

120 DAYS = 3/20/2009
DATE OF FILING: 2/6/2009
DATE MAILED: 2/13/2009



CITY OF TIGARD

Washington County, Oregon

NOTICE OF FINAL ORDER NO. 2009-01 PC BY THE PLANNING COMMISSION

Case Numbers:	PLANNED DEVELOPMENT REVIEW (PDR) 2008-00003 (Concept Plan Review)
Case Name:	RED ROCK CENTER
Applicant's Name/Address:	Commercial Tennant Advisors 22151 SW 55 th Avenue, Suite 100 Tualatin, OR 97062
Owner's Name/Address:	Douglas Fry 908 Deborah Road Newberg, OR 97032
Address of Property:	12625 SW 70 th Avenue (south of SW Dartmouth Road and east of SW 72 nd Avenue).
Tax Map/Lot Nos.:	Washington Co. Tax Assessor's Map No. 2S101AB, Tax Lots 00100 and 00300.

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS **APPROVING A REQUEST FOR PLANNED DEVELOPMENT REVIEW (CONCEPT PLAN REVIEW)**, THE CITY OF TIGARD HEARINGS OFFICER HAS REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISIONS STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE HEARINGS OFFICER HELD A PUBLIC HEARING ON **JANUARY 26, 2009** TO RECEIVE TESTIMONY REGARDING THIS APPLICATION. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THIS FINAL ORDER.

Request: ➤ The applicant requested approval for Planned Development Review Concept Plan approval (PDR2008-00003) for a proposed commercial development of three buildings totaling approximately 45,800 square feet for medical offices, bank, retail and food service uses on a 4.09-acre vacant property. The proposal includes approximately an acre of open space with a quarter of that in enhanced wetlands. In addition, the proposal includes substantial improvements to streets abutting the property, surface parking of 178 spaces, landscaping, lighting, and access and utility infrastructure improvements. **At the January 26, 2009 public hearing, the Planning Commission approved the Red Rock Creek concept plan, permitting the storm drainage on the Dartmouth Right-of-Way and hydrology improvements for the wetlands, and subject to five (5) conditions of approval to be included in the detailed plan, contained within this final order.**

Zone: C-G (PD): General Commercial District with Planned Development (PD) overlay designation; and MUE: Mixed-Use Employment. **Applicable Review Criteria:** Community Development Code Chapters 18.350 and 18.390.

Action: ➤ Approval as Requested Approval with Conditions Denial

Notice: Notice was published in the newspaper and mailed to:
 Owners of Record within the Required Distance Affected Government Agencies
 Interested Parties The Applicants and Owners

The adopted findings of fact and decision can be obtained from the Planning Division/Community Development Department at the City of Tigard Permit Center at City Hall.

Final Decision:

THIS DECISION IS FINAL ON FEBRUARY 13, 2009 AND BECOMES EFFECTIVE ON MARCH 3, 2009 UNLESS AN APPEAL IS FILED.

Appeal:

The decision of the Review Authority is final for purposes of appeal on the date that it is mailed. Any party with standing as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 18.390.040.G.2. of the Tigard Community Development Code which provides that a written appeal together with the required fee shall be filed with the Director within ten (10) business days of the date the notice of the decision was mailed. The appeal fee schedule and forms are available from the Planning Division of Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon 97223.

THE DEADLINE FOR FILING AN APPEAL IS 5:00 PM ON MARCH 2, 2009.

Questions: If you have any questions, please call the City of Tigard Planning Division at (503) 639-4171.

**NOTICE OF FINAL ORDER NO. 2009-01 PC
BY PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



A FINAL ORDER APPROVING A LAND USE APPLICATION FOR A PLANNED DEVELOPMENT CONCEPT PLAN REVIEW. THE COMMISSION HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON THIS APPLICATION ON JANUARY 26, 2009. THE PLANNING COMMISSION HAS BASED THEIR DECISION ON THE FACTS, FINDINGS AND CONCLUSIONS DESCRIBED IN FURTHER DETAIL WITHIN THIS FINAL ORDER.

120 DAYS = 3/20/2009

SECTION I. APPLICATION SUMMARY

FILE NAME: RED ROCK CENTER
CASE NO.: Planned Development Review (PDR) PDR2008-00003
(Concept Plan Review)

APPLICANT	Brad Pihas Commercial Tennant Advisors 22151 SW 55th Avenue, Suite 100 Tualatin, OR 97062	APPLICANT'S REP:	John Anderson Anderson Dabrowski Architects, LLC 1430 SE 3rd Avenue, Suite 200 Portland, OR 97214
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OWNER: Douglas Fry
908 Deborah Road
Newberg, OR 97032

REQUEST: The applicant is requesting Planned Development Review Concept Plan approval (PDR2008-00003) for a proposed commercial development of three buildings totaling approximately 45,800 square feet for medical offices, bank, retail and food service uses on a 4.09-acre vacant property. The proposal includes approximately an acre of open space with a quarter of that in enhanced wetlands. In addition, the proposal includes substantial improvements to streets abutting the property, surface parking of 178 spaces, landscaping, lighting, and access and utility infrastructure improvements.

LOCATION: The property is located at 12625 SW 70th Avenue, south of SW Dartmouth Road and east of SW 72nd Avenue; Washington County Tax Map 2S101AB, Tax Lots 00100 and 00300.

**ZONES/
COMP PLAN
DESIGNATIONS:** C-G (PD): 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 non-conforming, 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.

(PD): The property has a planned development overlay designation. The purposes of the planned development overlay zone are: 1) To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; 2) To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; 3) To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open

space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; 4) To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; 5) To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and 6) To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to 1) support alternative modes of transportation to the greatest extent possible; and 2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.

**APPLICABLE
REVIEW
CRITERIA:**

Community Development Code Chapters 18.350 and 18.390.

SECTION II. PLANNING COMMISSION'S DECISION

The Planning Commission finds that the proposed concept plan meets the applicable approval criteria of the Tigard Community Development Code and that the proposal will not adversely affect the health, safety and welfare of the City. The Planning Commission, therefore, **APPROVES** the requested Land Use Application subject to the following conditions of approval.

CONDITIONS OF APPROVAL

**THE FOLLOWING CONDITIONS SHALL BE ADDRESSED
AT THE TIME OF DETAILED PLAN REVIEW**

The Planning Commission approved the Red Rock Creek concept plan, permitting the storm drainage on the Dartmouth Right-of-Way and hydrology improvements for the wetlands, and subject to the following conditions of approval to be included in the detailed plan:

- 1. Green street concept;
- 2. Canopy coverage within the parking lot, and meeting with the Tree Board;
- 3. Ingress and egress on SW Elmhurst;
- 4. Traffic impact analysis addressing ODOT and City concerns; and
- 5. Retaining wall design and detail.

**CONCEPT PLAN APPROVAL SHALL BE VALID FOR 18 MONTHS
FROM THE EFFECTIVE DATE OF THE PLANNING COMMISSION'S DECISION.**

SECTION III. BACKGROUND INFORMATION

Site History

The subject site is vacant land located between SW 70th and 72nd Avenues and between SW Dartmouth and SW Elmhurst Streets. Staff reviewed City records and found no prior development action on the subject parcels.

Vicinity Information

The subject 4.09-acre property is zoned primarily C-G (PD) with a 0.90 acre parcel in the southeast corner zoned MUE. The property is surrounded on the north and west by C-G(PD) zoned land, and on the south and east by land zoned MUE. The area to the south along Elmhurst zoned MUE, is a neighborhood in transition where residences have converted to commercial uses. The area north across SW Dartmouth is rapidly developing with development approvals for all parcels located between SW 68th and SW 72nd.

