

**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
January 3, 2011**

**CALL TO ORDER**

President Walsh called the meeting to order at 7:00 pm. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**ROLL CALL**

**Present:** Commissioner Doherty;  
Commissioner Hasman;  
Commissioner Muldoon;  
Commissioner Rogers;  
Commissioner Ryan;  
Commissioner Schmidt;  
Commissioner Shavey; and  
President Walsh.

**Absent:** Commissioner Anderson

**Staff Present:** Gus Duenas, Development Engineer  
Susan Hartnett, Assistant Community Development Director;  
Doreen Laughlin, Sr. Administrative Specialist;  
Gary Pagenstecher, Associate Planner; and  
Darren Wyss, Senior Planner

**COMMUNICATIONS** – President Walsh congratulated Commissioner Doherty on her reappointment to the commission. He briefly introduced the newest Commissioner, Jason Rogers, and said they would chat with Commissioner Rogers a bit at the end of the meeting. He reminded the commissioners that their signed Code of Conduct form needed to be turned in.

**CONSIDER MEETING MINUTES**

**December 13<sup>th</sup> Meeting Minutes:** President Walsh asked if there were any additions, deletions, or corrections to the December 13<sup>th</sup> minutes; there being none, Walsh declared the minutes approved as submitted.

**PUBLIC HEARING CONTINUED FROM 12/6/10 (PDR) 2010-00002/MINOR LAND PARTITION (MLP) 2010-00002 RED ROCK CENTER**

President Walsh opened the public hearing and explained that this is a continuation of a prior hearing [held December 6, 2010]. He reminded the commissioners that at the prior meeting the commission had approved all the conditions of Red Rock Center with the exception of three conditions. He read the

motion made by Commissioner Vermilyea, seconded by Commissioner Shavey, from the minutes of that prior meeting (passed unanimously):

**“I move for approval of application PDR2010-00002/MLP2010-00002 with the conditions of approval contained in the staff report, subject to the following: 1) Adoption of findings consistent with the evidence that was developed at tonight’s hearing to be undertaken at the January 3, 2011 Planning Commission meeting and 2) With the understanding/proviso that conditions 41, 42, and 62 will be revisited by the Planning Commission if the applicant, the City, and ODOT are able to reach agreement on modification of those three conditions.”**

**REQUEST:** The applicant is requesting Planned Development Detailed Plan approval for an approximately 39,125 square foot general/ medical office and retail development in three buildings on a 4.09-acre site. The Detailed Plan proposal also includes approximately an acre of open space with a quarter of that in enhanced wetlands, substantial improvements to the public streets abutting the property’s four frontages, 145 surface parking spaces, landscaping, lighting, and access and utility infrastructure improvements. A three-lot minor land partition is also requested. The Planning Commission previously approved the Concept Plan under PDR2008-00003. Sensitive Lands Review and approval was obtained for the associated Red Rock Creek drainage and wetland enhancements approved under Red Rock Center Planned Development Concept Plan Approval. **LOCATION:** 12625 SW 70<sup>th</sup> Avenue; Washington County Tax Map 2S101AB, Tax Lots 00100 and 00300. The property is located south of SW Dartmouth Road and east of SW 72<sup>nd</sup> Avenue, within the Tigard Triangle.

## **QUASI-JUDICIAL HEARING STATEMENTS**

President Walsh read the required statements and procedural items from the quasi-judicial hearing guide. There were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None Site visitations: Commissioner Muldoon & President Walsh. No challenges of the jurisdiction of the commission; no conflicts of interest.

## **STAFF REPORT**

Gary Pagenstecher, Associate Planner, entered into the record John Frewing’s written comments and Steve Pfeiffer’s printed email. The commissioners were handed copies of each. [Frewing comments (**Exhibit A**), Pfeiffer’s comments (**Exhibit B**)]. He went over the revised staff report (staff reports are available, by request, to the public one week in advance of the scheduled meetings.)

The Revised Staff Report to the Planning Commission includes revised findings and conditions of approval based on the Planning Commission’s deliberation on December 6, 2010 and subsequent negotiations with the applicant. These revisions are summarized below:

### **Revised Findings**

Findings for Detailed Development Plan Approval Criteria (page 25-26), Street and Utility Improvement Standards (page 49-50), Traffic Study (page 56-57), and Rough Proportionality (page 58) have been revised consistent with the evidence available at the hearing and the subsequent negotiations with the applicant. The revised findings led to the following revised conditions of approval.

### **Revised Conditions**

The applicant, City, and ODOT reached agreement on the modification of Conditions 41, 42, and 62: Conditions 41(ODOT recommendation to require \$300,000 in off-site improvements to Hwy217/72<sup>nd</sup> Avenue intersection) and 42 (restrictive covenant for unmitigated impact) have been deleted. Instead, of these exactions, Conditions 37 and 38 have been revised to include additional improvements to SW Dartmouth between 69<sup>th</sup> and 72<sup>nd</sup> Avenues. These alternative exactions meet both the nexus test, as they directly benefit the project, and the proportionality test, as shown in the Rough Proportionality Analysis. Condition 62 has been revised to reflect a reduced trip generation count for proportionate share contributions to the signalization funds for the intersections at Dartmouth and 68<sup>th</sup> and 70<sup>th</sup>, consistent with the figures agreed to by the applicant and ODOT.

