## SECTION I. APPLICATION SUMMARY

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<th>FILE NAME:</th>
<th>COMPREHENSIVE PLAN MAP AMENDMENT</th>
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<td>CASE NO.:</td>
<td>CPA2020-00001</td>
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<td>ZONING MAP AMENDMENT</td>
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<td>ZON2020-00001</td>
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**PROPOSAL:**

The applicant is requesting approval of a comprehensive plan map amendment and a zoning map amendment. According to the City’s Comprehensive Plan and Zoning Map, the 5.78-acre property has a split designation with both General Commercial / C-G (2.55 acres) and Medium Density Residential / R-12 (3.23 acres). The applicant is proposing a change in one of the designations from the current Medium Density Residential / R-12 to Medium-High Density Residential / R-25 as well as a change to the total amount of land in each designation. The proposal would result in the property being designated as General Commercial / C-G (4.12 acres) and Medium-High Density Residential / R-25 (1.66 acres).

**APPLICANT:**

Walter Aman  
PO Box 4127  
Portland, OR 97208

**APPLICANT’S REPRESENTATIVE:**

Alex Dupey, MIG Inc.  
1101 Second Ave #100  
Seattle, WA 98101

**OWNER:**

Same as applicant

**LOCATION:**

11655 SW Pacific Highway; WCTM 1S136CA Tax Lot 01600.

**COMPREHENSIVE PLAN DESIGNATION:**

EXISTING: General Commercial and Medium Density Residential  
PROPOSED: General Commercial and Medium-High Density Residential

**ZONE:**

EXISTING: C-G and R-12  
PROPOSED: C-G and R-25
APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.790; Comprehensive Plan Goals 1, 2, 10; Statewide Planning Goals 1, 2, 10; and Metro’s Urban Growth Management Functional Plan Titles 1.

SECTION II. STAFF RECOMMENDATION

Staff recommends that Planning Commission recommend to the Tigard City Council APPROVAL of the Comprehensive Plan and Zoning Map Amendments as complying with all applicable comprehensive plan policies and map designations and Metro policies, and that the applicant has demonstrated adequate public services exist to serve the property at the intensity of the proposed zoning.

CONDITIONS OF APPROVAL

1. The commercially zoned property is limited to a maximum of peak hour trips (or other trip numbers based on a revised TPR analysis consistent with ODOT’s analysis). If the applicant or future property owners wish to allow for more trips on the Commercially zoned property, a Major Modification (Chapter 18.765) application with accompanying Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap will be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change.

SECTION III. BACKGROUND INFORMATION

Site Description
The project site is approximately 5.8 acres with frontage on SW Pacific Highway to the south and SW Torchwood Street to the north east. There are two existing buildings on the property that are being used for a recreational vehicle rental business. Most of the site is paved, except the northernmost part that is undeveloped and mostly grass. The property is split-zoned with the General Commercial (C-G) zone on the southern half of the lot, with a General Commercial comprehensive plan designation; and the R-12 zone on the northern half of the lot, with a Medium Density Residential comprehensive plan designation. Properties to the north and west are developed with apartments (R-25 and R-12 zones); properties to the east are development with single detached houses and commercial uses (R-12 and C-G zones); and the property to the south is also developed with commercial uses (C-G zone).

The subject site is rectilinear in shape, except for the pole portion (approximately 70 feet wide) that provides access to the site from SW Pacific Highway. Except for the pole portion, the lot is approximately 295 feet wide by 823 feet deep. The site is relatively flat, elevations range from 230 feet above mean sea level elevation near the southern property line to 245 feet near the north eastern property line. No portion of the site has slopes greater than 10 percent.

Proposal Description
The applicant is requesting a Comprehensive Plan Amendment from General Commercial and Medium Density Residential to General Commercial and Medium-High Density Residential, and a Zoning Map
Amendment from C-G and R-12 to C-G and R-25. The proposal is shown below.

Proposed Comprehensive Plan Map Amendment:

Proposed Zoning Map Amendment:
The proposed amendments would allow more dense residential development on the subject site. The R-25 zone has a minimum lot size of 1,480 square feet per unit versus 3,050 square feet in the R-12 zone. However, because the overall amount or residentially zoned land is shrinking, the net increase in density is only two units.

Decision Process
The application is processed through a Type III-Modified procedure. The Planning Commission will make a recommendation to City Council on the proposed Comprehensive Plan and Zoning Map Amendments. The Council may approve the amendment, approve with conditions, deny the amendments, or remand the amendments back to Planning Commission.

SECTION IV. PUBLIC 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 comments prior to a decision being made. The Type III Notice of Public Hearing regarding this application was mailed to affected parties on August 3, 2020 and posted on the site on August 3, 2020. Staff received the following comments:

August 10, 2020:
- A phone call from Sue Rorman asking for more information about the project.

August 12, 2020:
- An email from Deborah Milat inquiring about what the proposed application is for.

August 20, 2020:
- An email from Jean Dahlquist requesting the staff report and corresponding attachments.

August 24, 2020:
- A phone call and email from Erica Stevensen expressing concerns relating to traffic, parking, fire, compatibility with the neighborhood, and reduced value of homes.
- A phone call from Jean Stillwell inquiring about what the proposed application is for.

August 25, 2020:
- A phone call from a citizen (who only left their first name; Gloria) inquiring about the application. Staff called Gloria back and did not receive a response.

August 31, 2020:
- An email from Susan Frohmayer requesting a link to the public hearing. Staff emailed the link.
- An email from Jenn Walsh expressing concern relating to increased traffic to the neighborhood and requiring the parcels have direct access to 99W.
- An email from Ashley Pace that included general questions about extension of comment period.
deadlines, how to attend the next meeting, whether the City Council meeting date will change, and where the City obtains it's addresses for mailings.
- A phone call to testify at the hearing was received from Catherine Davidson. Staff informed Ms. Davidson that the hearing was continued and that she can testify at the hearing on September 14th.

September 1, 2020:
- An email from Angela Swensen expressing concerns related to traffic, parking, and trespassing.
- An email from Miriam Nelson expressing concern related to traffic, extension of Torchwood, parking, and trespassing.

September 3, 2020:
- An email from John and Cindy Patelzick expressing concern about traffic, extension of Torchwood, impacts to animal habitats, increased noise, and lack of park amenities in the area.

No other comments were received at the time this report was written.

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

The following chapters containing the applicable criteria are listed in the order they are addressed in the report.

18.790 Text and Map Amendments

This section contains all of the applicable city, state and metro policies, provisions, and criteria that apply to the proposed comprehensive plan and zoning map amendment.

City of Tigard Comprehensive Plan:
   Chapter 1: Citizen Involvement
   Chapter 2: Land Use Planning
   Chapter 10: Housing

SECTION VI. APPLICABLE REVIEW CRITERIA AND FINDINGS

18.790.030 Quasi-Judicial Amendments
A. Approval process.
   3. A quasi-judicial zoning map amendment application that requires a comprehensive map plan amendment is processed through a Type III-Modified procedure, as provided in Section 18.710.080, which is decided by the City Council with a recommendation by Planning Commission.

