

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes**

February 2, 2009

1. CALL TO ORDER

President Inman called the meeting to order at 7:01 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Anderson, Caffall, Doherty, Fishel, Hasman, and Walsh

Commissioners Absent: Commissioners Muldoon & Vermilyea

Staff Present: Dick Bewersdorff, Planning Manager; Kim McMillan, Engineering Manager; Cheryl Caines, Associate Planner; Doreen Laughlin, Planning Commission Secretary

3. COMMUNICATIONS

None

4. APPROVE MEETING MINUTES

Due to the short interval between meetings, the 1-26-09 meeting minutes were not distributed in adequate time to be reviewed, therefore, the 1-26-09 minutes will be up approval at the next Planning Commission meeting, which will be held February 23rd.

5. PUBLIC HEARING ^{7:15 p.m.}
PLANNED DEVELOPMENT REVIEW (PD) 2008-00001
- TIGARD RETAIL CENTER -

PUBLIC HEARING OPENED

Matt Oyen, of Pac Trust, asked for a continuance to May 18, 2009, to allow them more time to adequately research and respond to the items that were brought up at the December 1st Planning Commission hearing. President Inman said they would be put first on the agenda for May 18th.

6. PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENT
(CPA) 2008-00012/ZONE CHANGE (ZON) 2008-00006
COMMUNITY PARTNERS FOR AFFORDABLE HOUSING PLAN & MAP CHANGE

President Inman read from the Quasi-Judicial Hearing Guide. There were no abstentions or conflicts of interest from the Commissioners. No ex-parte contacts were reported. No one challenged the jurisdiction of the Commission. There were no site visits reported.

STAFF REPORT

Cheryl Caines, Associate Planner, presented the staff report on behalf of the City. She gave the location as being on the east side of Hall Blvd between Knoll Drive and Hunziker Road. She noted that it's 3 parcels (.98 acres) located within a small pocket of what is currently designated as an R4.5 residential zone. She said that staff is recommending that the Planning Commission make a recommendation to City Council to approve with conditions to the comp plan amendment and the zoning map. She noted that was a bit of a change from the staff report which simply says "approve" but the condition is going to be based on an ODOT request.

She gave several reasons to approve due to the following changes:

- Significant changes in the neighborhood in last few years.
- The change would be more in line with Tigard housing goals.
- It's included in Urban Renewal District, adopted in 2006, TDIP applies to these 3 parcels.
- The TDIP calls for high density residential along Hall Blvd. The proposed change to Mixed Use Residential 1 (MUR-1) is in line with that because MUR-1 is a high density zone.
- The TDIP identified 8 catalyst projects that would spur development in the Downtown and one of those projects is Downtown Housing Development. This will bring more people into the Downtown.
- The site has been zoned low density residential since at least the 1970's and that no longer fits in with the Plan. This amendment would bring that more in line with what we're looking to do in the Downtown.

Caines went on to explain that another reason for re-zoning the site and amending the Comp Plan is to make it more in line with the current housing goals for the City of Tigard:

- Policy 5 under Goal 10.1 calls for higher density housing in the Downtown.
- Policies 1, 3 & 4 of the same goal call for affordable and special needs housing in the City of Tigard and this amendment provides opportunity for that type of housing.
- Tigard is meeting its housing capacity goals. This change would not affect that – it would just add additional units to that capacity.
- There are currently 3.17 acres of buildable land zoned MUR-1; 172.4 acres of buildable land zoned R-4.5 – so this loss of just under 1 acre of land to the low density housing zone would not make a significant impact.

Caines addressed some of the issues that were raised during the comment period regarding the zone change and comp plan amendment. The first was brought up by ODOT. She noted

that Attachment 1 of the staff report outlines their issues with this specific code amendment. They're asking for a trip cap to be put on the site which would be 300 trips a day with a maximum of 23 AM peak hour trips and 27 PM peak hour trips. The reason being that the traffic study provided by the applicant assumed a worst case scenario of a 49 unit multi-family housing project. And that's based on a maximum of 50 units per acre for this site but actually, in the MUR-1 district, it's a minimum of 50 units per acre with no maximum. Another reason they're asking for this is because anything above and beyond the 300 vehicle trips would make the intersection of Hall and 99W operate at an unacceptable level.

