MEDICAL OFFICE BUILDING		5
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: CAK CHKD: CEG AKS JOB: 4762



3-31-16

REV: 5-19-16

Figure 10 - Triangle MOB off-site VC mitigation area



**BUFFER MITIGATION PLAN**

Tax Lot 4000  
Map1N2-6CB

For CWS File 16-001563  
Triangle MOB

City of North Plains  
Pedestrian Pathway  
Easement

Buffer Impact  
13-001379  
2,400 sf

West  
Union  
Road

8,347 sf Total Planting  
7,026 sf for Bennett VC Mitigation  
1,304 sf reserved for Future Mitigation  
84 trees @ 0.01 per sf  
418 shrubs @ 0.05 per sf  
grass seed for 100% cover

TREES: Red Alder, Oregon Ash, Douglas Hawthorne  
SHRUBS: Blue Elderberry, Twinberry, Nootka Rose

CWS File 16-001563  
Approved  
Clean Water Services  
For ENVIRONMENTAL REVIEW  
By Aw Date 6/8/16

Color  
copy

SPL ATTACHMENT 5 of 5

McKay Creek

*Exhibit D: Grading and Site Design*

The blue arrows shown on Figure 1 mark the approximately 259-foot property line shared by Tax Lot 300 (the Project Site) and Tax Lot 401 (Mr. Martin's Property which contains the existing residence). The red arrows shown on Figure 1 indicate the area of proposed grading which will elevate Tax Lot 300 above its current grade by approximately six feet in this location, or to between 196 and 200 feet in elevation. This area is referred to in Mr. Martin's letters as the "earthen berm." A berm is not specifically being created, but the effect of a higher elevation could be interpreted as a "berm." Mr. Martin expressed concerns that this elevation change will disrupt historic views from the existing home on Tax Lot 401.

This will not occur because the existing home on Tax Lot 401 appears to be at an elevation of approximately 220 feet, or twenty feet above the top of the proposed "berm" area. Thus, while the view of the property line itself might appear to be higher from this location, any views beyond the edge of the property line (which were not specified by Mr. Martin), would not be altered by the proposed grading. As shown on Figure 2, the Property line and proposed grading area are approximately 150 feet from the existing home and extensive vegetation exists in this 150-foot area, which may already impede views. Figure 3 shows the view of Tax Lot 401 from Tax Lot 300, with similarly dense vegetation.

Approx 80' Section

Approximately  
150 Feet to area  
of "Berm"