The applicant is requesting a comprehensive plan map amendment from General Commercial and Medium-Density Residential to General Commercial and Medium-High-Density Residential. The applicant is also requesting a zoning map amendment from C-G and R-12 to C-G and R-25. Therefore, a Type III-Modified procedure is applicable.

B. Approval criteria. A recommendation or decision for a quasi-judicial zoning map amendment or quasi-judicial comprehensive plan amendment will be based on the following:
   1. Demonstration of compliance with all applicable comprehensive plan policies and map designations; and

Chapter 1: Citizen Involvement
Goal 1.1
Provide citizens, affected agencies, and other jurisdictions the opportunity to participate in all phases of the planning process.

Policy 2  The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.

Policy 5  The opportunities for citizen involvement provided by the City shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community.

Citizens, affected agencies, and other jurisdictions were given the opportunity to participate in all phases of the planning process. Several opportunities for participation are built into the Comprehensive Plan amendment process, including public hearing notification requirements pursuant to Chapter 18.710 of the Tigard Community Development Code.

The applicant held a neighborhood meeting on June 25, 2020. On August 3, 2020, public hearing notice of the Planning Commission and City Council public hearings was sent to the interested parties list and all property owners within 500 feet of the subject parcels. On August 3, 2020, the proposal was posted on the City’s web site. On August 4, 2020, the site was posted with a notice board. On August 24, 2020 the staff report was made available. These policies are met.

FINDING:  As shown in the analysis above, the Tigard Comprehensive Plan Goal 1.1 Policies 2 and 5 are met.

Chapter 2: Land Use Planning
Goal 2.1  Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative basis of Tigard's land use planning program.

Policy 1  The City’s land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens’ own interests.

The goals and policies contained in the Tigard Comprehensive Plan provide the basis for the city’s land use planning program. This policy is met.

Policy 2  The City’s land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

The City’s development code, Title 18, has been found to be consistent with the Comprehensive Plan. This policy is met.

Policy 3  The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

Potentially affected jurisdictions and agencies were given an opportunity to comment. Any comments that were received are addressed in Section VIII: Agency Comments, below. This policy is met.

Policy 5  The City shall promote intense urban level development in Metro designated Centers and Corridors, and employment and industrial areas.”
The Metro 2040 Growth Concept Map shows that Pacific Hwy, through Tigard, is designated as a “Corridor.” The proposed comprehensive plan and zoning map amendment for the subject site from medium-density residential, R-12, to medium high-density residential, R-25, would promote more intense urban level development than the existing zone. The R-25 zone allows more dense development with a minimum lot size of 1,480 square feet per unit versus 3,050 square feet and, in addition, allows a limited amount of neighborhood commercial uses. This policy is met.

Policy 6
The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community’s social and fiscal stability.

Policy 7
The City’s regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:  
A. Residential;  
B. Commercial and office employment including business parks;  
C. Mixed use;  
D. Industrial;  
E. Overlay districts where natural resource protections or special planning and regulatory tools are warranted; and  
F. Public services

The proposed comprehensive plan and zoning map amendment for the subject site from medium-density residential, R-12, to medium high-density residential, R-25, would promote more intense urban level development than the existing zone. The amendments would result in increased residential density and mixed-use neighborhood commercial uses within residential developments. The site does not contain any sensitive lands, would not benefit from natural resource protections nor warrant special planning and regulatory tools. These policies are met.

Policy 15
In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;

The site is already served by all necessary public facilities and services, which can accommodate the proposed amendments, as detailed in 18.790.030.B.2, below. The site’s proximity to Highway 99W and Torchwood Street, along with available transit service with three major bus lines (12, 64, & 94) and three bus stops within 1,000 feet make this an appropriate location for increased density. The applicant also submitted a Transportation Planning Rule (TPR) analysis. Engineering staff reviewed the analysis and disagrees with the applicant’s findings of no significant impact. Comments received from ODOT also disagree with the applicant’s findings. Tigard staff and ODOT agree that the change in zoning and range of allowed uses could potentially result in future off-site traffic impacts. Given the potential for future impacts from the range of allowed uses in the expanded CG zone, a condition of approval is warranted that caps the number of trips from the CG property.

With the following condition of approval, this policy is met:
The commercially zoned property is limited to a maximum of peak hour trips (or other trip numbers based on a revised TPR analysis consistent with ODOT’s analysis). If the applicant or future property owners wish to allow for more trips on the Commercially zoned property, a Major Modification (Chapter 18.765) application with accompanying Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap will be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change.

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services;

The application includes a traffic analysis showing the existing transportation facilities are adequate. Impact on transportation and other public facilities and services has been addressed by a licensed engineer as shown below in 18.795.030.B.2. At this time, development is not proposed. Because the applicant is proposing a smaller overall amount of residentially zoned land the difference between the maximum density of the proposed zoning and existing zoning is only an increase of two units. This is a negligible potential increase in impacts for transportation and other public facilities. This policy is met.

C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;

According to the findings in the of the Comprehensive Plan’s Land Use Planning chapter:

- "One of the biggest growth management challenges that Tigard will face, as well as the rest of the Portland region, is the need to accommodate up to a million new residents..."
- "Another growth management challenge that Tigard faces is the lack of large vacant parcels available for urban development. This type of development is a thing of the past and most household and employment growth in Tigard will be the result of redevelopment and infill."
- "Future commercial, employment, and multi-family growth will likely occur through redevelopment."

In addition, the Housing Strategies Report (adopted by City Council), which analyzed the city’s current and future housing needs, included the following conclusion: “In general, there is a need for some less expensive ownership units and rental units. The proposed Comprehensive Plan and Zoning Map Amendments from Medium-Density Residential, R-12, to Medium-High Density Residential, R-25, will allow additional needed housing at a location wedged between existing commercial and multi-family uses, with close proximity to Highway 99W and transit service including three major bus routes and three bus stops within 1,000 feet. Increased density at this site contributes to accommodating needed housing and is an appropriate transition from Commercial uses to Medium Density Residential uses. The needed housing, capacity of the existing infrastructure and proximity to transit make this request timely and appropriate. This policy is met.

D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;

The findings in the Comprehensive Plan clearly state there is a lack of large undeveloped parcels to accommodate additional residents and that there is a general need for rental units at the lower and middle
price levels. The proposed development is an infill project surrounded by commercial and medium density residential development with adequate services for the use. Additionally, proximity to Highway 99W and public transportation warrants increased density at this location. This policy is met.

**E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled;**

The proposal does not include an application for development. When development is proposed, the development will comply with all applicable regulations. The site is not located within any overlay district. This policy is met.