The other possible condition was brought up by the City Arborist, who had noticed several existing significant trees on the site that had not been incorporated into the site. She said he was asking for plan development overlay – but it may have been overkill. The thought was to apply a condition for having the applicant show different scenarios, taking into consideration existing trees, or putting a condition which would require that they retain certain trees. Caines said she was not saying she recommends that one way or the other but that she's leaving that up to the Planning Commission. She said that that had been of concern to the City of Tigard arborist [Todd Prager]. Caines noted that those comments were passed on to the applicant and that she didn't know what changes they may have made to their conceptual plan since they'd received them.

QUESTIONS & COMMENTS BY COMMISSIONERS (Replies in italics)

What kind of impact on the neighborhood would changing the zone have? *With MUR-1 zone, there's a required front yard set-back – the maximum is 10'. The building would be oriented to the front yard set-back and they'd be required to have a landscape buffer of maybe 10 feet or so that would require a wall, or a fence, or a hedge – and depending on whether it's a wall, fence or hedge, the landscape buffer changes. The conceptual plan shows the building oriented to the street.*

Is the MUR-1 the best zone for this site? *That's what's outlined in the Downtown Improvement Plan – the proposed zoning. I don't know if it's going to remain that way because the Downtown Plan is just conceptual at this point. But that's what they have pointed out as the proposed zoning for that area.*

There were a few other questions by the commissioners and then they moved on to the applicant's presentation.

APPLICANT'S PRESENTATION

Greta Lavador of MGH Associates spoke on behalf of the applicant. She said they generally support staff's findings and appreciate staff's help with this process. She said they have one comment regarding trees. Pages 6 & 7 of the staff report talk about the arborist's suggestions for a planned development overlay. She said they feel the development code provides adequate regulation for tree preservation as it is and they do not need additional conditions to protect them. She noted that a lot of the trees are in the right-of-way that will be dedicated for Hall Blvd and Hunziker Street. Some of the trees on the site will be evaluated

as part of the site development permit and they will be looked at to see if they're healthy and if they can be retained. She said they would like to recommend that an additional condition [regarding trees] is not required as part of this process.

QUESTIONS BY COMMISSIONERS (Lavador's replies in italics)

The additional condition of the trip cap – is that problematic? *It's not. We are proposing that once you take the right-of-way dedications out of the site area we are proposing over the minimum density. And also – senior housing generates fewer trips than the multi-family housing that's documented in the reports. We're well under the trip cap.*

Is your interest in this project strictly around the senior housing? *Yes. In other words, if the senior housing project falls through... I represent the applicant who is a senior housing developer.*

PUBLIC TESTIMONY – IN FAVOR

One of the owners of the property, Pat Clickener, spoke in favor. She said, first, she wanted to point out that she loves trees. She said that, unfortunately, the previous owner planted dual trees – together - and they are having issues with the trees. The reality is – with every storm they are having major issues with the trees. She stated that the design accommodates as many of the trees as they can, given the fact that the City has asked for additional footage off of the property. She said she believes there are enough trees.

PUBLIC TESTIMONY – IN OPPOSITION

None

APPLICANT'S REBUTTAL

None

QUESTIONS OF STAFF

Of the materials presented, it appears that the project wants to be affordable senior housing? I just don't know, since they've mentioned that – can we put conditions that it'll be senior housing? Is the developer dedicated to senior housing? My concern is the idea of - can we force them to do it? Planning Manager, Dick Bewersdorff, answered: *The Comp Plan is a picture of what your future is. When we start putting conditions on Comp Plans, I have a real difficult time - because you're going to have a hard time tracking it. You can put conditions on the zone change – you can put conditions on development review, but putting conditions on the Comp Plan is something that is extraordinary, very difficult to relate to, and it's hard to track. It's not the function of the Plan to be made site-specific. If the property should be zoned MUR – Multi-family – then it should stand on its own in the Comp Plan. You can put conditions on the zone change – such as what ODOT has asked us to do. I would*

suggest that you put that on the zone change itself and that'll ride with the property just as if you were to put the condition on the actual SDR.

My concern is whether there's a commitment to put affordable housing in that Downtown area. I don't care if it's seniors or whatever. But it's been characterized that this will be an affordable housing project and I just don't know how serious the developers are to have it as affordable housing. *I think the applicant can speak to that if you allow them to talk about their commitment to this property. They didn't bring that out in their presentation, but I think it's necessary so you'll feel comfortable with the change.*

Sheila Greenlaw Fink spoke on behalf of the applicant. She said their name is "Community Partner's for Affordable Housing" and that's all they do – affordable housing. She went on to explain that 100% of their projects are designed for folks at 60% median income or below. She said they'd looked at many sites and that it'd been a long road and they were not about to let this one not happen if they can help it.