Pro

oints on the ground

80.89 Feet

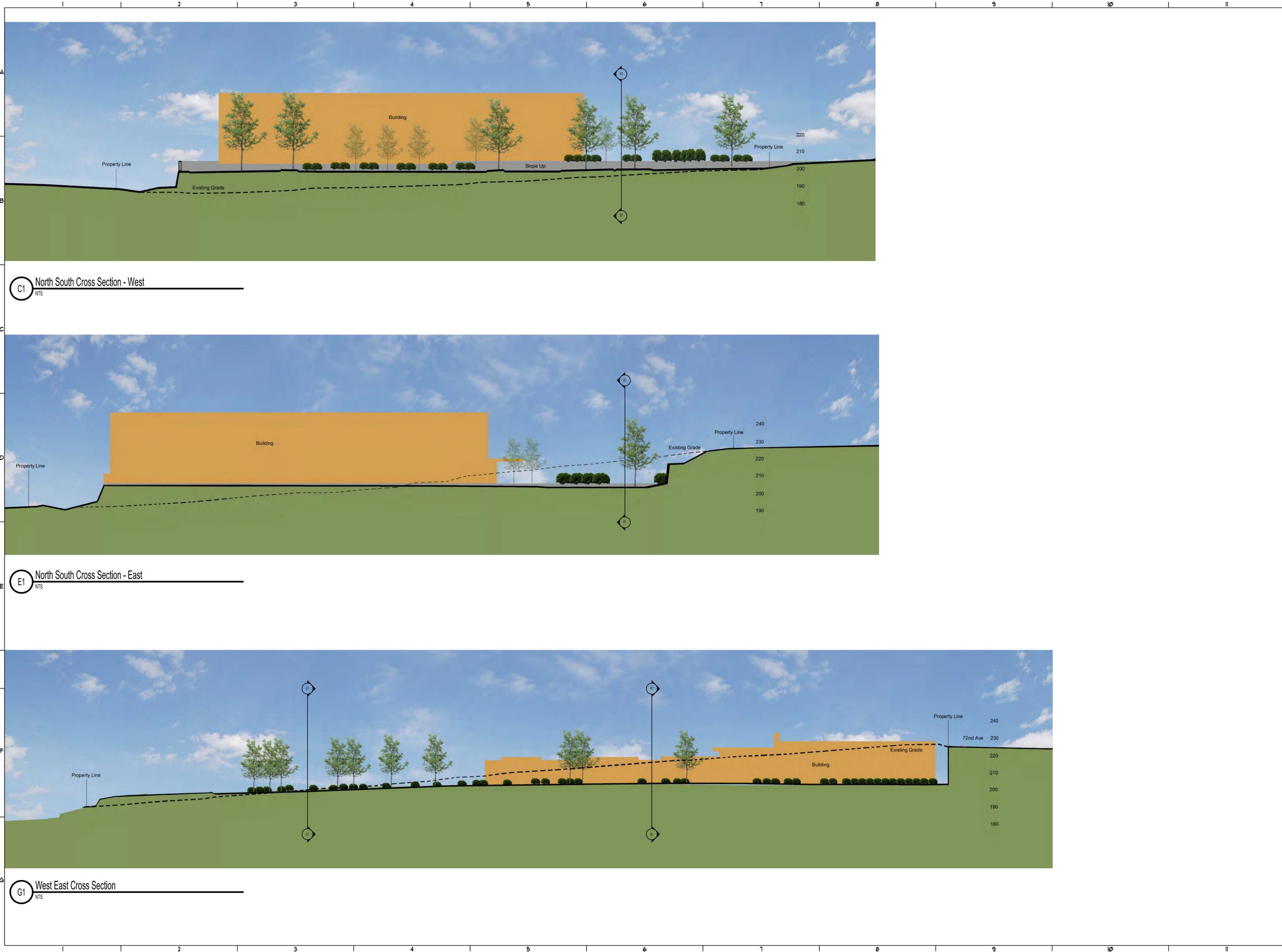
82.12

96.87 degrees

Save Clear



**View to TL401**



Arne.pak\_4-8ipm October 31, 2016 E:201527 - Triangle MOB Drawings/Active Phase/Cross Sections.dwg SITE 22 x 34 © 2016 JRJ Architects, llc