Questions/Comments:

*Do the changes comply with Tigard City regulations?* Yes. Attachment 4 from the applicant (memo) shows the design is feasible. There was a request for a description of the improvements.

President Walsh asked the commissioners if anyone had concerns regarding the traffic study. No one expressed concern.

### **APPLICANT'S PRESENTATION:**

Ben Altman, of the SFA Design Group, said he represented the applicant. He wanted to state for the record that they had worked with the staff as expected by the commission from the last hearing and they concur with the revised staff report and modified conditions.

Altman asked the commissioners if they had any questions of him. There were no questions.

### **PUBLIC COMMENT**

President Walsh prefaced the public comment time asking that any comment be restricted to just the new findings and primarily to the three conditions that they'd been discussing.

**TESTIMONY IN FAVOR:** None.

### **TESTIMONY IN OPPOSITION**

John Frewing, before going over his written material questioned the commission as to procedure, and whether the commission had already spoken about something that was outside the scope of what should have been discussed. He raised some technical points about what's in the record and what's not in the record. Gary Pagenstecher was asked to provide comment on this. He told Mr. Frewing that the revised new condition #41 was in response to the comments that Frewing made during the public hearing. He said that although the motion didn't address the comments, Pagenstecher addressed them in the staff report to provide clarity – but no new information.

It was agreed upon by the commissioners that Frewing would have 3 minutes to give the highlights of his written testimony (Exhibit A) – which he did.

**John Frewing, 7110 SW Lola Lane, Tigard** – Frewing briefly went over his written material – he noted his main concerns are Nos. 1, 2, & 3 in the written material.

## **APPLICANT REBUTTAL**

Ben Altman, SFA representing the applicant, said Mr. Frewing had raised some technical points about what's in the record and what's not. He wanted to clarify. His understanding was that the record is based on the Dec 6<sup>th</sup> hearing. He said additional revisions to the staff report related to the 3 conditions (41, 42 & 62) are what are relevant tonight.

## **CLOSED PUBLIC HEARING @ 7:45PM**

At this point, President Walsh opened the meeting up for deliberations.

## **DELIBERATIONS**

Some of the comments from the commissioners:

- It looks fairly complete to me and addresses most of our concerns.
- It brings things into a local context and addresses most of the concerns we had on the rough proportionality.
- It makes things adjacent, it's an easier connection.
- I'm pleased to see what I considered to be "overreaching" conditions were removed and brought back to the site.
- The traffic study was revised to fit this size of a development.

There was no further discussion and a motion was made.

## **MOTION**

The following motion was made by Commissioner Doherty, seconded by Commissioner Hasman:

**"I move we approve the application PDR2010-00002 & MLP2010-00002 and adopt the recommendations of the planning staff which includes the three issues that we left open from the December 6th hearing."**

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

<b>AYES:</b>	Commissioner Doherty, Commissioner Hasman, Commissioner Muldoon, Commissioner Ryan; Commissioner Schmidt, Commissioner Shavey, and President Walsh
<b>NAYS:</b>	None.
<b>ABSTAINERS:</b>	Commissioner Rogers
<b>ABSENT:</b>	Commissioner Anderson

## **WORK SESSION – ECONOMIC OPPORTUNITY ANALYSIS (EOA) COMMITTEE**

Darren Wyss, Senior Planner, and Susan Hartnett, Assistant Community Development Director, were there to follow up on the previous month's EOA meeting. Hartnett told the commissioners that an update on the work program & projects Matrix is in the works and will be distributed to the commissioners sometimes towards the end of this month.

President Walsh mentioned that the commission would like to have some sort of a primer at one of the future meetings on the issue of the "Nexus Test" and "Proportionality." Hartnett said she would work with the City Attorney and Planning Commissions' schedule to figure out what might work.

Darren Wyss reminded the commission that he and Susan Hartnett were there as a follow-up to the last meeting they'd had. He reminded them that there had been questions that they'd promised to get back to them on. He said they would discuss those questions tonight and talk about the next steps in the process for the Planning Commission.

At this point, he turned the meeting over to Hartnett who did an overview of the expectations and obligations for the City during this EOA process.

Hartnett said they'd made some observations at the last meeting. She said they'd noted some possible frustration with the level of specificity and detail in the data. Also there appeared to be concern among the commissioners that recommendations either lack sufficient policy basis or may not be specific enough to meet the desired outputs. She spoke about the scope of the EOA and the grant funding that is coming along with that work-scope. She noted the work-scope is fairly narrow. She said the EOA is an element in the periodic review work program.