**F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses; and**

The proposed designation and zone would allow for a variety of housing types and mixed-use neighborhood commercial uses within residential developments. The site already had an existing commercial use (RV rental business) on the south portion of the site. There is existing apartment development to the north, which is also zoned R-25, apartments to the west, and single detached houses and commercial development to the east. Increased density is appropriate at this location due to the adjoining uses and proximity to transportation services. This policy is met.

**G. Demonstration that the amendment does not detract from the viability of the City’s natural systems.**

The subject property has commercial development on the southern portion of the lot. The site has slopes less than 10 percent and does not contain any city-regulated sensitive natural resources. The proposed amendments would not detract from the viability of the City’s natural systems. This policy is met.

**Policy 16.** The City may condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use(s) and per specific design /development requirements.

The owner/applicant eventually intends to develop the site with an apartment development; however, a site development review application has not been submitted yet. This policy is met.

**Policy 23.** The City shall require new development, including public infrastructure, to minimize conflicts by addressing the need for compatibility between it and adjacent existing and future land uses.

The site is currently vacant, however, there are existing apartment buildings adjacent to the north and west, commercial uses to the south and east, and single detached houses to the east. The commercial uses face away from the existing apartment building, and therefore have no functional interaction with the uses on the subject site. The residential uses adjacent to the north, east, and west are already compatible with the future housing type, apartments. This policy is met.

**Chapter 10: Housing**
Goal 10.1 Provide opportunities for a variety of housing types at a range of price levels to meet the diverse housing needs of current and future City residents.

Policy 5. The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future.

The site is within close proximity of Highway 99W, a transit corridor, and within 1,000 feet of three bus stops. There are existing apartment buildings adjacent to the north and west, commercial uses to the south and east, and single detached houses to the east. The requested comprehensive plan and zone map amendments would result in a logical transition from commercial uses to medium density multi-family residential uses. These factors combined make this location appropriate for increased density from medium to medium-high. This policy is met.

GOAL: 10.2 Maintain a high level of residential livability

Policy 5. The City shall encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.

The proposed amendments would allow more dense residential development on the subject site. The R-25 zone has a minimum lot size of 1,480 square feet per unit versus 3,050 square feet in the R-12 zone. However, because the overall amount or residentially zoned land is shrinking the net increase in density is only two units. The subject site is located within 1,000 feet of three bus stops on Pacific Highway. The proposal supports a sustainable infill development pattern that promotes the efficient use of land and easy access to public transit. This policy is met.

Policy 7. The City shall ensure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.

The site does not contain natural resources/hazards. The southern portion of the site is currently occupied by a RV rental business, while the north portion is vacant. The site is comprised of one lot, but the applicant intends to partition the lot into two lots, separating the vacant portion from the developed portion. Development is not proposed at this time. With the development application, the applicant will need to show that all public facilities are available to serve additional development on the site. The proposed amendments allow for additional density where services exist, including public transit, and provide for a transition between existing commercial uses and existing medium density residential uses. The proposed residential density is appropriately related to the specific locational characteristics and site conditions including availability of public facilities and services, and existing land use patterns. This policy is met.

Policy 8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as: A. orderly transitions from one residential density to another; B. protection
of existing vegetation, natural resources and provision of open space areas; and C. installation of landscaping and effective buffering and screening.

At time of development, screening and landscaping will be provided as required. Increased density on the site serves to transition from existing commercial uses and existing medium density multi-family uses. The proposal will not have any adverse impacts on adjacent development. This policy is met.

**Policy 9. The City shall require infill development to be designed to address compatibility with existing neighborhoods.**

Increased density on the site serves to transition from existing commercial uses and existing medium density multi-family uses. Development is not proposed at this time, however, the applicant intends to develop to north portion of the lot with apartments. Existing apartment development is adjacent to the lot on the north and west side. The proposed development will be compatible with the existing neighborhood. This policy is met.

**FINDING:** As shown in the analysis above, the proposed comprehensive plan and zoning map amendments demonstrate compliance with all applicable comprehensive plan policies and map designations.

**METRO Urban Growth Management Functional Plan**

**Title 1: Housing Capacity**

The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity.

The City’s Housing Strategies Report indicates “in general, there is a need for some less expensive ownership units and rental units.” This type of housing is possible in both the R-12 and R-25 zones, which allows attached and multi-family housing on 3,050 and 1,480 square-foot lots, respectively. With this quasi-judicial action, the zone change to R-25 on the subject site will result in a marginal increase of R-25 zoned land in the City of Tigard resulting in an increasingly compact urban form and a contributing towards its “fair-share” of regional housing needs. The proposal increases Tigard’s housing capacity, consistent with the purpose of Title 1.

**2. Demonstration that adequate public services exist to serve the property at the intensity of proposed zoning. Factors to consider include the projected service demands of the property, the ability of the existing and proposed public services to accommodate the future use, and the characteristics of the property and development proposal, if any.**

The proposed amendments would allow more dense residential development on the subject site. The R-25 zone has a minimum lot size of 1,480 square feet per unit versus 3,050 square feet in the R-12 zone. However, because the overall amount or residentially zoned land is shrinking the net increase in density is only two units. Development is not proposed at this time, however, there are adequate public services to accommodate the development. The applicant provided the following findings with respect to the adequacy of public services to serve the increased density:

**Transportation System**

The lot currently has access from Pacific Highway and a stub street on the north east portion of the lot. The commercial development on the lot will continue to take access from Pacific Highway. The future development of the north portion of the lot will be served by the
extension of Torchwood Street.

The Washington County Transportation Development Tax (TDT) for this project is based on a use of Apartment. The City’s Transportation System Development Charges will also be assessed at time of building permit.

The development will be required to provide additional dedication on Pacific Highway, as well as improvements across the site for the extension of Torchwood Street.

Storm Drainage System
All storm water will be provided at time of development and in compliance with City and Clean Water Service standards for treatment and detention. Any system wide impacts will be offset by the payment of storm water SDC fees.

Sanitary Sewer System
The existing development on the south portion of the lot is already connected to the City’s sanitary sewer system. There are existing facilities near the site that are available and have sufficient capacity to serve the development on the north portion. Any system wide impacts will be offset by the payment of sanitary sewer SDC fees.

Water System
Water service is provided by Tualatin Valley Water District (TVWD). There are existing water mains in Pacific Highway and Torchwood Street. At time of development, the applicant will work with TVWD on obtaining water service.

Parks
Any system wide impacts will be offset by the payment of Park SDC fees.

FINDING: As shown in the findings above, applicant demonstrates that adequate public services exist to serve the property at the intensity of the proposed R-25 zoning.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the Tigard City Council APPROVAL of the Comprehensive Plan and Zoning Map Amendments as complying with all applicable comprehensive plan policies and map designations and Metro policies, and that the applicant has demonstrated adequate public services exist to serve the property at the intensity of the proposed zoning.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Engineering Department was sent a copy of the applicant’s proposal and stated they had no objections to this proposal.