Proposal Description

The applicant is requesting Planned Development Review Concept Plan approval (PDR2008-00003) for a proposed commercial development of three buildings totaling approximately 45,800 square feet for medical offices, bank, retail and food service uses on a 4.09-acre vacant property. The proposal includes approximately an acre of open space with a quarter of that in enhanced wetlands. In addition, the proposal includes substantial improvements to streets abutting the property, surface parking of 178 spaces, landscaping, lighting, and access and utility infrastructure improvements.

SECTION IV. DECISION MAKING PROCEDURES

Chapter 18.390 Decision Making Procedures:

Type III procedures apply to quasi-judicial permits and actions that contain predominantly discretionary approval criteria. Type III-PC actions are decided by the Planning Commission with appeals to the City Council. The applicant's submittal included the required information including an Impact Study for the proposed Tigard Retail Center.

SECTION V. NEIGHBORHOOD COMMENTS

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal, and be given an opportunity to provide written comments and/or oral testimony prior to a decision being made. On December 11, 2008 the City sent a request for comments to agencies and utilities. On January 5, 2009 the City provided notice of hearing to neighbors within 500 feet and to interested parties. On January 8, 2008, the City posted the site with a notice and published an advertisement in the Tigard Times. Staff did not receive any written comments to date from neighbors regarding this application.

The applicant held a neighborhood meeting on September 18, 2008, as required. Eight persons were in attendance. As recorded in the applicant's meeting notes, the issues raised at the meeting primarily concerned the impacts the development would have on the adjacent neighbors on SW Elmhurst Street including retaining walls, lighting on the pedestrian path and on the site generally, and trash containers along the path. The major concern was the potential traffic impact on SW Elmhurst Street if SW 70th Avenue were fully improved to connect Elmhurst with SW Dartmouth.

SECTION VI. APPLICABLE REVIEW CRITERIA AND FINDINGS

The applicable review criteria for Concept Plan review are contained in Community Development Code Chapters 18.350, Planned Developments, and 18.390, Decision Making Procedures. This staff report is limited to the review of these sections and contains a staff recommendation for the Commission's decision on the Concept Plan, pursuant to Section 18.350.020.D.

Transportation is a significant issue related to this proposal. The details of the traffic impacts are provided in the applicant's Traffic Impact Study (Lancaster Engineering, October 2008). Both the applicant's representatives and the City's Development Review Engineering Manager are prepared to provide more detailed explanation if the Commission finds it appropriate during the conceptual plan review.

The following sections will be addressed later at the time of Detailed Plan review:

18.350	(Planned Developments)
18.520	(Commercial Zoning Districts)
18.705*	(Access, Egress and Circulation)
18.725	(Environmental Performance Standards)
18.745*	(Landscaping and Screening)
18.755	(Mixed Solid Waste & Recyclable Storage)
18.765*	(Off-street Parking and Loading Requirements)
18.775	(Sensitive Lands Review)
18.780*	(Signs)
18.790	(Tree Removal)
18.795*	(Vision Clearance)
18.810	(Street and Utility Improvements)
18.390	(Decision Making Procedures, Impact Study)

** According to Section 18.350.100 of the Planned Development Chapter, these chapters are utilized as guidelines, and strict compliance is not necessary where a development provides alternative designs and methods that promote the purpose of the PD Chapter.*

18.350 – (PLANNED DEVELOPMENTS)

18.350.010 Purpose:

The six purposes of the planned development overlay zone are addressed in Section 18.350.040.A.1.c, below. (Pages 12/13).

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.

The majority of the subject site currently has a PD overlay. Therefore, the applicant is required to address the provisions of the Planned Development chapter. In addition, the applicant proposes to extend the overlay to cover the entire development site.

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 applicant has applied for review of the concept plan. The planned development overlay zone (PD) already exists over a majority (80%) of the subject site. The applicant is also proposing to extend the PD overlay to the remaining portions of the site (TL 300).

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.

This staff report and recommendation to the Planning Commission is limited to the concept plan review criteria listed below. The Commission shall make a decision on the proposed concept plan. Review of a detailed plan will require a new application and Planning Commission hearing.

2. The detailed development plan shall be reviewed by a means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.

The applicant has applied for review of the concept plan. A separate application and hearing are required to review the detailed plan to ensure it is substantially in compliance with the approved plan.

3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.

Tax Lot 100 already has the planned development (PD) overlay. The applicant intends to apply the (PD) overlay to Tax Lot 300 at the time of detailed plan review.

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 concept plan review only.

5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed; subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.

This standard is applicable once construction of the detailed plan is completed. This standard is meant to apply to future modification or expansion of an existing plan.

6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.

The proposal does not include subdivision of land.

D. Concurrent applications for concept plan and detailed plan.

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

The applicant has applied for concept plan review only at this time.

FINDING: The Planned Development overlay currently exists over a portion of the subject site. The applicant is submitting for concept plan review. The applicant's proposal is consistent with the applicable process standards of the planned development chapter.

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 18.350.070.

The applicant has applied for a concept plan approval. The Planning Commission may approve the concept plan if it finds that it meets the approval criteria. The concept plan approval expires after 1½ years unless an application for detailed development plan or request for extension is filed.

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.

Tax Lot 100 already has the planned development (PD) overlay. The applicant intends to apply the (PD) overlay to Tax Lot 300 at the time of detailed plan review.

C. Extension.

The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

- 1. No changes have been made on the original concept development plan as approved by the Commission;**
- 2. The applicant can show intent of applying for detailed development plan or preliminary plat review within the one-year extension period; and 3) There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.**

An extension of the Concept Plan approval is not applicable at this time. The applicant states that an extension is not anticipated, but if market conditions warrant, the applicant will file for an extension.

D. Phased development.

- 1. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.**
- 2. The criteria for approving a phased detail development plan proposal are that: a) The public facilities shall be constructed in conjunction with or prior to each phase; and b) The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.**

APPLICANT'S RESPONSE: The applicant intends to actively market the development seeking anchor tenants based upon the approved of the Concept Plan. It is anticipated that the project will be sold in parts or in whole, with final construction completed by the purchaser(s).

The general development schedule is planned to proceed in four phases, with the Detailed Plan being driven by the triggering factors as outlined below. It is the applicant's intent to proceed with detailed planning and site construction as expeditiously as possible, given current weak market conditions. However, the final design of building and initial construction will be dependent upon signing a major tenant for each of the three buildings.

A primary tenant must be secured before a Detailed Site Development Plan can be prepared for submittal, as specific needs and desires of the tenant may affect particular design elements. However, before a primary tenant can enter into any agreement, the applicant needs to obtain Concept Plan approval.

The following phases are dependent on market conditions, but it is anticipated that Phase 2 construction will follow immediately upon completion of the first phase. However, a specific time schedule for Phase 2 and later phase(s) is not possible because of the unpredictability of the market.

Phase 1 Storm drainage improvements within Dartmouth right-of-way. Application for appropriate permissions will follow immediately on approval of the Concept Plan.

The first scheduled improvements involve replacing the existing degraded ditch with a piped storm system within the Dartmouth right-of-way. This initial work is linked with credits for off-site wetlands mitigation for the wetlands to be removed on-site and the applicant wishes to proceed with the work as soon as possible.

The applicant intends to complete the off-site storm drainage work as soon as possible following receipt of appropriate permissions and the City Engineer's approval of construction plans. The anticipated target for construction is spring of 2009 but, worst-case, the applicant will strive for completion of Phase 1 during the construction window that closes October 1 under wet-weather restrictions established by the Division of State Lands.

Phase 2 Detailed Development Plan and Construction of Initial Building.