Hartnett told the commissioners staff would like to provide the commissioners some additional information by way of a non-affiliated economist who can discuss with the commission ways that a small suburban city can be successful in influencing economic development outcomes within the regional and state (or even national & international) context that exists. President Walsh asked the commission if they would be interested in something like that. The consensus was that yes, they would be interested in that. Hartnett will pursue that and get back to the commissioners as to when that might happen.

There was a question as to the timeframe – Darren Wyss said the conditions of the grant are that the EOA needs to be through the legislative process (which would be Council adoption) by the end of May. He said there will be a Planning Commission Public Hearing on this in April and then to the Council in May.

Wyss then went through a PowerPoint presentation (**Exhibit C**) and also referred the commissioners to some of the materials they'd received in their earlier packets that answered some of their questions.

### **OTHER BUSINESS – (Update on Assignment of CCI Responsibilities & Officer Elections)**

Susan gave a brief update – She said so far as the Committee for Citizen Involvement (CCI) responsibilities, the High Capacity Transit (HCT) Land Use plan will be coming before them very soon. A letter has been sent to the DLCD informing them of this change. The Planning Commission is now officially the CCI and will be acting in that capacity next month. The bylaws will be updated to reflect the change.

The newly appointed Commissioner Jason Rogers briefly gave his background to the commission and the commissioners welcomed him aboard.

## ELECTIONS

Commissioner Doherty moved to nominate Commissioner Dave Walsh for another term as President. Commissioner Hasman seconded the motion.

The nomination was approved unanimously by the Commissioners.

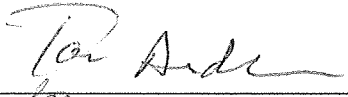
Commissioner Ryan moved to nominate Commissioner Tom Anderson for Vice President. Commissioner Hasman seconded the motion.

The nomination was approved unanimously by the Commissioners.

## ADJOURNMENT

President Walsh adjourned the meeting at 9:00 pm.

  
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Doreen Laughlin, Planning Commission Secretary

  
\_\_\_\_\_  
ATTEST: President David Walsh

**From:** [John Frewing](#)  
**To:** [Doreen Laughlin](#)  
**Subject:** Frewing Testimony, Jan 3 Planning Commission, Red Rock Center, PDR 2010-00002  
**Date:** Monday, January 03, 2011 3:01:27 PM

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Doreen,

As I hoped, I can send to you for Planning Commission review, if appropriate, an advance copy of my testimony for this evening. John Frewing

RED ROCK CENTER, FREWING TESTIMONY OF JANUARY 3, 2011  
PDR 2010-00002 ET AL BEFORE THE TIGARD PLANNING COMMISSION

First, I want to thank each of you and city staff for your interest and effort to make this application comply with all applicable laws, rules and regulations so as to make Tigard a great place in the future. I recognize that your effort is voluntary, so I believe that your interest is truly that of the citizens of Tigard as a whole – you are interested in livability, property value, transportation, natural features, economy, etc. There is little more valuable than to look out for the future of our area, whether it be in efforts at education, resource protection, economic development, public budget vigilance, transportation planning or any of other public activities which you oversee. My comments below are aimed at this same future, and I hope that you see them as such.

I have no general opposition to the Red Rock Center as a whole and I don't fault the applicant for trying to minimize his front end costs. My concerns relate to the Red Rock Center impact on Tigard and compliance with applicable standards. I do, however, believe that development should generally pay for itself; in the present case, we have both unmitigated known impacts and unspecified externalities which the citizens of Tigard will be paying for decades from now.

**A Unmitigated Impacts.** Recall that the Washington County Traffic Impact Fee (TIF) was originally set, as a matter of policy, to collect about one third of the traffic impact costs from a developer; over time, and because of cost increases and urbanization, that fraction has been reduced to about one sixth – so, thru the TIF, the public would pay five-sixths of the traffic impact costs for Red Rock Center already. The applicant desires to not pay for remaining unmitigated traffic impacts. Condition 42 of the first staff report should be reinstated, adding an upper limit to the extent of applicant responsibility under a yet-to-be-determined traffic funding mechanism for all of the Tigard Triangle. I would suggest an upper limit for this project of ten percent over the total calculated impact of the Red Rock Center development (which would be the upper limit of 'roughly proportional'). See TDC 18.390.040 B.e. Such limit would provide a fixed maximum financial exposure for the applicant, which is what was requested on December 6. The second staff report notes that there remains a considerable amount of 'unmitigated impact' which, in my view of the public interest, as a minimum should be available to the city when a funding mechanism for all of the Tigard Triangle is decided. Other developments in the area sign a promise of non-remonstrance against a LID or similar commitment; here we have zero commitment to help with future area development offsite. I note further that there is no deadline established for Tigard to decide on a transportation funding mechanism for the Tigard Triangle -- you should recommend to the city that such a deadline be established, with a proviso that no development permits will be

granted after a given date unless a funding mechanism is approved and in effect. By completely eliminating Conditions 41 and 42, the city staff has effectively caved in to this particular developer; give your staff some backbone by speaking for Tigard residents.