SECTION VIII. AGENCY COMMENTS
The following agencies/jurisdictions had an opportunity to review this proposal and did not respond: Metro Land Use and Planning, Washington County Department of Land Use and Transportation, Oregon Department of Land Conservation and Development, Oregon Department of Transportation Rail Division, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of Geo. And Mineral Ind., CenturyLink, Comcast, Frontier Communications, NW Natural, Portland General Electric, and TriMet.

Clean Water Services issued a pre-screening site assessment (20-001667) stating that the project will not significantly impact the existing or potential sensitive areas found near the site. No other comments were provided.

Oregon Department of Transportation, Region 1 reviewed the proposal and on August 10, 2020 provided the following comments:
- A traffic impact study (TIS) be submitted that shows a comparison between the land use with the highest trip generation rate allowed outright under the existing and proposed zoning/comprehensive plan.
- The submitted Transportation Planning Rule (TPR) analysis needs to be revised to reflect a higher trip generating use for the general commercial zone.

On August 19, 2020, ODOT submitted additional comments regarding requirements for the TIS and TPR analysis and request for review and comment prior to the hearing.

Tualatin Valley Fire and Rescue reviewed the proposal and provided a copy of the pre-application notes from March 31, 2020 stating these would apply at time of development.

Tualatin Valley Water District was sent a copy of the applicant’s proposal and stated they had no objections to this proposal.

Attachments:
- Attachment 1: Proposed Amendments
- Attachment 2: Agency Comments
- Attachment 3: Public Comments

PREPARED BY: Agnes Lindor
Associate Planner

APPROVED BY: Tom McGuire
Assistant Community Development Director

September 3, 2020
Exhibit 1: Proposed Zoning Map Change
Exhibit 2: Proposed Comprehensive Plan Map Amendment
DATE: July 27, 2020
TO: Affected agency
FROM: City of Tigard Planning Division
STAFF CONTACT: Agnes Lindor, Associate Planner
Phone: (503) 718-2429 Email: AgnesL@tigard-or.gov

CPA2020-00001 / ZON2020-00001

- AMAN -

REQUEST: The applicant is requesting a comprehensive plan map amendment from General Commercial and Medium-Density Residential to Medium-High-Density Residential. The applicant is also requesting a zoning map amendment from General Commercial and R-12 to R-25.

LOCATION: 11655 SW Pacific Highway; Washington County Tax Map 1S136CA Tax lot 01600. ZONE: Existing: C-G and R-12 / Proposed: R-25. COMPREHENSIVE PLAN DESIGNATION: Existing: General Commercial and Medium-Density Residential / Proposed: Medium-High-Density Residential. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters: 18.710, Land Use Review Procedures; and 18.790, Text and Map Amendments; Comprehensive Plan Goals 1, 2, 10; Statewide Planning Goals 1, 2, 10; and Metro’s Urban Growth Management Functional Plan Titles 1.

Attached are the Application Materials for your review. From information supplied by various departments and agencies and from other information available to our staff, a report and recommendation will be prepared and a decision will be rendered on the proposal in the near future. If you wish to comment on this application, WE NEED YOUR COMMENTS BACK BY: MONDAY, AUGUST 10, 2020. You may use the space provided below or attach a separate letter to return your comments. If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible. If you have any questions, contact the Tigard Planning Division, 13125 SW Hall Boulevard, Tigard, OR 97223.

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

X We have reviewed the proposal and have no objections to it.
— Please contact ____________________________ of our office.
— Please refer to the enclosed letter.
— Written comments provided below:

Name & Number of Person(s) Commenting: Sarah Alton, Engineering Assoc. 971-327-6304 or sarah.alton@tvwd.org
Attachment 2

City of Tigard
REQUEST FOR COMMENTS

DATE: July 27, 2020
TO: Affected agency
FROM: City of Tigard Planning Division
STAFF CONTACT: Agnes Lindor, Associate Planner
            Phone: (503) 718-2429 Email: AgnesL@tigard-or.gov

CPA2020-00001 / ZON2020-00001
- AMAN -

REQUEST: The applicant is requesting a comprehensive plan map amendment from General Commercial and Medium-Density Residential to Medium-High-Density Residential. The applicant is also requesting a zoning map amendment from General Commercial and R-12 to R-25.

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Attached are the Application Materials for your review. From information supplied by various departments and agencies and from other information available to our staff, a report and recommendation will be prepared and a decision will be rendered on the proposal in the near future. If you wish to comment on this application, WE NEED YOUR COMMENTS BACK BY: MONDAY, AUGUST 10, 2020. You may use the space provided below or attach a separate letter to return your comments. If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible. If you have any questions, contact the Tigard Planning Division, 13125 SW Hall Boulevard, Tigard, OR 97223.

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

X We have reviewed the proposal and have no objections to it.
___ Please contact ____________________________________________________________ of our office.
___ Please refer to the enclosed letter.
___ Written comments provided below:

Joe Wisniewski, Assistant City Engineer - City of Tigard, 971-271-4772

Name & Number of Person(s) Commenting:
August 10th, 2020

To: Agnes Lindor, Associate Planner

From: Marah Danielson, Senior Planner

Subject: CPA2020-00001 and ZON2020-00001: Aman Property Comprehensive Plan Amendment & Zone Change
11655 SW Pacific Hwy, Tigard, OR

We have reviewed the applicant’s proposal to change the comprehensive plan and zoning designations for 4.41 acres (Lot 1) and 1.66 acres (Lot 2) of the property located at 11655 SW Pacific Hwy in Tigard. The applicant proposes to change the split zoning from R-12 and C-G to wholly C-G on Lot 1 and from R12 to R25 on Lot 2. The comprehensive plan map would change from partially Medium Density Residential and General Commercial to wholly General Commercial on Lot 1 and from Medium Density Residential to Medium High Density Residential on Lot 2. The comments provided below are consistent with the comments ODOT submitted for the pre-application conference.

ODOT has permitting authority for this facility\(^1\) and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a Statewide highway and the performance standard is .99 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of “no significant effect” on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requested that the City of Tigard require the applicant to submit a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The requested analysis was for a comparison between the land use with the highest trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest trip generation rate allowed outright under

\(^1\) OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html
the existing zoning/comprehensive plan designation (this is commonly referred to as the “reasonable worst case” traffic analysis).

In our pre-application comments, we noted that it is important that the applicant’s transportation engineer to provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the “reasonable worst case” traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than ITE Trip Generation.

On July 9th, ODOT received the attached email from DKS and Associates with a draft TPR assessment memo dated 7/2/20. The memo included a trip generation comparison which assumed a shopping center as the reasonable worst case trip generation for the commercial lot. Based on this assumption, the memo concludes that “No transportation facilities are expected to be significantly affected and the level of traffic is consistent with the current functional classification of impacted transportation facilities. Therefore, the finding of no significant effect addresses OAR 660-012-0060 (TPR) requirements and no additional analysis of the transportation system is expected for the proposed rezone.”