While the intent is to move as quickly as possible, work on this phase will be driven by signing of an Anchor Tenant for one of the three buildings. This phase will include the final design of the building for the initial major tenant, including sidewalks, landscaping, and other site amenities required by the initial tenant. It will also include completion of the enhancements for the on-site wetland area, and phase 1 parking requirements. Public improvements will include construction of improvements to 72nd Avenue, Dartmouth Street, and an interim driveway access within the 70th Avenue right-of-way to accommodate the main entrance to the site.

The applicant intends to proceed with initiation of a Local Improvement District to fund full improvements along 70th Avenue. However, the LID process is lengthy and may not be completed in time to support the initial site development improvements.

Therefore, Phase 2 site improvements are proposed with an interim driveway access from Dartmouth to the primary site entrance 170 feet south on 70th Avenue. This interim access will be designed as a driveway with standard curb ramp at Dartmouth as shown on Plan sheet C3.1.

Phase 3 Work on this phase will be driven by signing of an Anchor Tenant for the second building, and will complete any buildings, parking, site amenities, and landscaping required by the various tenants.

Phase 4 Work on this phase will be driven by signing of the final Anchor Tenant, and will include completion of any remaining uncompleted site improvements.

In reality, the timing for Phases 2, 3, and 4 are market driven. These phases could occur concurrently if tenants are secured or market conditions warrant construction sooner rather than later. Two factors will determine the actual scheduling of the phases:

1. Timing of the permit process for, and weather related DSL restrictions on the timing of the Dartmouth storm improvements; and
2. Market conditions for securing a primary tenant.

Therefore, the applicant requests that the requirement for a specific schedule be deferred and submitted with the Detailed Site Development Plan pending three crucial events, which must occur before a reasonable start date is known:

1. The approval of this application, the date of which will determine when required applications and subsequent approvals of the off-site storm system improvements can occur, with a construction target of spring 2009;
2. Actual completion of stormwater improvements, which is dry weather dependent as determined by the Oregon Division of State Lands; and
3. Securing of an anchor tenant, which is dependent upon market conditions and approval of the Concept Plan.

Once these three factors are a reality, the Detailed Site Development Plan, including final building designs can be completed, a contractor identified, and a phasing schedule for construction can be completed for approval. It is intended that the first phase of off-site construction will be in the spring of 2009.

The applicant anticipates that the Detailed Site Development Plan may also include a Preliminary Partition Plat. The intent of the plat would be to create separate saleable lots for each building. It is anticipated that all parking, except understructure, landscaping, and signage will be held in common ownership.

E. Substantial modifications to concept plan.

If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.

A modification of the Concept Plan is not applicable at this time.

F. Noncompliance.

Noncompliance with an approved detailed development plan shall be a violation of this chapter.

Compliance with an approved detailed development plan is not applicable at this time.

G. Issuance of occupancy permits.

The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary conditions, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.

Issuance of occupancy permits is not applicable at this time.

FINDING: The applicant has applied for concept plan approval on a site that has an existing planned development overlay. At the time of detailed plan review the applicant intends on extending the overlay to the remaining portion of the site.

The applicant is proposing a phased development plan dependent on market conditions and timing of the permit process for, and weather related DSL restrictions on, the Dartmouth storm improvements. Because of these contingencies, the applicant requests that the requirement for a specific schedule be deferred and submitted with the Detailed Site Development Plan. A more specific schedule may be submitted for detailed plan review.

The applicant proposes Phase 1 storm drainage improvements within the Dartmouth right-of-way, with application for appropriate permissions following immediately on approval of the Concept Plan. The City Development Review Engineer will require those improvements to be initiated after detailed plan review and approval is obtained.

In addition, the applicant's phasing proposal, with respect to the proposed temporary access in-lieu of full improvements to SW 70th (through the LID process) is not consistent with the phasing standards that require a) public facilities to be constructed in conjunction with or prior to each phase; and b) the development and occupancy of any phase not be dependent on the use of temporary public facilities. The applicant will be required to make full improvements to SW 70th Avenue prior to occupancy of any of the proposed buildings. The LID process can be initiated at any time.

18.350.040 Concept Plan Submission Requirements:

A. General submission requirements.

The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050 and the additional information required by 18.350.040.B. In addition, the applicant shall submit the following:

The applicant included information required by Section 18.390.050 and the additional information required by 18.350.040.B. The applicant's plan set includes Architectural Cover (CP2.01), Opportunities and Constraints (CP2.02), Initial Concept (CP2.03), Progress Concept Plans (CP2.04/5), Final Concept Site Plan with Parking Plan (CP2.11), Landscape Concept and Open Space Plan (CP2.12), Elevations (CP2.21/22/23), Site Sections (CP3.01), Tree Survey (CP4.01), Existing Conditions (C1.0), Concept Grading (C2.0), Street Plans (C3.0/1/2), and Composite Utility Plan (C4.0).

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:

a) A description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

APPLICANT'S RESPONSE: Overall, there are opportunities to leverage the site's apparent constraints and turn them into assets through creative design. Planning and Design objectives for this development include the following:

1. Minimize the impact of site generated traffic, particularly ingress/egress on Dartmouth Street and Elmhurst Street, by locating the primary access on 70th.
2. Capture and build upon the unique design opportunities created by the Focal Point Intersection of 72nd Avenue and Dartmouth Street.
3. Maximize the value of existing wetlands and make efficient use of net buildable land by consolidating wetland enhancement at the Focal Point Intersection at the northwest corner of the site.
4. Intentionally trade-off the existing treed area in the central and southern portions of the site to maximize and favor the value of existing wetlands and make efficient use of net buildable land by consolidating wetland enhancement at the Focal Point Intersection.
5. Create both physical and visual linkage from the site to the enhanced wetland and Focal Point Intersection.
6. Utilize carefully integrated retaining walls to physically separate the built site area from the enhanced wetland area, while providing overlook areas for sitting, casual eating, educational opportunities, or just observation of the wetland areas without intruding on them.
7. Create casual pedestrian circulation through the site with passive recreational opportunities, while particularly providing visual overlooks to the wetland area and access from the interior of the site and from the streets to the overlooks.
8. Provide safe and convenient access and circulation from both vehicles and pedestrians. Create wide street-side sidewalks around the perimeter of the site, hard architectural plaza type walkways around and between the buildings, and a soft pedestrian pathway providing linkage to the enhanced resource area, then continuing through the site to provide an alternate pedestrian link between Dartmouth and Elmhurst.
9. Provide a pedestrian friendly interface between the businesses fronting Dartmouth and the public sidewalk by providing entrance areas that are set back from traffic or are accessible by alternate pathways, with areas for seating or casual eating overlooking Dartmouth, and multiple accesses to the site from Dartmouth despite the steepness of the sidewalk.

10. Provide a vital mix of retail and office uses that create an attractive activity center overlooking the enhanced wetland and Focal Point Intersection.
11. Minimize any negative affects imposed on the site from prevailing south winter winds and hot summer sun exposure. Utilize innovative design to create elements that screen against summer sun while enhancing privacy for residential neighbors and/or reduce the need for artificial lighting within the buildings.

Conclusions:

Other than topography, the most prominent natural features of the site consist of a wetland and an exposed portion of a Red Rock Creek tributary, which has been confined to culverts or an artificial ditch. These features are located at the north and northeast edge of the site, directly adjacent to Dartmouth Street.

The 72nd and Dartmouth intersection is the major manmade feature associated with this property. This is an intersection of two arterial streets, which makes it a prime location for retail, as shown on the Initial Development Concept Sketch, Sheet CP2.03.