**B Canopy Cover.** In its review of the concept plan for Red Rock Center, the Planning Commission asked applicant to meet with the Tree Board and review the Red Rock Center canopy coverage plans to see if these natural resources are protected/preserved to the required “maximum” extent. See TDC 18.350.050. On December 6, the applicant explained their response to this Planning Commission request. Applicant responded that the ‘total canopy coverage **for the parking field** would be approximately 76%’ (my emphasis added). The Tigard Urban Forestry Master Plan studied canopy cover **for its parking lot areas** and found only 6 percent is presently covered. The UFMP at page 14 gives some detail on how parking lot areas were delineated; the applicants’ use of a different term (parking field) leaves uncertain how much of its ‘parking lot area’ would be under tree canopy. The Tigard ‘parking lot area’ does not include islands and peripheral landscaped areas such as those shown on applicant’s drawing (no number) simply titled ‘Tree Canopy’. The term ‘parking field’ on the internet refers to ‘parking fields’ at New York City’s Flatbush/Catonsville Parking Field, Flushing Meadow #1 Parking Field, Broome and Ludlow Municipal Parking Field and Nassau County’s Parking Fields No. 2 and No. 4 – within these larger areas there appear to be ‘lots’. You may think that this is nitpicking over words – I would simply remind you that the applicant in this case consists of experienced professionals – I believe carefully using words to minimize their commitment to Tigard and its citizens. The diplomatic rule which applies here and is most commonly known among nations is “Trust but Confirm” – as in nuclear weapon treaties. The city should include a condition of approval for this Red Rock Center that the parking lot areas (as delineated by Tigard in the UFMP) must have at least 66 percent canopy cover in 30 years (this time stated by applicant at the December 6 Planning Commission hearing). This will provide a basis for enforcement, as was possible for the Costco parking lot within the past couple years. Better yet would be a condition stating a canopy cover requirement at the 15 year mark, so some correction can be made if necessary. Making this a Condition of Approval will give meaning to the verb ‘met’ as stated in TDC 18.350.050 A., where the ‘maximum’ wording is used for natural resource protection/preservation.

**C Mitigation of Stormwater Channelization.** I still don’t believe that Tigard has met its obligation to ‘coordinate’ this development with ODFW and citizen cited needs for fish and wildlife habitat protection, as required by state law and rule and Tigard regulations (See TDC 18.120.030 A.45.c. and TDC 18.390.050 C.1.a.(3).) This is the same comment I provided at the December 6, 2010 Planning Commission hearing. I will incorporate here by reference my comment there, but extend my explanation and reference new material in the file for this development.

1. There is no finding and no evidence up to and through the December 6 Planning Commission meeting that the need identified by ODFW and local citizens (ie me) for ‘dissipating the energy and velocity of the stream’ (referring to the Red Rock tributary flowing through the site adjacent to Dartmouth Street) has been met, resolved or found not possible. Such is a requirement of state law and rule. In accordance with the Planning Commission motion to keep the hearing open until January 3, only evidence in the record as of December 6 is to be considered

tonight. The second staff report adds new information, mentioning agency agreement with an ODL/Corps permit at the time of SLR; such review and approval was not of a 'detailed development plan' and thus it was not timely to object to the total ignoring of this need. Only now, with submittal of the detailed development plan, is it possible to see and object that the need for 'dissipating the energy and velocity of the stream' has not at all been met. In fact, Tigard staff at the time of SLR review advised me that details of the energy and velocity dissipation would 'come later'. The Tigard SLR review was limited to ONLY Tax Lot 100, not upstream or downstream areas of the small tributary. If Tigard contends that the Planning Commission approved some mitigation for energy and velocity dissipation at the time of concept review or at the time of SLR, it is nowhere in the record. The second staff report notes that outfall development at the southwest corner of SW 72<sup>nd</sup>/Dartmouth "is subject to engineering review under the PFI permit process" but such deferral of review and approval to an administrative action when a specific issue has been properly raised in the prior application process does not meet the definition of 'coordination'. I am heartened to see that in Engineering review of this application, Tigard staff initially proposed including the provision in Condition of Approval 43 that the culvert under SW 72<sup>nd</sup> "must be designed and constructed with energy dissipaters to effectively control storm water discharge velocity and quantity into the downstream area." However, this provision does not appear in the final staff report, having been deleted, with the accompanying handwritten note: "Remove – too much discretion – scope of work in accord with PFI and CWS signoff. Issue will be addressed Applicant response to document it is feasible. Applicant – explain why they can get PFI and CWS: feasible to do so." While the note removing the requirement for energy dissipaters is not really understandable, it tells me that there is less than a firm commitment to do what ODFW asked from the beginning.