On July 20th, 2020, ODOT provided the following response to the DKS draft TPR assessment memo:

> Commercial: The proposal is to rezone 1.57 acres of property from residential (R-12) to general commercial (C-G). You have assumed a shopping center as the reasonable worst case scenario for the general commercial zoning. Given the size of the parcel, ODOT thinks that a higher trip generating use allowed in the general commercial zone would be more reasonable. We recommend the analysis be updated to reflect a higher trip generating use. You may want to contact the City of Tigard about the land use to assume for the general commercial zone and informed them of ODOT’s response.

Subsequently, ODOT corresponded with Tegan Enloe, Tigard Senior Project Engineer and agreed that shopping center was not the reasonable worst case trip generating use for the general commercial zone. ODOT recommend the city require the applicant to revise the TPR assessment memo using a 24 hour AM/PM store which would generate more trips considering the size of the lot proposed to change to general commercial use. We anticipated that the applicant would provide an updated TPR assessment memo utilizing a higher trip generating use assumption for the general commercial use.

ODOT has not received an updated TPR assessment memo and therefore we are unable to make a determination regarding whether the highway will be significantly affected by the proposed CPA/ZC for this property. We recommend that the applicant be required to provide the city and ODOT with an updated TPR assessment memo using a more reasonable trip generating use for the general commercial zone prior to making a decision on this land use proposal.
If you have any questions regarding this matter, please contact me at 503.731.8258.
Agnes Lindor

From: Jackie Humphreys <HumphreysJ@CleanWaterServices.org>
Sent: Wednesday, August 12, 2020 9:30 AM
To: Agnes Lindor
Subject: RE: Request for Comments: CPA2020-00001 Aman

Caution! This message was sent from outside your organization.

Agnes,

No comments on this request.

Thanks,

Jackie Sue Humphreys | Engineering Plan Review
Clean Water Services | Planning and Development Services
2550 SW Hillsboro Hwy | Hillsboro OR 97123
o 503.681.5101 | f 503.681.4439
engage permits | news | facebook | twitter

From: Agnes Lindor <agnesl@tigard-or.gov>
Sent: Wednesday, August 12, 2020 7:04 AM
To: Jackie Humphreys <HumphreysJ@CleanWaterServices.org>
Subject: FW: Request for Comments: CPA2020-00001 Aman

Hi Jackie-
Does CWS have any comments this comprehensive plan amendment/rezone? Thanks,
Agnes

From: Agnes Lindor
Sent: Monday, July 27, 2020 2:11 PM
To: Mark VanDomelen <markv@tigard-or.gov>; Joe Wisniewski <joew@tigard-or.gov>; Stefanie Kouremetis <stefanie.kouremetis@tigard-or.gov>; Wolff, John F. <john.wolff@tvfr.com>; John Goodrich <johng@tigard-or.gov>; landusenotifications@oregonmetro.gov; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.state.or.us>; Naomi Vogel <Naomi_Vogel@co.washington.or.us>; Samantha.ridderbusch@centurylink.com; 'Jackie Humphreys'
<HumphreysJ@CleanWaterServices.org>; BeavertonEngineering@ftr.com; Smith, Julia <Julia.Smith@ftr.com>; brian.kelley@nwnatural.com; steve.hursh@pgn.com; ryan.smith@tvwd.org; Sarah Alton <sarah.alton@tvwd.org>; Development_Review@trimet.org
Subject: Request for Comments: CPA2020-00001 Aman

CPA2020-00001 / ZON2020-00001
- AMAN -

REQUEST: The applicant is requesting a comprehensive plan map amendment from General Commercial and Medium-Density Residential to Medium-High-Density Residential. The applicant is also requesting a zoning map amendment from General Commercial and R-12 to R-25.

LOCATION: 11655 SW Pacific Highway; Washington County Tax Map 1S136CA Tax lot 01600. ZONE: Existing: C-G and R-12 / Proposed: R-25. COMPREHENSIVE PLAN DESIGNATION: Existing: General Commercial and Medium-
Density Residential / Proposed: Medium-High Density Residential. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters: 18.710, Land Use Review Procedures; and 18.790, Text and Map Amendments; Comprehensive Plan Goals 1, 2, 10; Statewide Planning Goals 1, 2, 10; and Metro’s Urban Growth Management Functional Plan Titles 1.

Attached are the Application Materials for your review. From information supplied by various departments and agencies and from other information available to our staff, a report and recommendation will be prepared and a decision will be rendered on the proposal in the near future. If you wish to comment on this application, WE NEED YOUR COMMENTS BACK BY: MONDAY, AUGUST 10, 2020. You may use the space provided below or attach a separate letter to return your comments. If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible. If you have any questions, contact the Tigard Planning Division, 13125 SW Hall Boulevard, Tigard, OR 97223.

This application requires two public hearings. The Planning Commission will make a recommendation to City Council. The hearings are schedule for:

- **Date and Time of Hearings:** Planning Commission: 7 PM on AUGUST 31, 2020  
  City Council: 7:30 PM on SEPTEMBER 22, 2020

- **Attend the Virtual Hearings:** www.tigard-or.gov/city_hall/public_hearings.php

Thanks,

Agnes Lindor | Associate Planner  
City of Tigard | Community Development  
13125 SW Hall Boulevard  
Tigard, Oregon 97223  
Phone: 503.718.2429  
Email: AgnesL@tigard-or.gov

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Agnes Lindor

From: Wolff, John F. <John.Wolff@tvfr.com>
Sent: Tuesday, August 11, 2020 3:02 PM
To: Agnes Lindor
Subject: RE: Request for Comments: CPA2020-00001 Aman
Attachments: City of Tigard Aman Property Pre2020-00016 11655 SW Pacific Hwy.pdf

Caution! This message was sent from outside your organization.

Agnes,
As this request is for a comprehensive plan map zone amendment it doesn’t change TVF&R conditions from the previous letter from the pre-app dated March 31 of 2020. I am attaching that letter for the record for this comment request.
Thank you for the opportunity to review and comment on this project.
John

From: Agnes Lindor <agnesl@tigard-or.gov>
Sent: Monday, July 27, 2020 2:11 PM
To: Mark VanDomelen <markv@tigard-or.gov>; Joe Wisniewski <joew@tigard-or.gov>; Stefanie Kouremetis <stefanie.kouremetis@tigard-or.gov>; Wolff, John F. <John.Wolff@tvfr.com>; John Goodrich <johng@tigard-or.gov>; landusenotifications@oregonmetro.gov; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.state.or.us>; Naomi Vogel <Naomi_Vogel@co.washington.or.us>; Samantha.ridderbusch@centurylink.com; ‘Jackie Humphreys’ <HumphreysJ@CleanWaterServices.org>; BeavertonEngineering@ftr.com; Smith, Julia <Julia.Smith@ftr.com>; brian.kelley@nwnatural.com; steve.hursh@pgn.com; ryan.smith@tvwd.org; Sarah Alton <sarah.alton@tvwd.org>; Development_Review@trimet.org
Subject: Request for Comments: CPA2020-00001 Aman

***The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe***

CPA2020-00001 / ZON2020-00001

- AMAN -

REQUEST: The applicant is requesting a comprehensive plan map amendment from General Commercial and Medium-Density Residential to Medium-High-Density Residential. The applicant is also requesting a zoning map amendment from General Commercial and R-12 to R-25.