However, the applicant recognizes the potential values to the community which can be derived from the wetland features of the site as compared to the pure retail value of this high volume intersection. Therefore, the Concept Plan seeks to balance the competing issues of corner access versus natural amenity in favor of preserving and enhancing the wetland. The applicant believes this sensitivity towards the value of the wetland features will provide environmental education opportunities for the community, as well as simple appreciation of the natural environment for occupants of the site and passersby. In addition, enhancement of the wetland area will create an attractive amenity as a backdrop for this Focal Point intersection.

The preservation and improvement of the wetland and creek tributary also provide for a portion of control of on-site stormwater. It further addresses a portion of the wetland mitigation requirements for the site. In addition, this design affords water quality treatment and flood surge control for the tributary.

Two other elements of the Concept Plan build off of the wetland resource. They include:

- a riparian grove that will surround the wetland; and
- an informal access from approximately the center of the site, and from the street, to a wide path, with park benches.

These added features provide areas for observing the wetland and for picnics, quiet conversation, peaceful relaxation, or just a pleasant shortcut through the site.

The overall layout of the Concept Plan is driven by the following issues:

1. The wetland forms a physical barrier and provides a visual window and aesthetic attraction at the west edge of the site.
2. The Floor Area Ration (FAR) easement on Lot 300, prevents any structure from being built on the southern portion of the site. *[The commercial development rights to TL 300 were transferred under SDR98-00014 by Specht Development for the adjacent Tigard Triangle Office Complex. The transfer allowed more FAR for the Specht development and limited the development on TL 300 to residential use or accessory uses for commercial development, such as the proposed parking lot.]*
3. 70th Avenue must be developed as a condition of site development, and therefore provides primary access to the site on a low volume local street.
4. 72nd Avenue also requires improvement but access is blocked by the wetland.
5. Dartmouth Street is a high traffic arterial, which limits full left and right turn access, as well as access spacing from 72nd.

The consequence of these issues, coupled with internal site traffic, market forces, and code requirements give rise to a Concept Plan that has the following features:

- single-shop-deep buildings surrounding a pedestrian and vehicle courtyard;
- primary traffic access from 70th Avenue and Dartmouth Street;
- dual facades onto Dartmouth Street and the wetlands along 72nd Avenue.
- a single building at the south side of the courtyard, which orients the façade to the interior courtyard; and
- a minimally fenestrated wall toward the existing residences to the south.

b) An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed;

APPLICANT'S RESPONSE: The Concept Plan combines multiple medium size buildings with architectural breaks into smaller sections to afford flexibility in response to a variety of tenant sizes. Significant gains in the user's perceptions and comfort are created with small investments in the transitional elements of the parking, building entries, materials, vertical scale, as well as vertical and horizontal breaks in the structure surfaces. This variety of exterior scales provides simple, yet open building interiors that allow for market responsiveness.

The scale of the buildings varies and is coupled with breaks in facades, heights, materials, and textures, together with fixed awnings and sunscreens. Plus, the relatively intimate scale of the interior courtyard is intended to provide a transition from the speed and scale of the surrounding streets down to a human-scale, comfortable for shoppers and other users.

The central plaza is broken by island planters and traffic dividers into parking and walkways for bicyclists and pedestrians. It also provides multiple alternatives for users to explore or visit more than one location on the site. Parking pressures on the smaller scale area will be relieved by the larger area of parking on the southern leg of the site.

Buildings: The design of each building within this development is unique. Each building is distinguished from the others to create a townscape atmosphere, a sense of place, which is unique to a development of this size.

The architectural "style" of the development is best described as up-scale, low-rise, office and retail vernacular with a playful twist. The style is driven by the need for the buildings to be recognizably professional in nature. Innovations within the vernacular include the decision to use a mix of finishes, variety of scales, and both horizontal and vertical breaks at a variety of scales to bring the buildings to human scale. In addition, the south face of Buildings A and C will employ passive solar lighting and window shading to reduce energy use while the screening on Building C will provide privacy for adjacent residential properties. The site plan has three design innovations that are notable:

First - instead of a single, large building with emphasis on internal efficiencies, the proposed square footage is broken into a cluster of three smaller buildings. Breaking up the volume of the buildings allows a smaller, more human scale to the individual structures. The buildings are organized around a central plaza with a continuous accessible path from the street and from building to building. This design creates a closer relationship between the interior of the buildings and the public and natural portions of the site. Examples of this approach include:

1. The dual orientation of Building A to the streets and to the interior plaza. The preferred option for Building A includes a two story structure with parking under the building. A 1-story section provides opportunities for retail development or larger scale equipment;
2. Another example is Building B's dual orientation to the Wetland Reserve, as well as to the Central Plaza; and
3. Finally, Building C frames the southern edge of the plaza. This is a two story structure that shelters the plaza and creates a backdrop for activities in the plaza area.

Second - is the creation of elevated viewing areas between Building B and the Wetland Reserve. The lower viewing level will be paved with a permeable material and will be physically elevated approximately two feet above the edge of the wetland buffer with a modular retaining wall. Behind the first viewing level, the retaining wall rises to the level of Building B where a more formal, paved viewing plaza will be available. The use of larger than normal windows will also allow viewing of the wetland from the interior of Building B. In turn, a riparian buffer adjoining the wetland will provide shading for the windows during the summer.

Finally - is the dual use of a portion of the buffer along the south property line as a path from the south end of the site, to the center, then to the viewing area adjacent to the wetlands. This pathway can also be accessed directly from the sidewalk on Dartmouth Street. The pathway forms an alternate pedestrian access from the northwest corner to the southeast corner of the site that avoids some of the traffic on Dartmouth Street and in the parking areas. It allows a quieter walk past the wetlands and then onto the hard surfaced interior path of the site or on to Elmhurst Street.

The primary weather exposure of the site is to the north, with wind sheltering to be provided by trees on the south. It is important to recognize that the buildings on the site respond more to their orientation to the street and to on-site parking rather than to pure solar orientation. Given this design choice, it was considered unfeasible to extensively orient the buildings to take full advantage of sun and wind. However, a concerted effort was made to orient as much frontage to the on-site wetland as possible, as this is considered the most significant natural amenity of the site.

While the structures on the site are designed to maximize their exposure to the adjoining streets, the buildings face parallel to or directly away from the adjacent residences. In addition, the two buildings that are closest to the residences will have a 20 foot setback with trees, shrubs, and hedges to provide appropriate buffering for the less intensive use. Solar and privacy screening and the windows and doors in the buildings are designed to avoid direct view of the residential area.

The placement of the buildings on the site has been carefully planned to take into account the design standards for the Tigard Triangle. The buildings occupy over 50% of the frontages on Dartmouth and 72nd Avenue. Buildings A & B have been designed to provide dual façades, with large amounts of glass on the street frontages. Parking areas have been placed away from 72nd Avenue and Dartmouth Street to enhance the pedestrian experience. Canopies have been provided as an integral feature of the design of each building, providing weather protection for the users.

c) An explanation of how the proposal relates to the six purposes of the Planned Development Chapter as expressed in 18.350.010:

To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and

APPLICANT'S RESPONSE: Commercial development on the site is consistent with the Comprehensive Plan as expressed by the notable inclusion on the zoning map. The applicant intends to develop a commercial center that will benefit nearby residents, as well as the occupants and customers of neighborhood commercial buildings. The desire is to provide a human scale experience while providing needed retail, professional services, quality food, coffee, and banking services. Proposed medical office functions will be responding to a broader regional need. Finally, preserving, enhancing, and maintaining a significant natural resource provides both a local amenity, and a cultural touchstone within a largely manmade environment.

To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code.

APPLICANT'S RESPONSE: Preservation of the wetland and a portion of a Red Rock Creek tributary increases natural areas, while also benefiting downstream resources and water flow. It is hoped that the scale of the development and the availability of the casual wetland viewing area, with associated walkways will encourage pedestrian access and promote smaller scale mixed use development in the surrounding area.