2. My solution to the aforementioned need, a detention swale or underground vault for the small tributary, is possible, because the same solution, appropriately sized, is proposed for onsite drainage detention. The record shows no site conditions which would make an underground vault not possible.
3. Not in the record, and not in evidence at the December 6 Planning Commission hearing, but in the present Red Rock Center file, is a December 20 letter from applicant's representative claiming that a rock outfall on the southwest corner of the Dartmouth/72<sup>nd</sup> intersection will adequately reduce the energy and velocity of the stream for habitat protection by meeting CWS design standards. There are several arguments and evidence that such claim is inadequate for Tigard to find 'coordination':
  - a. The December 20 letter (and all previous applicant materials) makes no claim that a detention swale or vault is not possible, which is the standard for incorporation of ODFW and citizen needs.

- b. CWS design standards do not address energy and velocity mitigation necessary for habitat protection, but only for immediate area channel scouring. Additional design features such as stilling basins, drop pools, hydraulic jump basins, corrugated tee sections, gabions, baffled aprons and bucket aprons are available and possible for reduction of velocity and energy for habitat protection and mitigation of the buried culvert stream at this site; see CWS D&C standards, internet and standard engineering design texts.
- c. CWS design standards require stormwater conveyance designs to assume full buildout of upstream basin areas. See CWS D&C Standard 5.05.1. Such assumptions are not in the record for this development, and would require identification of upstream impervious areas such as additional and widened streets. So the culvert proposed is not 'oversized'. The inclusion of more impervious areas upstream will have the effect of increasing peak stormwater volumes, energy and velocity, with resulting changes in stormwater design for this development.
- d. The proposed outfall extends at least 16 feet wide and 19 feet in length downstream from the culvert, both dimensions extending beyond the easement and dedicated r/w for SW 72<sup>nd</sup> at Dartmouth, hence is not possible without acquisition or easement of additional space, not now under control of applicant. The Tigard Land Use Application requires identification of property under control of the applicant and limits development to such areas. See TDC 18.390.050 B.1. The proposed culvert and outfall do not extend to the ultimate width of SW 72<sup>nd</sup>, thereby making a future lengthening of the culvert and excavation and development of a new outfall or other exit structure necessary, both of which produce additional impact to the stream and its surroundings, and which could be avoided by a single construction plan and activity. Therefore the impact to local natural systems is not 'minimized' in this development.
- e. The December 20 letter asserts that the grade of the culvert was reduced to help reduce velocity. Contrary to this assertion, the grade of the culvert cannot be made any steeper because it would interfere with a 30" City of Tualatin water main which lies beneath SW 72<sup>nd</sup> St at Dartmouth. See Drawing C6.0 attached to the December 20 letter (lower left hand corner) which shows this water main obstruction. Hence, the applicant has not, by virtue of his intentional design, contributed at all to velocity reduction in the culvert. Similarly, the existence of horizontal bends in the upstream 30" culvert are not made necessary by any velocity considerations, but instead are created in order to avoid the stream flowing underneath Pad A and to accommodate the widening of Dartmouth St. Neither of these design features reduce peak flow, which is the principal driving element of velocity and energy in the small tributary, which by Tigard rules and ODFW comment are to be 'minimized'.
- f. My email of December 15 to Gary Pagenstecher points out that the energy and

velocity of the stream in fact is INCREASED by the design of the buried culvert on the Red Rock Center site, namely the smooth inside of the 30" concrete culvert which extends almost the entire length of the site along Dartmouth Street, as compared with the prior/existing open rock lined channel. As noted in that email, applicant's 'Detail 5, Drawing 3.2', regarding the design of the 72<sup>nd</sup> St culvert outfall were not available to the city nor approved by the city as of December 6, despite such claim by applicant's Ben Altman at the December 6 hearing (and still are not in the file today). I won't call Mr. Altman a liar, (his claim was 'jaw dropping' to me) but will say that at best, he 'misspoke' in response to my stormwater concerns for the small tributary along Dartmouth St (see minutes).