LOCATION: 11655 SW Pacific Highway; Washington County Tax Map 1S136CA Tax lot 01600. ZONE: Existing: C-G and R-12 / Proposed: R-25. COMPREHENSIVE PLAN DESIGNATION: Existing: General Commercial and Medium-Density Residential / Proposed: Medium-High-Density Residential. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters: 18.710, Land Use Review Procedures; and 18.790, Text and Map Amendments; Comprehensive Plan Goals 1, 2, 10; Statewide Planning Goals 1, 2, 10; and Metro’s Urban Growth Management Functional Plan Titles 1.

Attached are the Application Materials for your review. From information supplied by various departments and agencies and from other information available to our staff, a report and recommendation will be prepared and a decision will be rendered on the proposal in the near future. If you wish to comment on this application, WE NEED YOUR COMMENTS BACK BY: MONDAY, AUGUST 10, 2020. You may use the space provided below or attach a separate letter to return your comments. If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible. If you have any questions, contact the Tigard Planning Division, 13125 SW Hall Boulevard, Tigard, OR 97223.
This application requires two public hearings. The Planning Commission will make a recommendation to City Council. The hearings are schedule for:

**Date and Time of Hearings:**
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**Attend the Virtual Hearings:** [www.tigard-or.gov/city_hall/public_hearings.php](http://www.tigard-or.gov/city_hall/public_hearings.php)

Thanks,

**Agnes Lindor | Associate Planner**
City of Tigard | Community Development
13125 SW Hall Boulevard
Tigard, Oregon 97223
Phone: 503.718.2429
Email: AgnesL@tigard-or.gov

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March 31, 2020

Associate Planner
City of Tigard
13125 SW Hall Blvd
Tigard, Oregon 97223

Re: Aman Property PRE2020-00016
Tax Lot I.D: 1S136CA01600 11655 SW Pacific Hwy

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. These notes are provided in regards to the pre-application meeting held on March 31, 2020.

There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

**FIRE APPARATUS ACCESS:**

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)

2. **DEAD END ROADS AND TURNAROUNDS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams can be found in the corresponding guide that is located at http://www.tvfr.com/DocumentCenter/View/1296. (OFC 503.2.5 & D103.1)

3. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1)

4. **ADDITIONAL ACCESS ROADS – MULTI-FAMILY RESIDENTIAL DEVELOPMENTS:** Projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2. Projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus roads regardless of whether they are equipped with an approved automatic sprinkler system. (OFC D106)

5. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)
6. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the Fire Marshal. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)

7. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Marshal), measured in a straight line between accesses. (OFC D104.3)

8. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1) *The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided.*

9. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and inturnarounds as needed. Signs shall read “NO PARKING - FIRE LANE” and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

10. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
   1. 20-26 feet road width – no parking on either side of roadway
   2. 26-32 feet road width – parking is allowed on one side
   3. Greater than 32 feet road width – parking is not restricted
   *Note:* For specific widths and parking allowances, contact the local municipality.

11. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)

12. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)

13. **TURNOUTS:** Where access roads are less than 20 feet and exceed 400 feet in length, turnouts 10 feet wide and 30 feet long may be required and will be determined on a case by case basis. (OFC 503.2.2)

14. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)

15. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

16. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%).
17. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.

18. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
   1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).
   2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
   3. Electric gates shall be equipped with a means for operation by fire department personnel
   4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.

19. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

20. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: [http://www.tvfr.com/DocumentCenter/View/1578](http://www.tvfr.com/DocumentCenter/View/1578)

**FIREFIGHTING WATER SUPPLIES:**

21. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3)

   **Note:** OFC B106. Limiting Fire-Flow is also enforced, except for the following:
   - The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
   - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1

22. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)

23. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

**FIREFIGHTING HYDRANTS:**

24. **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
   - This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
   - The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.

25. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
• Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
• Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
• Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
• Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.

26. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)

27. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)

28. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)

29. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)

30. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

31. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC’s shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13)
   - Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
   - FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants.

**BUILDING ACCESS AND FIRE SERVICE FEATURES**

32. **EMERGENCY RESPONDER RADIO COVERAGE:** In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OFC 510, Appendix F, and OSSC 915) http://www.tvfr.com/DocumentCenter/View/1296.
   - Emergency responder radio system testing and/or system installation is required for this building. Please contact me (using my contact info below) for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit.
   - Testing shall take place after the installation of all roofing systems; exterior walls, glazing and siding/cladding; and all permanent interior walls, partitions, ceilings, and glazing.

33. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)
34. **FIRE PROTECTION EQUIPMENT IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as “Fire Control Room.” Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)

35. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

If you have questions or need further clarification, please feel free to contact me at 503-259-1504.

Sincerely,

![John Wolff](signature.jpg)

John Wolff  
Deputy Fire Marshal II

john.wolff@tvfr.com

Cc:

August 19th, 2020

ODOT Case No: 10624

To: Agnes Lindor, Associate Planner
From: Marah Danielson, Senior Planner

Subject: DKS August 12th, 2020 TPR Assessment Scoping Memo
CPA2020-00001 and ZON2020-00001: Aman Property Comprehensive Plan Amendment & Zone Change
11655 SW Pacific Hwy, Tigard, OR

On August 10th, ODOT submitted comments on the findings of the draft DKS and Associates Transportation Planning Rule (TPR) assessment memo dated 7/2/20. As explained in these comments, the TPR assessment analysis must be based on a comparison between the reasonable worst case traffic generation under the existing Comprehensive Plan and Zoning designations compared to what would be allowed in the proposed Comprehensive Plan and Zoning designations.

The ITE code for Shopping Center was assumed for the draft TPR assessment memo and is not the reasonable worst case scenario under the proposed land use designation. ODOT recommended the city require the applicant to revise the TPR assessment memo using a 24 hour AM/PM store which would generate more trips considering the size of the lot proposed to change to general commercial use. We anticipated that the applicant would provide an updated TPR assessment memo utilizing a higher trip generating use assumption for the general commercial use.

In an email to city staff on August 11, DKS proposed to use a fast food restaurant with drive through and a coffee/donut shop with drive through as the reasonable worst case scenario for the commercial parcel. Since they were proposing two buildings on the site and a coffee/donut shop has a significant number of pass by trips, ODOT provided comments to city staff recommending they be required to use a fast food restaurant with drive through and a 24 hour convenience store (AM/PM) which generates more destination trips. We also recommended that the study area include all intersections between the OR 217/OR 99W interchange and the 72nd/OR 99W intersection (both included). Prior to conducting the TIA, ODOT and the city should be in agreement on the scope of work.