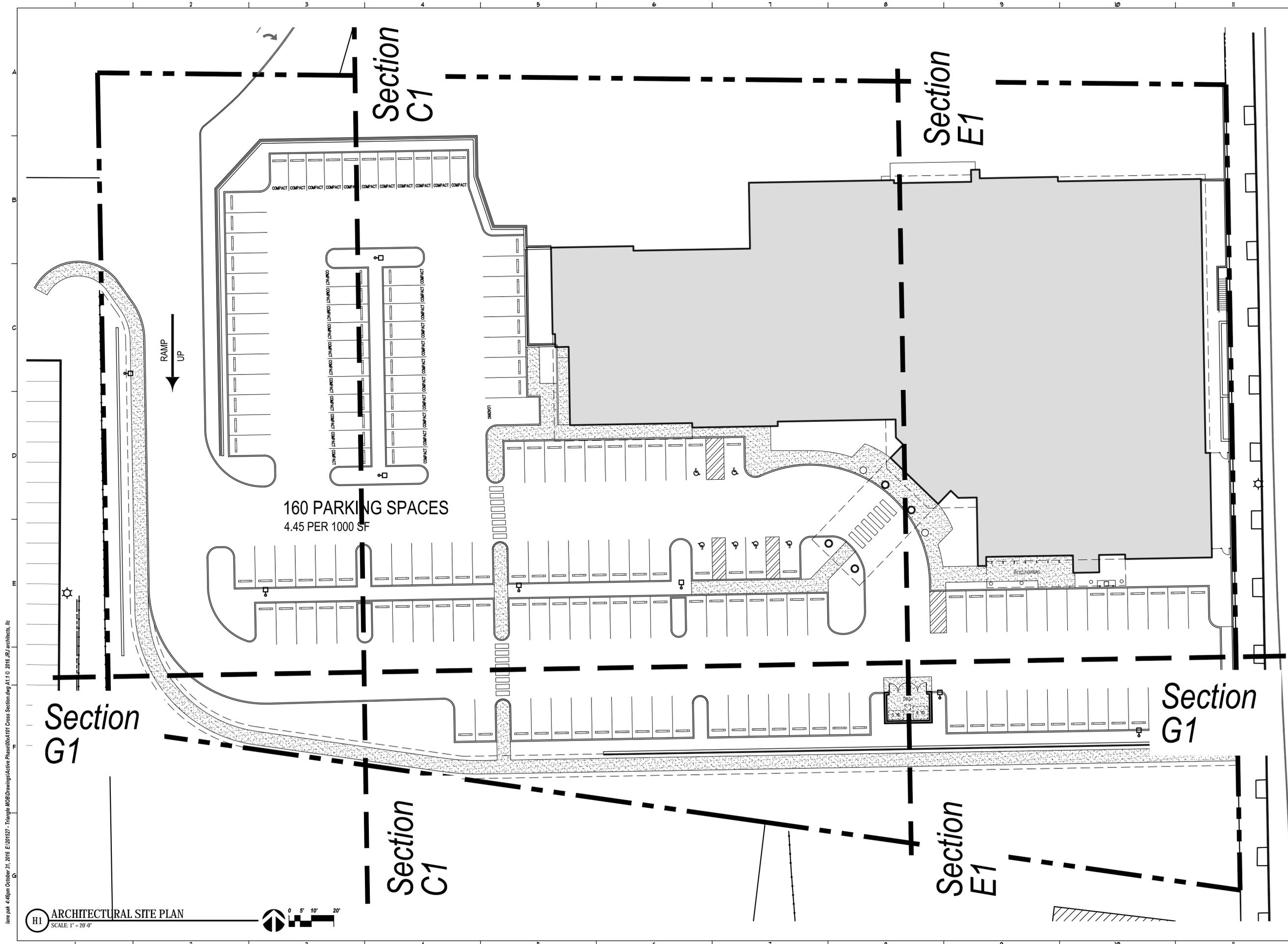
**TRIANGLE MOB**  
**TIGARD, OREGON**

15455 NW Greenbrier Pkwy.  
 Suite 260  
 Beaverton, OR 97006  
 (503) 690.1779 p | (503) 690.0913 f


**JRJ architects, llc**

**Revisions:**


**JRJ Project Number:**  
 201527  
**Drawing File Name:**  
 Cross Sections.dwg  
**Date:**  
 OCTOBER 31, 2016



160 PARKING SPACES  
4.45 PER 1000 SF

Section  
G1

Section  
C1

Section  
E1

Section  
G1

Section  
E1

Section  
C1

HI ARCHITECTURAL SITE PLAN  
SCALE: 1" = 20'-0"

I:\proj\4-8ipm\October 31, 2016 E:\201527 - Triangle MOB\Drawings\Active Phase\06A101 Cross Section.dwg A1.1 © 2016 J.R.J. Architects, llc

TRIANGLE MOB  
TIGARD, OREGON

15455 NW Greenbrier Pkwy.  
Suite 260  
Beaverton, OR 97006  
(503) 690-1779 P | (503) 690-0913 F

**JRJ** architects, llc

Revisions:


JR.J Project Number:  
201527  
Drawing File Name:  
06xA101 Cross Section.dwg  
Date:  
OCTOBER 31, 2016

DESIGN DOCUMENTS

November 7, 2016

Dana L. Krawczuk  
DKrawczuk@perkinscoie.com  
D. +1.503.727.2036  
F. +1.503.346.2036

**VIA EMAIL**

Gary Pagenstecher  
City of Tigard  
Community Development Department  
13125 SW Hall Blvd  
Tigard, OR 97223

**Re: Base Camp I, LLC's Final Written Argument in Support of Cancer Treatment Center Project Concept Plan and Procedural Clarification**

Dear Mr. Pagenstecher:

As you know, this office represents Base Camp I, LLC ("Base Camp"), the applicant for a cancer treatment center (the "Project") located at the corner of SW Dartmouth Street and SW 72nd Avenue, on Tax Lot 300 (the "Site"). This letter is Base Camp's final written argument for the proposed Planned Development Concept Plan. This letter responds to testimony received from Bateman Seidel on behalf of Mr. Martin, the adjacent property owner, on October 31, 2016 (the "Bateman Letter") regarding Base Camp's application for approval of a Concept Plan under City Code Section 18.350.050, as well as issues raised in the public hearing and in previous testimony.