- g. The 'low flow' bypass to the wetland area will have no effect on the energy and velocity of stormwater in the small tributary of Red Rock Creek at this site and its provision is therefore irrelevant to the issue of energy and velocity in the small tributary. Mitigation in the small tributary must address times of extreme high flow as shown on the hydrograph which I submitted (from the application) on December 6. Applicants' letter of December 20 is in agreement, making no claim that the wetland reserve will affect the high flows in the tributary of Red Rock Creek at this site.
- h. The second staff report notes that the culvert and outfall design for the intersection at SW 72<sup>nd</sup>/Dartmouth, are subject to a **future** revised CWS Service Provider Letter for offsite improvements; this additional permitting action is a new development not in evidence at the December 6 hearing and in direct opposition to the understanding of Commissioner Anderson as stated at the December 6 hearing, saying, "CWS has signed off on it".
- i. While a revised CWS Service Provider Letter now appears to be required, there is no corresponding note that a new Oregon **DSL Fill and Removal Permit** is required and has been obtained, or that a City of Tigard **Sensitive Land Permit** is required and has been obtained for the proposed work in waters of the state and sensitive lands of Tigard. Both appear necessary in my view: The removal of existing culverts, excavation, and installation of a much enlarged culvert under 72<sup>nd</sup> will involve more than 50 cubic yards of material, and the expansion of this culvert is not 'routine maintenance or replacement' of the culvert which might exempt it from the Tigard SLR requirements – it is an enlargement, shown as such on the city's CIP Plan, designed to 'relieve flooding and stop creek incision.'
- j. CWS standards for culverts such as proposed under SW 72<sup>nd</sup> St require "For culverts which convey flows from or through water quality sensitive areas; a local representative of the Oregon Department of Fish and Wildlife (ODFW) or other applicable state or federal agency shall be contacted to determine if fish passage is required and to identify site specific design criteria. All culverts shall

be designed for fish passage in accordance with ODFW guidance for fish passage unless otherwise exempted by ODFW and the District or City.” See CWS D&C Standards 5.07.6 a.4. The tributary of Red Rock Creek which flows through this site and the wetland reserve area on the site are both shown as a water quality sensitive area on Tigard maps. By virtue of its IGA with CWS, City of Tigard is responsible for enforcing the CWS standards, and as the governing land use body for this development is responsible for ensuring that the aforementioned consultation and coordination take place. The record shows that it has not yet occurred.

4. At the December 6 hearing, Planning Commission members agreed to conclude their consideration of this development at tonight’s meeting. Their conclusion and reasoning was in response to applicant statements that site work must proceed almost immediately in order to retain unnamed ‘anchor tenants’ for the proposed buildings. The applicant did not note that for start of Phase 2, which includes initially the public facilities and instream work at SW 72<sup>nd</sup>, Oregon DSL rules for instream work limit such work to the period of July 15 to September 30 of each year, with minor extensions sometimes allowed. Hence, there is no construction need for approval tonight.

In conclusion, I ask you to require that the Red Rock Center development comply fully with Tigard regulations, that Tigard complete and coordinate its review with agencies and citizens in accordance with state law and rules and that you protect the interests of Tigard citizens against the sometimes different interests of the applicant here. The appropriate action in my view is to find that the application lacks sufficient information to review (eg there lacks any evidence of necessary sensitive land permits) and deny, without prejudice, this particular permit request. A later and complete application can be reviewed by the Planning Commission.

Thank you,



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January 3, 2011

**VIA EMAIL**

David Walsh, President  
 Planning Commission  
 City of Tigard  
 13125 SW Hall Blvd.  
 Tigard, OR 97223

**Re: Red Rock Center - PDR/DPR Review  
 PDR 2010-00002**

Dear President Walsh and Fellow Commissioners:

This office represents Tigard Corporate Center Limited Partnership, the owner of the Tigard Corporate Center lying immediately east of the above-referenced project now before the Commission. As I indicated during public testimony at the December 6, 2010 public hearing before the Commission, the Tigard Corporate Center is a developed property which enjoys full access via existing developed streets serving the site. On the other hand, the proposed Red Rock Center under review will require the construction of SW 70th Avenue south of SW Dartmouth Street to ensure full vehicular access to the proposed project, and such full improvement of SW 70th Avenue, including necessary right of way dedication, is required by conditions 33 and 39, respectively as recommended by City staff. Further, we believe that it is important to note that such required improvements are receiving full credit under the rough proportionality analysis set forth on page 58 of the Staff Report to the Commission.

Pursuant to our earlier testimony, the purpose of this letter is to reiterate our request for the imposition of a condition of approval which serves to preclude reliance upon a local improvement district to finance the acquisition of necessary right of way and the construction of public street improvements on SW 70th to serve the subject project. Such a condition could read as follows:

"The acquisition of right of way and improvements to SW 70th Avenue shall not be subject of a local district improvement."

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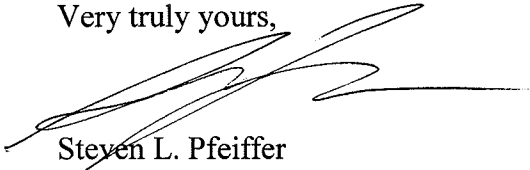
Perkins Coie LLP and Affiliates

David Walsh, President  
Planning Commission  
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Since the Tigard Corporate Center is fully served by existing public access via other adjacent public streets, we believe that the development of SW 70th Avenue as required to serve the proposed Red Rock Center project cannot be of any benefit, substantial or otherwise, to the Tigard Corporate Center as required to support a local improvement district for this specific improvement. While we fully support the proposed project and do not oppose the full development of SW 70th as a condition of such development, we also believe that it is reasonable to impose such a condition at the time of development approval.