To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and

APPLICANT'S RESPONSE: This project is not residential in nature, which appears to be a major focus of the PD provisions. However, limited residential development in the surrounding mixed use zone is conceivable. Such mixed uses could be encouraged by the proposed development, especially if supplemented by similar resource enhancements to the west of 72nd.

To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and

APPLICANT'S RESPONSE: The predominant landscape features include numerous small and a few large trees of about 8 to 10 species, a dished slope from southeast to northwest, and an eroded, artificial ditch, through which a tributary to Red Rock Creek runs. The applicant has intentionally sought to enhance the wetland at the west edge of the site as a trade-off and mitigation for removal of trees and the smaller wetlands at the east and central portions of the site. Several larger trees just east of the wetlands along the south property line can be preserved and protection plans will be developed during the detailed plan phase of the application. The balance of the large trees are in the areas to be occupied by public streets, and will not be addressed in the plan.

To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and

APPLICANT'S RESPONSE: It is important to acknowledge that the applicant has purposefully reduced the intensity of development in the interest of preserving a significant natural feature. In addition, other public use spaces are created in the plaza type walks surrounding the buildings.

To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

APPLICANT'S RESPONSE: Again, restoration, enhancement, and maintenance of the wetland at the west end of the site are responses to mitigate the impact of the built environment on the natural environment. A notable innovation is the use of a 5,100 square foot Stormtech® stormwater treatment and retention system. This system is intended to mitigate for the disturbance of natural stream flow activity and to treat storm water from the site prior to its gradual release of water to the wetland area.

d) An explanation of how the proposal utilized the Planning Commissioner's Toolbox.

The applicant's response has been edited for length. The complete comments are available in the applicant's narrative.

APPLICANT'S RESPONSE: The applicant's Design Team has studied the "Planning Commissioner's Toolbox" and has incorporated several of the planning and site design elements into the proposed Concept Plan. The general orientation of the Planning Commissioner's Toolbox appears to be focused towards large, residential developments. However, the Toolbox also generally frames a planning methodology as a guide to site design, beginning with Site Analysis. A number of these planning concepts are relevant for the proposed development and have been incorporated into development of the proposed Concept Plan, as follows:

Site Analysis:

As noted, the Design Team began with a site analysis, which evaluated the Opportunities and Constraints presented by this particular site. This analysis considered the relatively small scale of this office/commercial development. The site analysis was based on the detailed survey, which documented the existing conditions of the site. The analysis is visually displayed on Plan Sheet CP2.02.

Existing site conditions including slopes, wetlands, trees, soil constraints, accessibility, visibility, adjacent land uses, solar and wind exposure, and noise issues were all considered. As summarized above, the relationships between constraints and opportunities are complex, with some features offering both constraints and opportunities.

Of the various design considerations evaluated, street adjacencies and access, adjacent land uses, and the presence a degraded streambed and wetland areas, became the principal drivers of the proposed Concept Plan. In addition, the Design Team recognized the significance of the conceptual identity of the abutting street intersection (72nd/Dartmouth) as a Focal Point within the Tigard Triangle.

Street Adjacencies and Access:

This site is strategically situated at the southeast corner of the Tigard Triangle Focal Point Intersection of SW 72nd Avenue and SW Dartmouth Street. SW 72nd Avenue runs north-south from the Tualatin area to an intersection with Highway 99W only about a half mile north of the site. SW Dartmouth runs east-west from another intersection with 99W to a complex interchange with Interstate 5 (Haines). There is direct access to and from I-5 southbound to and from Dartmouth. However, northbound access is provided by a circuitous route using Dartmouth, 68th, Haines Street, and 64th Avenue. Easier access to I-5 north bound is actually provided via 72nd either south to Hwy. 217 or north to 99W. Nevertheless, this site has excellent access and visibility from major high volume streets.

Access Challenges: From a pure street frontage perspective, the average passerby will tend to recognize SW Dartmouth Street as the “front” of the subject site. In recognition of the site’s strategic location and visual exposure, the majority of the site frontage along Dartmouth will be occupied by buildings. In addition, consistent with the Triangle Development standards, the majority of the building façades will be glazed to provide a visual connection with the street.

However, as noted, full access from Dartmouth will be restricted. Therefore, primary access will be oriented to SW 70th. This 70th access orientation, however, creates a challenge to overcome the perception that this is the “primary access” and not just a side street. This design challenge is further complicated by the sheer visual dominance of the adjacent parking structure to the east.

Transit based pedestrian access is unfortunately diminished, as neither 72nd nor Dartmouth are current transit routes. The only existing transit route in the area is on SW 68th, two blocks to the east.

The design solutions for access incorporates building frontage design details along Dartmouth, including at grade corner building entry, together with intersection design details and signage at 70th directing people to the main entry. The limited access from Dartmouth is down-played as a curb cut, and minimal signage.

Adjacent Land Uses:

Surrounding and adjacent land uses are important considerations in site planning. The Design Team considered two primary land use factors as part of the site analysis:

- Already mentioned are the big box developments to the west of the site, and the smaller scale professional and office developments to the east; and
- Just south of the site are several single family dwellings that need (interim) buffering protection from the immediate consequences of non-residential development. The presence of abutting residential uses dictates incorporation of a buffer zone, with visual screening into the Concept Plan.

Residential: In response to the adjacent residential properties, one of the three proposed buildings is placed near the south property line, with a 20 foot setback. In this location the building will itself provide a buffer between the traffic of SW Dartmouth, the internal site traffic, and the residential uses. In this context the Concept Plan turns a relatively blank wall to the residences. However, the Plan anticipates softening this south facing wall with a combination of window shading and visual screens to preserve the residential privacy, while also creating openings in the wall for the benefit of its occupants.

Office: Across the street to the north, there is a 3-story office building under construction. The development includes parking west of the building. Site slopes similar to the subject site, results in 6-12 foot tall retaining wall parallel to but setback from the sidewalk.

Immediately to the east is a 2-story, multi-building professional office complex, with a multi-story parking structure, as previously noted. These office buildings all front on SW 69th, therefore they are setback from the subject site. Consequently the parking garage dominates the eastern frontage of the adjacent site, which will be immediately across SW 70th Avenue.

Again, because of the slopes, a retaining wall forms the platform for the northern-most of these office buildings. The slope – downward to the west – also tends to exaggerate the height of the parking garage relative to the subject site.

Water Features: Historically, there was a year-around tributary to Red Rock Creek which flowed west from the upland forests and aligned approximately with the current route of SW Dartmouth Street. As development within this area occurred, the majority of the tributary was piped or diverted to ditches. At the current time, the stream is confined to culverts east of the site, an eroded artificial ditch along the north edge of the site, and to a culvert running under SW 72nd. From 72nd it flows to Red Rock Creek about 300 yards further down the hill to the west.

Through coordination with City and other Resource Agency staffs, it has been determined that the best storm design will replace the ditch with a piped system. This storm system will run under the edge of the future right-of-way for Dartmouth Street, except for approximately the last 70 feet. At the west end, a low water discharge will be directed to a reconstructed streambed along one edge of the existing wetland. At this point the re-created stream will feed the wetland. In turn, the wetland will buffer the storm surges, before they are discharged to the culvert under SW 72nd.

The applicant envisions the enhanced wetland, together with the future Focal Point Design elements as creating a “gateway to the east side of the Triangle”. These natural and manmade features will combine to foster a soft natural and more human scale for the Eastern Triangle Area, in contrast to the big box, auto-oriented scale of the western Triangle Area.

As a final consideration, the building fronting on SW 72nd Avenue is set back behind the wetland, but every attempt has been made to open the façade facing 72nd across the wetland to views from 72nd, and to the wetland.