PUBLIC HEARING CLOSED

DELIBERATIONS

There was a short period of deliberations including some questions of the Engineering Manager, Kim McMillan, regarding whether Scoffins will ever be connected smoothly into that intersection. She answered, yes, and explained how ODOT has a plan for the intersection that will impact this development – not negatively - because they're going to swing the intersection to the south slightly – but it won't align with Scoffins until basically Scoffins is realigned to match Hunziker - which will require acquiring that property. She noted that down the road that is in the bigger scheme of things.

MOTION

There was a motion was by Commissioner Doherty, seconded by Commissioner Anderson as follows:

I move the Planning Commission forward a recommendation of approval to the City Council of the Comp Plan Amendment 2008-00012, and approval of the Zone Change 2008-00006, with the condition of the ODOT trip cap.

The motion CARRIED on a recorded vote; the Commission voted as follows:

AYES:	Commissioner Anderson, Commissioner Caffall, Commissioner Doherty, Commissioner Fishel, Commissioner Hasman, Commissioner Inman, and Commissioner Walsh (7)
NAYS:	None (0)
ABSTAINERS:	None (0)

ABSENT: Commissioners Muldoon & Vermilyea (2)

Planning Manager, Dick Bewersdorff, clarified that the Comp Plan ordinance will be crafted so that it says the condition is a part of the Zone Change – so that’s clear – [since that’s what had been discussed.] President Inman agreed with Bewersdorff.

President Inman then noted this is scheduled to go to City Council on February 24, 2009.

7. OTHER BUSINESS – ELECTIONS

President Inman reminded the Commission that, according to the bylaws, in every odd year elections need to be held for the offices of President and the Vice President. There was a short period of discussion, at the end of which, a motion was made.

MOTION - FOR PRESIDENT

Commissioner Doherty moved to nominate Jodie Inman for another term as President of the Planning Commission. The motion was seconded by Commissioner Anderson.

The motion CARRIED on a recorded vote; the Commission voted as follows:

AYES: Commissioner Anderson, Commissioner Caffall,
Commissioner Doherty, Commissioner Fishel, Commissioner
Hasman, and Commissioner Walsh (6)
NAYS: None (0)
ABSTAINERS: President Inman (1)
ABSENT: Commissioners Muldoon & Vermilyea (2)

MOTION - FOR VICE PRESIDENT

There was a motion was by Commissioner Inman, seconded by Commissioner Doherty, to nominate Commissioner Walsh for another term as Vice President.

The motion CARRIED on a recorded vote, the Commission voted as follows:

AYES: Commissioner Anderson, Commissioner Caffall,
Commissioner Doherty, Commissioner Fishel, Commissioner
Hasman, and Commissioner Inman (6)
NAYS: None (0)
ABSTAINERS: Commissioner Walsh (1)
ABSENT: Commissioners Muldoon & Vermilyea (2)

At this point, President Inman introduced the new Planning Commission alternate, Tim Gaschke, who’s been regularly attending the Planning Commission meetings since he was

appointed. She commended him for so consistently attending. She told Gaschke that he is welcome to sit at the Dais if he'd like to join them. She said he would be welcome to sit with them and enter into the discussion - the only caveat being that he wouldn't be able to actually vote. Gaschke said he'd prefer to sit in the background and watch from there. Inman said the invitation stands and that at some point, if he'd like to join the other commissioners at the Dais, he'd certainly be welcome to. Commissioner Caffall added that, as an alternate, years back - for quite some time he too sat in the back. He encouraged Gaschke to sit up front when he's comfortable with doing so since he believes you get more of a flavor of what goes on, and you also get some interaction with fellow Commissioners. Commissioner Walsh agreed with that and recommended that he sit up front when he feels good with it. He said it helped him when he himself had been an alternate. Doreen Laughlin, Planning Commission Secretary, asked Gaschke to simply let her know ahead of time if he would like to begin sitting with the other Commissioners - so she would have a microphone ready for him. Gaschke nodded.

At this point, Dick Bewersdorff, Planning Manager, said he would like to express how much he appreciates this particular group of commissioners. He said this commission is outstanding and that he appreciates their insightful questions. He added that it's refreshing to see them in action - and thanked them again.

8. ADJOURNMENT

President Inman adjourned the meeting at 8:00 p.m.



Doreen Laughlin, Planning Commission Secretary



ATTEST: President Jodie Inman