Thank you for your consideration of our request, and we look forward to your final decision with regard to this submittal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steven L. Pfeiffer', with a long horizontal stroke extending to the right.

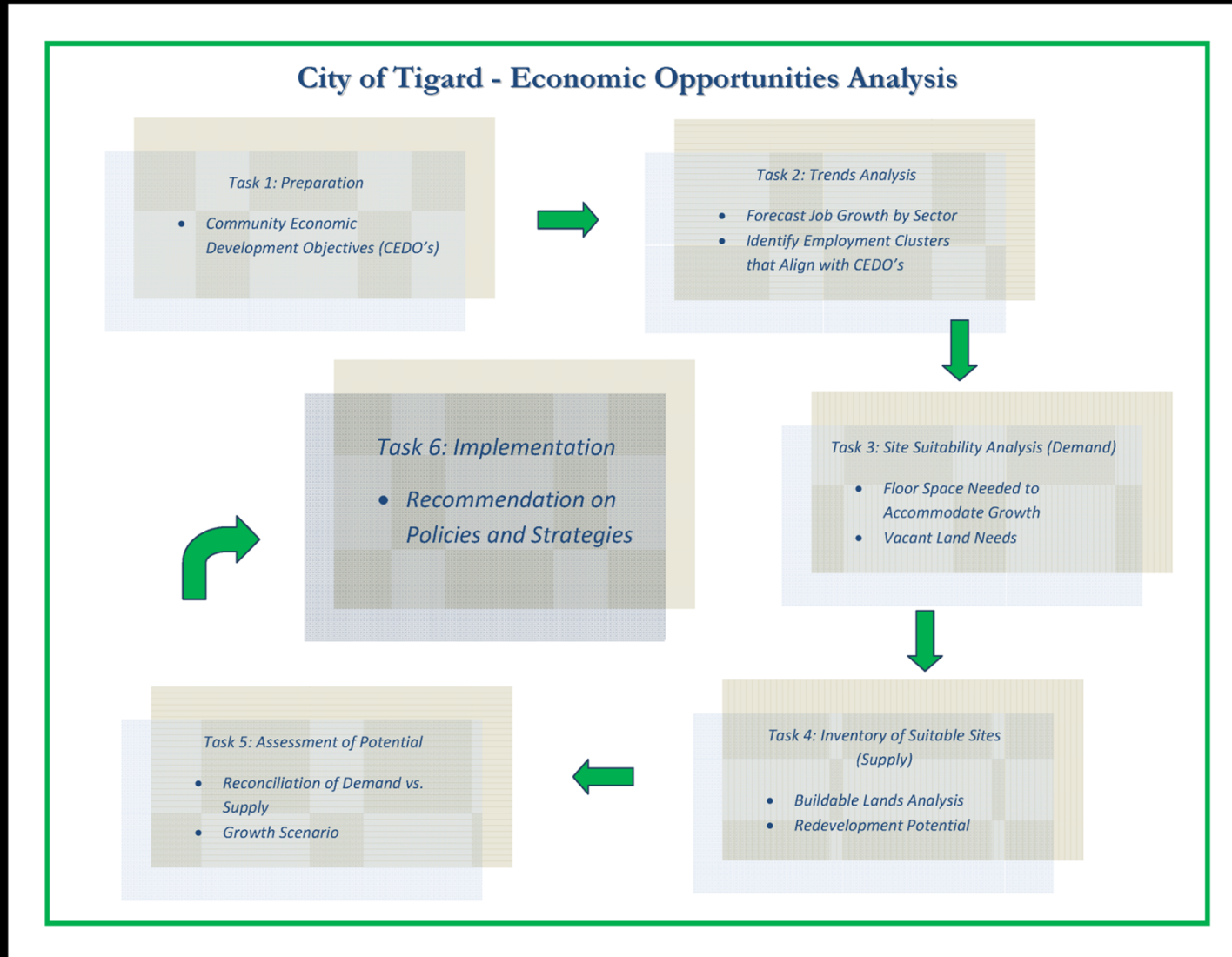
Steven L. Pfeiffer

SLP:crl

Cc: Tigard Corporate Center (via email)  
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Planning Commission Meeting  
Tigard Economic Opportunities Analysis  
January 3, 2011

# City of Tigard - EOA



# City of Tigard - EOA

## *Task 1: Preparation*

- *Community Economic Development Objectives (CEDO's)*

# City of Tigard - EOA

## Community Economic Development Objectives (CEDOs)

1. Encourage family-wage jobs
2. Develop existing industry clusters
3. Promote efficient development of employment lands
4. Ensure flexible and adaptive regulatory practices
5. Focus growth in designated centers and corridors
6. Limit retail and service uses in industrial areas; support neighborhood commercial areas
7. Encourage businesses that are environmentally and economically sustainable

# City of Tigard - EOA

## *Task 2: Trends Analysis*

- *Forecast Job Growth by Sector*
- *Identify Employment Clusters that Align with CEDO's*

# City of Tigard - EOA

On the industrial zoned lands, what are the uses that are really there?