Conventional Yield Plan:

To understand the potential for this property, an unconstrained maximum development plan was developed, Plan Sheet CP2.03. This plan represents what might be considered the “Conventional Yield Plan”.

Essentially, this plan is reminiscent of the type of development that typically occurred in the 1960’s and 70’s. The primary driver for site planning was to leverage the highest and best utilization of such a high value intersection by maximizing building coverage and parking. Buildings were strategically located at the corners and along the arterial frontage to maximize exposure, with ample parking clearly visible from the street. But, generally all other site features such as slopes, wetlands, and traffic impacts were ignored. Consequently, using this design principle, the site yields 56,600 square feet of commercial floor space, and requires 218 parking spaces.

In this scenario, locating buildings directly adjacent to SW 72nd and placing pedestrian access at the corner would meet one set of criteria (pedestrian friendly) for development in the Tigard Triangle. But, this design completely ignores other criteria, such as preservation and enhancement of natural features.

One of the primary constraints on development of the site is the amount of parking that can be provided. Removing the wetland would have allowed, at most, an additional 10 parking spaces, thereby yielding an additional 2,000 to 3,000 square feet of floor area. Through the analysis described above, this square footage gain was considered insignificant when compared to the value added by preserving and enhancing this natural feature.

Deferred Detailed Development Plan:

At the pre-application conference the applicant emphasized the importance of being able to come to an agreement with a “primary” or “anchor” tenant before detailed plans could be developed. Beyond a general design concept, the needs and desires of any particular anchor tenant will directly influence the final design details. It was also discussed how important defining the public edges of the site will be to marketing and attracting primary tenants.

However, at the same time, the length of time required to develop the public facilities (street and utilities) to serve this site, through the Detailed Development Plan process, creates a marketing challenge. Therefore, the applicant needs some clear direction from the City on acceptable site design. For these reasons, it was mutually decided with the Community Development staff that the application for the Concept Plan should be separated from the application for the Detailed Site Development Plan.

2. A general development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.

APPLICANT’S RESPONSE: The applicant intends to actively market the development seeking anchor tenants based upon the approved Concept Plan. It is anticipated that the project will be sold in parts or in whole, with final construction completed by the purchaser(s).

The general development schedule is planned to proceed in four phases, with the Detailed Plan being driven by the triggering factors outlined above. It is the applicant’s intent to proceed with detailed planning and site construction as expeditiously as possible, given current weak market conditions. However, the final design of building and initial construction will be dependent upon signing a major tenant for each of the three buildings.

3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.

APPLICANT’S RESPONSE: The applicant anticipates that the Detailed Site Development Plan may also include a Preliminary Partition Plat. The intent of the plat would be to create separate saleable lots for each building. It is anticipated that all parking, except understructure, landscaping, and signage will be held in common ownership.

B. Additional information.

In addition to the general information described in Subsection A above, the concept plan, data, and narrative shall include the following information: 1) Existing site conditions; 2) A site concept including the types of proposed land uses and structures, including housing types, and their general arrangement on the site; 3) A grading concept; 4) A landscape concept indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s); 5) Parking concept; 6) A sign concept; 7) A streets and utility concept; and 8) Structure setback and development standards concept, including the proposed residential density target if applicable.

The applicant’s narrative and plan set include the required additional information listed above.

C. Allowable uses

In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.

APPLICANT'S RESPONSE: The proposed development includes medical office, retail sales, bank and food service uses allowed outright in the C-G zone. The applicant does not include multi-family dwellings in their proposal.

FINDING: The applicant's narrative and plan set contains all of the general information required for a Type III-PC procedure and the additional information required by 18.350.040.B. The narrative includes a statement of planning objectives to be achieved by the planned development, which includes a) a description of the character of the proposed development and the rationale behind the assumptions and choices made, b) an explanation of the architectural style, and the innovative site planning principles and innovations in building techniques that will be employed, c) an explanation of how the proposal relates to the six purposes of the Planned Development Chapter, and d) an explanation of how the proposal utilized the Planning Commissioner's Toolbox. In addition, the applicant has provided a general development schedule, a statement of intentions with regard to the future selling or leasing of the planned development, and the additional listed information for concept plan review. Therefore, the proposal is consistent with the concept plan submission requirements.

18.350.050 Concept Plan Approval Criteria:

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

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

APPLICANT'S RESPONSE: The applicant has provided a Concept Plan (Sheet CP 2.11) which includes specific designations on the map for areas of open space. The Concept Plan and this compliance narrative provide descriptions of the intended level of use for each sub-area, and how they relate to other proposed uses on the site. The Concept Plan specifically protects and enhances natural features of the site, particularly the wetland at the western edge.

STAFF'S RESPONSE: The concept plan is consistent with this criterion.

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

APPLICANT'S RESPONSE: The Concept Plan (Sheet CP 2.11) identifies areas of the site where significant natural resources have been delineated. The methods for maximized protection, preservation, and enhancement are outlined within this compliance narrative and visually displayed on the various Plan Sheets.

STAFF'S RESPONSE: The concept plan is consistent with this criterion.

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.

APPLICANT'S RESPONSE: The Concept Plan (Sheet CP 2.12) identifies how the future development will integrate into the existing neighborhood, primarily through compatible street layout and architectural style. The Plan also provides a landscaped transition between the abutting residential neighborhood and the project. Buffering and screening details will also be provided along the south edge and south face of Building C.

Staff's Response: The concept plan is consistent with this criterion.

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.

APPLICANT'S RESPONSE: The Concept Plan (Sheet CP 2.11) identifies methods for promoting walkability and transit ridership, including separated parking bays, bicycle parking, off street walking paths, pedestrian-friendly intersection details, and sidewalk linkages to nearby bus stops.

STAFF'S RESPONSE: The concept plan is consistent with this criterion.

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.

APPLICANT'S RESPONSE: The Concept Plan (Sheet CP 2.11) identifies the proposed uses, and their general arrangement on site. No residential component is proposed.

STAFF'S RESPONSE: The concept plan is consistent with this criterion.

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.

APPLICANT'S RESPONSE: The Concept Plan demonstrates that development of the property pursuant to the plan will result in a development that has significant advantages over a standard development. The proposed Concept Plan has significant advantage in that it provides development consistent with the general purpose of the commercial zoning and the concepts aimed at implementing the Tigard Triangle. At the same time, the Plan protects and enhances the highest value natural features of the site. It creates an attractive and vital activity center at the identified Focal Point Intersection within the Tigard Triangle. The Plan provides additional amenities and pedestrian oriented features that enhance the development project and the neighborhood generally.

STAFF'S RESPONSE: The concept plan is consistent with this criterion.

FINDING: The proposed concept plan meets all of the Concept Plan Approval Criteria and, therefore, may be approved by the Commission. However, as indicated in the Toolbox, the concept plan should reflect the maximization of opportunities where the objective is design excellence. It is the express intention of the concept plan review that the concept is entirely open for discussion. Therefore, staff recommends, prior to approval of the proposed concept plan, the Commission consider the following discussion areas, in addition to any others they may have, in order to provide the applicant with clear direction in developing the detailed plan.

SECTION VII. ADDITIONAL DISCUSSION AREAS

Staff is generally pleased with the applicant's comprehensive site analysis and responses to the concept plan review standards. In addition to the two phasing issues addressed above (Page 8), two additional issues are addressed below.