ODOT has subsequently received the DKS August 12th, 2020 TPR Assessment Scoping Memo for review. The Memo proposes to use fast food restaurant with drive through and a coffee/donut shop drive through as the worst case scenario for the commercial parcel. The study area is proposed to include OR 99W intersections at SW Dartmouth St and SW 72nd Ave.
We have the following comments on the scoping memo:

1. Proposed Trip Generation- Because the coffee/donut drive through has a significant number of pass by trips it does not represent the land use with the reasonable worst case traffic generation. ODOT recommends that this use be replaced with a 24hr convenience store (AM/PM) which has much lower pass by trips.

2. Growth Rate-The Tigard TSP should be used to determine the annual growth rate (1 or 2 percent).

3. Study Area- The study area should include the OR 217/OR 99W interchange and SW 72nd/99W intersection.

4. Trip Generation- The scope assumes both a trip generation reduction to pass by trips as well as a 10% reduction for being in a mixed use location which will underestimate the trip generation. ODOT recommends that the trip generation reduction be limited to pass by trips only.

We ask that the city require the scoping memo to be updated to reflect the above recommendations. If not, ODOT would appreciate the opportunity to discuss with city staff their decision regarding scoping requirements.

It is our understanding that DKS will be submitting a Traffic Impact Analysis (TIA) to evaluate impacts of the proposed land use regulation amendments on the transportation system and inform the city’s TPR finding. As such, ODOT request the opportunity to review and comment on the TIA and determine any significant affected on State highway facilities by the proposed CPA/ZC for this property.

Local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of “no significant effect” on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

Until a TIA has been submitted for city and ODOT review and comment, there will not be enough evidence in the record for the city to make findings that the proposed amendment complies with the TPR. There are only 8 days between now and the Planning Commission Hearing on August 31st. City staff is working to complete the Staff Report to send to the Planning Commission this week.

While ODOT makes every effort to review and comment on TIA’s in a timely manner to ensure the land use record is sufficient for the city to make an informed decision, there is limited time before the scheduled hearing. Provided ODOT receives a TIA by Friday August 21st, we should be able to provide comments to the city in time for the Planning Commission hearing. However, this may not provide city staff or the applicant the opportunity to respond to ODOT comments prior to the hearing.

If you have any questions regarding this matter, please contact me at 503.731.8258 or marah.b.danielson@odot.state.or.us.
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good morning Deborah-

The notice you received is for a change to the comprehensive plan map and the zoning map. The property is currently split designated on the comprehensive plan as General Commercial (C-G) on the southern half of the lot and Medium Density Residential on the northern part of the lot. The zoning is also split on the lot the same way (C-G on the southern half and R-12 on the northern half).

The applicant is proposing to move the C-G portion further north (about ¾ of the way to about where Torchwood Lane is stubbed on the east side of the lot) and change Medium Density Residential/R-12 to Medium-High Density Residential/R-25 on the remaining part (about the northern ¼ or lot).

The southern portion is currently already developed with an RV rental business, which is not proposed to change. The northern portion is currently vacant and development of this portion is not proposed with this application.

Hope this helps, please let me know if you have any questions. Thanks!
Hello Agnes, can you please tell me what development is planned for the address given in the notice sent to me? It says it is an Auto shop. Thanks Deborah Milat

Regards,
Deborah Milat

Sales Associate Inside
DPI Specialty Foods - Northwest
12360 S.W. Leveton Dr.
Tualatin, OR 97062
Tel: 503-612-8025
Fax: 503-612-8022
www.dpispecialtyfoods.com
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Good morning,

My name is Jean Dahlquist and I am conducting some research for the Fair Housing Council of Oregon (FHCO). I was hoping to obtain the staff report and all corresponding attachments for CPA2020-00001 the “comprehensive plan map amendment from General Commercial and Medium-Density Residential to Medium-High-Density Residential" when available. We will be reviewing Goal 10 findings specifically, and submitting positive or negative comment letters when appropriate. The goal of the Goal 10 project is to ensure cities/counties are fulfilling their Statewide Planning Goal obligation in regards to Goal 10.

Thus, I just wanted to introduce myself and let you know that I am available for any questions or staff report review. I'm hoping this can be a collaborative process where we can both learn from each other. In the meantime, we have obtained the following resource to help guide future staff reports: https://www.housinglandadvocates.org/wp-content/uploads/2018/04/Goal-10-Guidance-Letter-to-Cities-and-Counties-signed.pdf.

Please confirm receipt of this e-mail, and I look forward to hearing from you soon,

Very Respectfully,

Jean Dahlquist
Fair Housing Council of Oregon
Phone: (414) 477-1567
E-mail: jdahlqu1@gmail.com
LinkedIn
RE: WRITTEN TESTIMONY | CASE NUMBER CPA2020-00001 / ZON2020-00001

Agnes and who it may concern,

As mentioned in my voicemail, I am requesting the staff report, and if you are unable to provide this by Wednesday, I would ask that we extend the date of the hearing to allow ample time to review and speak to the proposed changes.

The proposed re-zoning is a one-time benefit to the property owner, at the expense of the city of Tigard and the taxpayers. The additional expense includes the monetary cost to the city and the loss of privacy and additional risks to individuals who live in this area. Some of which are listed below.

- **Business Architecture and Commercial (thru) access to 99** via a narrow residential road, which brings additional traffic, safety issues, and road maintenance
- **Parking.** Additional housing will exuberate the already existing issue around parking on the street
- **Fire.** What happens when there are too many cars on the street and the fire trucks cannot access a house/residential unit?
- **Does not fit into the neighborhood.** The extension of the commercial zoning and the move to R-25 (Medium to High Density) does not align with the zoning on 74th SW Ave (R-4.5) or Torchwood (R-12). Also, the Tigard Woods Condos, which is the property behind/adjacent to Walter’s property, has the look and feel of R-12 zoning. They are connected townhomes, and each has two floors, separate entrance, and a garage.
- **Increase risk/exposure to COVID** with higher density housing
- **Loss of Privacy.** Taller buildings give view access into bedrooms
- **Valuation of Homes.** Allowing R-25 zoning (which would include apartments) and extending commercial property would decrease the value of homes on the street with the additional traffic, noise from commercial property and increased crime rates

Sincerely,

Erica Stevenson
Hello Erica,

My name is Tom McGuire and I'm the Assistant Community Development Director for Tigard. Agnes is out on vacation this week so I will respond to your email. Thanks for providing your bulleted list of concerns. Agnes will review those when she returns.