Use of Industrial Zoned Land - City of Tigard, OR					
		Properties		Acres	
Land Use		Number	Percent	Number	Percent
Industrial Improved		112	41.33%	357.3	35.87%
Commercial Improved		88	32.47%	243.5	24.44%
Vacant		31	11.44%	55.5	5.57%
Government Owned		32	11.81%	331.7	33.29%
Residential		4	1.48%	3.2	0.32%
Fraternal Org.		2	0.74%	4.9	0.49%
Church		1	0.37%	0.1	0.01%
Misc.		1	0.37%	0.1	0.01%
Total		271	100.0%	996.3	100.0%

Source: Washington County Tax Assessment Property Code

# City of Tigard - EOA

How do the clusters identified in the EOA align with the state's targeted cluster strategy?

Organization	Targeted Cluster
State of Oregon Regional Stakeholders	Advanced Manufacturing Businesses
OR Business Development Dept. Portland Business Alliance Portland Development Comm.	Advanced Manufacturing Clean Tech Athletic & Outdoor Software
City of Tigard	Durable Goods Manufacturing Education Financial Services Information Technology Professional and Tech Services Wholesale Trade Health Care Advanced Tech Manufacturing & Research

# City of Tigard - EOA

What percentage of current commercial uses are lower wage retail/service employment vs. some higher use?

Type	Number	Employees	Avg. Pay
Retail Trade	329	7621	\$25,407
Arts, Entertainment, & Recreation	23	184	\$16,241
Accommodations	10	131	\$20,072
Food Services & Drinking Places	171	2703	\$16,433
Other Services	230	1120	\$36,618
Totals	763	11,759	

# City of Tigard - EOA

Why are industrial lease rates high in Tigard?

- Overall industrial rates are on par with suburban average
- Flex space rates are higher than average
  - Due to Pac Trust Business Center
  - Excellent design and building aesthetics and good access
- Information on lease rates can be found in Appendix B.

# City of Tigard - EOA

## *Task 3: Site Suitability Analysis (Demand)*

- *Floor Space Needed to Accommodate Growth*
- *Vacant Land Needs*

# City of Tigard - EOA

What are the assumptions about the percentage of new businesses that select a vacant site versus those that select a redevelopment site?

- Redevelopment/Existing Vacant Building Assumptions  
(see Appendix C)
  - Retail – 70%
  - Service/Office – 50%
  - Industrial – 40%
  - Government – 40%
  
- Account for vacant building inventory and are consistent with Metro urban growth assumptions and the City's redevelopment objectives.

# City of Tigard - EOA

## *Task 4: Inventory of Suitable Sites (Supply)*

- *Buildable Lands Analysis*
- *Redevelopment Potential*

# City of Tigard - EOA

What is the nexus between the identified clusters and the land needs?

- Employment forecast uses general assumptions found in Appendix C to estimate land needs
- Some of the need will be accommodated by redevelopment
- The Clusters Analysis (Table 11 and Appendix F) shows the needs of identified clusters
- The City's redevelopment potential and vacant lands has the capacity to accommodate identified cluster need

# City of Tigard - EOA

## *Task 5: Assessment of Potential*

- *Reconciliation of Demand vs. Supply*
- *Growth Scenario*

# City of Tigard - EOA

What does the “low growth scenario” really mean?

- Metro 2035 growth assumptions were used for the medium growth scenario
  - Decreased by 25% for the low growth scenario
  - Increased by 25% for the high growth scenario
- Metro 2045 anticipates growth assumptions reduced for Tigard – consistent with “low growth scenario”
- Not required to use Metro numbers, but generally good assumptions and helpful to be consistent with regional forecasts.

## City of Tigard - EOA

“Low growth scenario” requires less land. Will it preclude us from pursuing certain economic development opportunities?

- No, will not preclude opportunities, but rezoning of large, vacant parcels will need a new assessment
  - Available vacant land is greatest factor
  - City currently has 2.3 jobs/household
  - Redevelopment is acknowledged as essential strategy & “low growth scenario” supports this
  - HCT lines show consistent pattern of development being tied to them

# City of Tigard - EOA

## *Task 6: Implementation*

- *Recommendation on Policies and Strategies*

## City of Tigard - EOA

Are the targeted clusters consistent with the Comp Plan?

- Policy 9.1.2. The City shall actively encourage businesses that provide family-wage jobs to start up, expand, or locate in Tigard.
- Policy 9.1.7. The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.
- Policy 9.1.11. The City shall develop industry clusters by encouraging the retention, expansion, and recruitment of industries that already have a presence in Tigard.

# City of Tigard - EOA

## Next Steps

- February 7 – Task 6: Implementation
- March 7 – Final Review of Draft EOA
- April 4 – Public Hearing for Draft EOA