1. Natural Resource Preservation.

The applicant's Final Concept Plan (Sheet CP 2.11) identifies areas of the site where significant natural resources have been delineated. The methods for maximized protection, preservation, and enhancement are outlined within the applicant's narrative and submittal materials and visually displayed on the various Plan Sheets. The applicant has intentionally sought to enhance the wetland at the west edge of the site as a trade-off and mitigation for removal of trees and the smaller wetlands at the east and central portions of the site. Several larger trees just east of the wetlands along the south property line are identified for preservation and protection plans are proposed to be developed during the detailed plan phase of the application. The applicant states that the balance of the large trees are in areas to be occupied by public streets and will not be addressed in the plan.

As the comments received from the Long Range Planning Staff and City Arborist, below, indicate, there are discrepancies in the tree inventory and survey regarding significant trees that are unaccounted for. In addition, there may be opportunities to preserve additional trees or groups of trees. Staff suggests the Planning Commission consider directing the applicant to provide a full accounting of the trees removed from the site to verify whether they are subject to mitigation and to work closely with their project arborist to better incorporate the trees in the site layout.

2. Open Space Calculation.

Even though this calculation, pursuant to 18.350.070.A.4.m, is part of the detailed plan review, it is important to clarify the terms used so that the standard is consistently implemented.

18.350.070.A.4.m states: “Shared open space facilities: The detailed development plan shall designate a minimum of 20% of the **gross site area** as a shared open space facility.” Staff interprets the meaning of “gross site area” (undefined) from two defined terms: “Site” - any plot or parcel of land or combination of contiguous lots or parcels of land, and “Development site” - a lot or combination of lots upon which one or more buildings and/or other improvements are constructed. These definitions suggest that the gross site area should include all the land within the parcels or lots that are the subject of the application.

On Sheet CP2.12, the applicant states the gross buildable area of this site is approximately 147,233 square feet and, therefore, the 20% open space provision would require a minimum of 29,447 square feet of open space. Using the above interpretation, the 4.09-acre development site, comprised of TL 100 (3.19 acres) and TL 300 (0.9 acres) contains 178,160 square feet, 20% of which would be 35,632 square feet. In this case, the applicant has allocated more open space (41,462 square feet) than is otherwise required.

SECTION VIII. OTHER STAFF COMMENTS

The Tigard Long Range Planning Department commented that discrepancies between the applicant’s arborist and hydrology reports raise the question of significant trees that may have been removed within one year of the application date. If so, the trees in question may be subject to mitigation. In addition, in light of this apparent discrepancy, staff questions whether the applicant has met the burden of the planned development purpose statements and approval criteria that refer to preserving natural features to the greatest extent possible and demonstrating that effort through alternatives analysis.

The City Arborist commented on the proposed development finding that greater tree preservation may be possible to address the concept approval criteria in 18.350.050.A.2, which requires the applicant to identify methods to maximize protection of natural resources. The City arborist recommends the applicant work closely with their project arborist to better incorporate the trees in the site layout.

The Tigard Public Works Department commented on the Composite Utility Plan (Sheet C4.0) with questions of clarification regarding the proposed storm water drainage system in SW 70th and the filter vault on the subject site. These issues will be dealt with more specifically in the detailed plan review.

SECTION IX. AGENCY COMMENTS

Metro Land Use & Planning, Oregon Department of Environmental Quality, Washington County, and the Oregon Department of State Lands were notified of the proposed development but did not comment.

Oregon Department of Transportation commented on the subject proposal in a letter dated January 9, 2009. ODOT found that the applicant’s Transportation Impact Study (TIS) prepared by Lancaster Engineering was insufficient to determine the impact of the proposed development. ODOT suggests the Transportation Impact Analysis (TIA) prepared by Kittelson & Associates for the Tigard Retail Center proposal be entered into the record because of the similarities in the applicable trip generation and distribution information. On this basis, ODOT

requests the applicant address five conceptual improvements in the vicinity of the 217/SW72nd Avenue Interchange. Further, "At such time that the applicant should resubmit their traffic study or submit a Detailed Planned Development application, ODOT requests that the applicant consult with ODOT traffic analyst Doug Baumgartner and the City to determine the scope of improvements to be analyzed. The updated TIS shall analyze traffic impacts in the year of build out and include growth in background traffic and in process development in order to determine the proper mitigation for this development at the time it is likely to be occupied. In addition, an updated TIS shall address the deficiencies listed in the attached traffic memo."

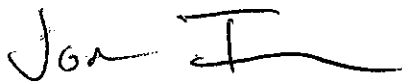
Oregon Department of Fish and Wildlife commented in an email dated September 13, 2006 from Devin Simmons, Habitat Biologist with ODFW, to Andy Harris, Harris Stream Services. Mr. Simmons qualifies the stream resource as a very small tributary to Red Rock Creek fed primarily by parking lot runoff that shows little hydrology, is contained in an incised channel with a minimal riparian zone and is very flashy in nature. Mr. Simmons main concern is to dissipate the energy and velocity of the stream and to provide filtration of pollutants. Mr. Simmons supports the proposed stormwater plan and mitigation elements referred to in the applicant's DSL/CORPS Joint Permit (37247-FP Modified, June 24, 2008), described below.

DSL/CORP issued to the applicant a DSL/CORPS Joint Permit (37247-FP Modified, June 24, 2008) which authorizes the placement of up to 496 cubic yards of compacted fill material in wetlands and 92 cubic yards of compacted fill material in waters, as outlined in the map and drawings dated May 12, 2008. The permit requires compensatory wetland mitigation for the loss of 0.21 acres of wetlands and 619 linear feet of waterways. Mitigation includes 0.12 acres of wetland restoration and 533 lineal feet of channel restoration at Hiteon Creek and 38 lineal feet of on-site channel restoration.

Clean Water Services provided a general comment letter dated December 19, 2008 addressing sanitary sewer, storm water, erosion control and sensitive areas. In addition, CWS issued a service provider letter with conditions of approval dated September 26, 2008 (CWS File No. 08-00669) requiring mitigation for the vegetated corridor encroachment.