The Bateman Letter raises 5 issues and we respond to each in turn. In brief:

- The application and evidence provided by Base Camp demonstrates that the Concept Plan is consistent with the applicable portions of the Community Development Code ("Code" or "TDC"). The Project is not inconsistent with the City's Comprehensive Plan.
- Consistency with the Tigard Triangle Strategic Plan is not required, and the Project is consistent with initial implementing drafts for the Triangle Area (the "Lean Code").
- The Project protects natural features and slopes on the Site to the extent feasible.
- The Project integrates into the existing neighborhood and proposes three possible future east-west connections which are feasible. At least two of these configurations are consistent with retaining the existing home on Tax Lot 401 in a redevelopment situation.
- The Project provides significant advantages over a standard development by protecting natural resources on the Site, shielding surrounding properties and users from parking lot and other potential impacts and providing bicycle and pedestrian connection facilities.

*The Project is Consistent with the Community Development Code and Comprehensive Plan*

As demonstrated by the application, numerous letters and exhibits provided by Base Camp, and the staff report, the Project meets the requirements for a Concept Plan under the Development Code. The Bateman Letter does not identify any specific deficiency that Base Camp can rebut. The Bateman Letter also argues that the Project Concept Plan should not be approved because it is inconsistent with the Comprehensive Plan, but again does not provide a specific explanation or citations to allegedly applicable and unsatisfied Comprehensive Plan criteria. As further discussed below, the Project meets the requirements for a Concept Plan under the City's Code.

*Consistency with the Tigard Triangle Strategic Plan is Not Required*

The Bateman Letter argues that the City should not approve the Project because it is not consistent with the Tigard Triangle Strategic Plan (the "TTSP"), a concept-level planning document adopted by the City in 2015. The Bateman Letter points to an east-west extension of SW Elmhurst Street shown on the TTSP concept maps as evidence of this inconsistency. Base Camp has demonstrated to City Staff's satisfaction that an east-west extension of Elmhurst will not be precluded by the Project, should that extension be appropriate with future redevelopment. Elmhurst does not abut the Project site and is not required for Project connectivity or to mitigate Project traffic impacts. An extension of SW Elmhurst is therefore not required or proposed at this time.

Even if the Project were inconsistent with the TTSP, consistency with the TTSP is not an approval criterion for the Concept Plan and the City cannot require the Project to implement planning concepts contained in the TTSP. The TTSP is a long-range planning document which will be implemented through changes to the TDC, Transportation System Plan and other City regulations. Prior to implementation, the concepts in the TTSP are not applicable to development projects. An early draft of some implementing regulations, the "Lean Code," differs somewhat from the Concept Plan (and does not include an extension of SW Elmhurst near the Project site). Changes between concept planning and implementation are common, and this example illustrates why projects are not required to comply with new regulations until they are actually incorporated into the City's governing documents.

*The Project Preserves Open Space and Natural Features*

The Bateman Letter expressed concerns that the grading required for the cancer center use (to allow a single-story building) does not preserve the "natural features" of the Site, and therefore the application does not meet the criteria for Concept Plan approval.

TDC 18.350.050(A)(1) requires the City to find that “[t]he 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.” However, the Code places a greater priority on protecting “natural resources.” Specifically, TDC 18.350.050(A)(2) requires the concept plan to identify natural resources and “...methods for their maximized protection, preservation and/or management.” Emphasis added. Read together, the Code creates a hierarchy. Natural resource protection is the priority (“maximized protection”) over the “protection” of “natural features.”

The approval criteria do not prohibit grading of sites or require that a full site be preserved as open space. Moreover, “natural features” is not defined by the Code, so it is not clear whether topography is intended to be protected by the Code.

The Project meets the criteria and the embedded hierarchy by preserving significant natural resource features on the Site, including a wetland buffer and considerable additional open space where grading will not occur. The Project design avoids and preserves wetlands, rather than filling them, and creates a natural buffer that will be planted with natural vegetation. The Project incorporates nearly 30% landscaping coverage (almost twice what is required by the Development Code). The Project design preserves slopes on the Site where possible through the use of retaining walls to minimize grading. However, both the proposed use and City standards (e.g., the maximum grade for drive aisles) require that the Site be graded.