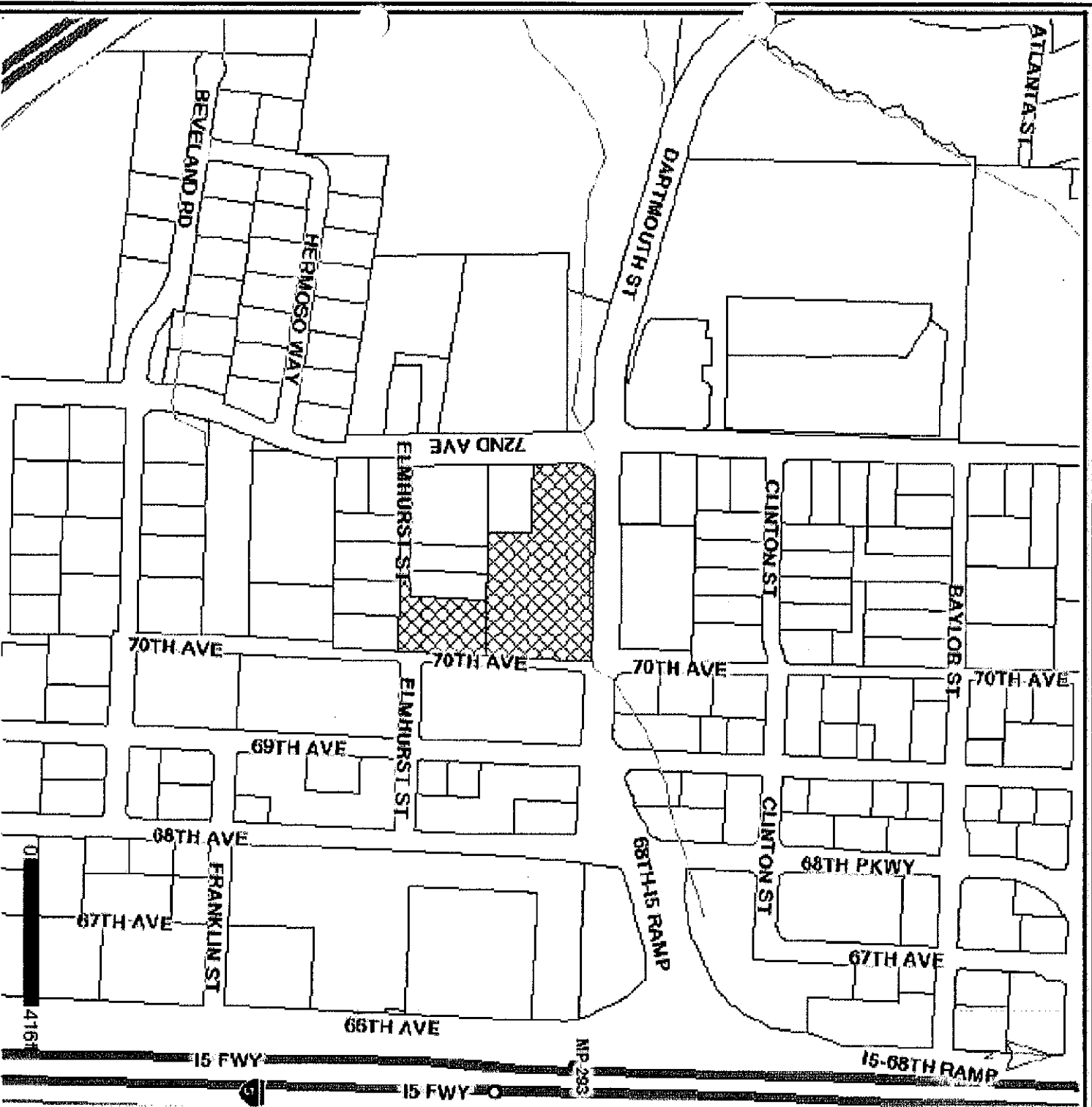
Tualatin Valley Water District commented that the subject project is in the Tualatin Valley Water District service area for water and that the TVWD system is adequate to meet the expected demand of 4000 gpd.

PASSED: THE 26TH DAY OF JANUARY, 2009 BY THE CITY OF TIGARD PLANNING COMMISSION.




Jody Inman, Planning Commission President

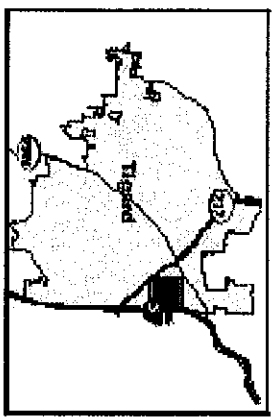
Dated this 6th day of February, 2009.



VICINITY MAP

PDR2008-00003
RED ROCK CENTER

 Selected Site




Information on this map is for general location only and should be verified with the Development Services Division.

Scale: 1:5,000 - 1 in = 417 ft
 Map printed on 08-Dec-08 03:24 PM

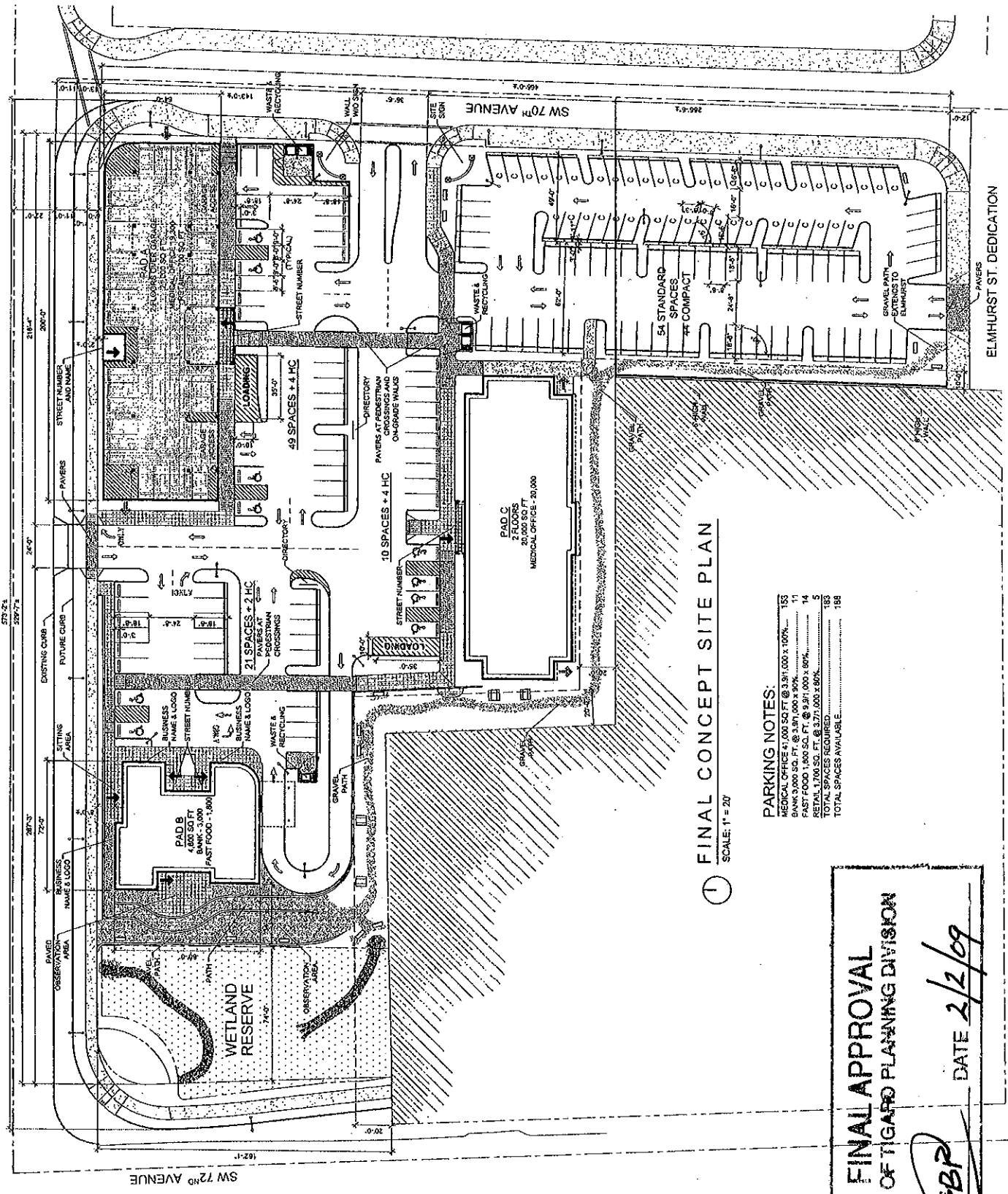


TIGARD MAPS

City of Tigard
 15125 SW 1st Ave
 Tigard, OR 97223
 503.636.4171
 www.tigard-or.gov



SW DARTMOUTH STREET



FINAL CONCEPT SITE PLAN
SCALE: 1" = 20'

PARKING NOTES:

MEDICAL OFFICE 4,000 SQ FT @ 3.91,000 x 100%	153
BANK 3,000 SQ. FT. @ 3.91,000 x 90%	11
FAST FOOD 1,600 SQ. FT. @ 3.91,000 x 80%	14
RETAIL 1,700 SQ. FT. @ 3.91,000 x 80%	5
TOTAL SPACES REQUIRED	183
TOTAL SPACES AVAILABLE	188

FINAL APPROVAL
CITY OF TIGARD PLANNING DIVISION

DATE 2/2/09

BY GBR