*The Project Integrates Into the Existing Neighborhood and Proposes Feasible Future Connectivity to Tax Lots 400, 401 and 402*

The Bateman Letter argues that the Project will not integrate into the existing neighborhood because it does not provide for a “compatible street layout” and proposes a street connection which would require removal of an existing residential home. As demonstrated by Base Camp at the Planning Commission hearing and in various submitted materials, Base Camp does not propose an east-west connection that would impact the existing home on the Martin Property. Base Camp has provided three feasible east-west connections. One connection assumes that redevelopment of Tax Lot 401 could involve removal of the existing home. The other two options, which are also feasible, would allow the existing home to remain in place.

The SW Elmhurst extension options provided by Base Camp provide at least two feasible options for street connectivity that would be compatible with the existing development surrounding the Site. As detailed in our October 7 and October 17, 2016 letters, we understand that City planning and engineering staff agree that the road alignment concept plans offered by Base Camp are feasible, and demonstrate that the Project does not preclude the future street, should a street be determined to be appropriate in the future when nearby properties develop. If

and when Tax Lots 400-402 redevelop, whether or not a public street is warranted will be determined, and if so, the alignment will be determined.

Base Camp has also shown that both vehicular and pedestrian connectivity between SW Elmhurst and SW Dartmouth is possible through driveways and parking lots. As shown in our previous correspondence to the City on October 31, 2016, it is feasible to connect SW Elmhurst and SW Dartmouth and provide access to Tax Lots 400, 401 and 402 from the Site through parking lots and drives aisles. Based on recent meetings with City engineering and planning staff, we understand that they believe this alternative for connectivity is feasible and satisfies the City's connectivity standards.

#### *The Project Provides Significant Advantages*

The Bateman Letter argues that the Project does not provide "significant advantage over a standard development." The Property's C-G base zone and location in the Tigard Triangle Plan District allows a zero foot setback from wetlands and environmental features. We understand that a previous approval for a big box retailer and peripheral shops on the Property (when it was owned by Mr. Martin) proposed development to the property line without protection of wetlands or inclusion of a buffer between the Project site and Tax Lot 100. It appears that approval proposed to fill wetlands, rather than preserving these natural features and providing a buffer as the Project proposes to do. The Project could have been configured in a similar fashion to this past approval, which would have allowed an easier and less expensive layout for the Project but would not have preserved wetlands and open areas. Instead of using that feasible and less costly site configuration, Base Camp elected to protect existing wetlands with a large setback buffer from Tax Lot 100 and provide almost 30% landscaping on the Site.

In addition, the Site will collect, detain, treat and release runoff from the development to the existing storm drainage system through an existing public storm drainage easement in the northwest corner of the Site. This buffer and storm drainage plan will ensure no additional drainage is discharged onto Tax Lot 100. This Project design provides significant advantages for natural resource protection that are not required by the C-G base zone and Plan District and would not necessarily have occurred under another development scenario.

The Project also provides retaining walls that buffer impacts of commercial development on nearby residential development and make the parking area less visible to pedestrians and vehicles driving through the area. Additionally, using retaining walls reduces the amount of grading that must be done onsite. Retaining walls are not required by the C-G base zone or Plan District and were provided voluntarily by Base Camp to enhance the development and buffer the Project's impacts.

Gary Pagenstecher  
City of Tigard  
November 7, 2016  
Page 5

*Procedural Clarification*

We understand that the Planning Commission will re-open the public hearing on the Concept Development Plan on November 14, 2016 for deliberation; additional public testimony and evidence will not be submitted. Once the Concept Development Plan hearing is closed, the Planning Commission will then open the hearing on the Detailed Development Plan.

We request that the Planning Commission make a tentative decision on the Concept Development Plan on November 14<sup>th</sup>, and not finalize the Concept Development Plan decision until the Detailed Development Plan is ready for approval. Under our request, the final approval date for the Concept and Detailed Development Plans would be the same. Therefore, should there be an appeal on either approval, the appeals can run concurrently and on the same timeframe.

*Conclusion*

The Project meets the criteria for approval of a Concept Plan under TMC Section 18.350.050. The Project provides options for connectivity, preserves open space and natural features, and offers significant advantages over other projects that would be allowed under the base zone and Plan District rules.

We request that the Planning Commission approve the Concept Plan application for the Project as proposed.

Very truly yours,



Dana L. Krawczuk

DLK:dlk