Because the applicant is requesting a Comprehensive Plan Amendment and a Zone Change their application has to be reviewed by both Tigard’s City Council and Planning Commission. The Planning Commission meeting is held first. We have a Planning Commission hearing scheduled for August 31. That was supposed to be followed by the City Council hearing that you reference in your email on September 22. However, some issues have come up with the completeness of the applicant’s transportation study and so Agnes was not able to finish her Staff Report. Because of that, the Planning Commission will have to continue their hearing to a later date, September 14. Because we already sent out the notice for the 8/31 hearing we have to open that hearing and formally announce that it is continued to a later date but that is all that will happen on the 31st. That, in turn, means that the City Council hearing will also have to be delayed to a later date. We do not yet have a date for the City Council hearing but we will send out notification to everyone on our list again to let them know the new Council hearing date.

We make the staff report to the Planning Commission available for the public to review at least a week before the Planning Commission hearing so we will have that available by September 4. You are invited to provide your comments on the proposal and the staff report to the Planning Commission in writing or you may testify at the hearing. Be aware that due to Covid related issues we are doing both Planning Commission and City Council hearings on the Zoom platform online. You can watch the Zoom meeting on video and call in to provide testimony.

Agnes will be back next week and will be available to answer any project specific questions you may have. I encourage you to participate in the Planning Commission hearing as well as the later City Council hearing.

Tom
I am requesting an extension of the hearing to allow for time to receive and review the staff report. This report was not in the initial letters from the applicant’s rep or the hearing documents. I called and emailed Agnes Lindor, and their out of office message indicates it could be a few days until I hear back.

Written Testimony

The proposed split of the property (MLP2020-00007) and rezoning (CPA2020-0001) is a one-time benefit to the property owner, at the expense of the City of Tigard and the taxpayers. The additional expense includes the monetary cost, the loss of privacy, and additional risks to individuals who live in this area. My concerns are listed below.

- **Commercial (thru) access to 99** via a narrow residential road, which brings additional traffic, safety issues, and road maintenance
- **Parking.** Additional housing will exuberate the already existing issue around parking on Torchwood and 74th
- **Fire.** What happens when there are too many cars on the street, and the fire trucks cannot access a house/residential unit?
- **Does not fit into the neighborhood.** The extension of the commercial zoning and the move to R-25 (Medium to High Density) does not align with the zoning on 74th SW Ave (R-4.5) or Torchwood (R-12). Also, the Tigard Woods Condos, which is the property behind/adjacent to Walter’s property, has the look and feel of R-12 zoning. They are connected townhomes, and each has two floors, separate entrance, and a garage.
- **Increase risk/exposure to COVID** that comes with higher density housing
- **Loss of Privacy.** Taller buildings provide views into bedrooms
- **Valuation of Homes.** Allowing R-25 zoning (which would include apartments) and extending commercial property would decrease the value of homes on the street with the additional traffic, noise from commercial property, and increased crime rates
- **Business Architecture.** The commercial property will back up into residential property/zoning. Would a noise ordinance and land buffer be put into place?

Sincerely,

Erica Stevenson

10970 SW 74th Ave

Tigard, OR 97223

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Alex
I have tried to find a way to connect to the zoom meeting CPA2020-00001 Applicant Walter Aman. The website says it is not available.

Please let me know how I can connect to this meeting. It is 3:45 pm.

Thank You
Susan Frohmayer
503-939-0243
Hi Agnes,

My name is Ashley Pace (formerly Ashley Sova), and I own an investment property near the property that is proposed in the following case numbers:

CPA2020-00001
ZON2020-00001
MLP2020-00002
MLP2020-00007

I attended the Planning Commission meeting this evening (8/31/20) at 7pm, and noted that the applicant’s representative requested a continuance until 9/14/20. I have the following questions:

1. Does this request for a continuance mean that the comment period deadline will be extended? Currently, the deadline is 5pm tomorrow (9/1/20)
2. Will the link for the 9/14/20 Planning Commission meeting be the same as tonight’s meeting?
3. Will the request for a continuance this evening also affect the date of the City Council meeting where this application is discussed (according to the notice, this application is currently scheduled to go to the City Council on 9/22/20 @ 7:30pm)?

On another note, could you also tell me where the city of Tigard obtains the names and addresses of property owners in situations like this? I’ve changed my name, ownership structure and mailing address for my investment property some months ago, but the notices from the City of Tigard (and the applicant’s representative) are still being sent to an old address, are addressed to my previous name and include the names of previous owners. I would like to make sure that I’ve updated whatever I need to, in order to ensure that I continue to receive these notices.

Thank you for your time!

Sincerely,
Ashley Pace (formerly Sova)
Owner of 10900 SW 76th Pl., #28
Tigard, OR 97223

Mailing Address:
15863 SE Anderegg Pkwy.
Damascus, OR 97089
This is in regards to the application for zoning change of the above related parcel. My main concern is the traffic that would be created from the additional housing. Primarily the access from the new community onto hwy 99. The access would be via an already stressed Spruce/78th ave to the intersection by the Starbucks. Any traffic study conducted would be lacking accurate numbers considering the pandemic and the high school off of Pfaffle being out. There are times of day that the intersection is impassable already now. Adding this number of daily potential drivers would be a heavy burden on the current homeowners in the immediate area. I would implore the planning commission to take this into sincere consideration, and require a direct access to 99W from the new development in order to approve this zoning change.

-Jenn
Hi Agnes,

My name is Miriam Nelson and I live with my family on 1196 SW Legacy Oak Way (the corner of Legacy Oak Way and SW Torchwood)

I am sending this note to express our family concern about the re-zoning request of 11655 SW Pacific Highway, but furthermore using SW Torchwood as a main entry to a high-density area.

SW Torchwood is a street that was definitely not developed for high traffic. It is a very narrow street where it is mostly used for parking and local traffic. Traffic at the end side of Torchwood is local and speed is no higher than 10 mph.

In our neighborhood we have several kids that are normally playing on the street, riding bikes, playing with water or going back and forth between the large green space on the other side of Torchwood and our homes. There are family gatherings and neighborhood parties, it is a beautiful community. Opening SW Torchwood and increasing traffic poses a huge risk for our kids. This neighborhood will not be ever again a safe place for kids to play outside and it is heartbreaking.

SW Torchwood is the main parking street for our neighborhood as all of our homes are a one car garage and no street parking allowed. Removing any parking on Torchwood will be an absolute chaos for us. Torchwood is such a narrow street that it is even hard for garbage trucks to get in and out, so much that we have been skipped in the past from garbage picked up due to parking and the sharp turn on the intersection with Legacy Oak.

Our neighborhood, although is on a private street, has a public easement that connects to Highway 99. Throughout the years we have seen this path increase on walking traffic and with that we have seen increasing problems like homeless trying to live there, finding drug paraphernalia, garbage, etc. We are VERY concerned of additional walking traffic, especially when our kids are outside.
I am not opposed to rezoning the area, however, making SW Torchwood the main entry for a high-density (apartment) area is portraying many problems from our community, most of them affecting safety. I truly believe that if apartments are going to be built, the complex should have its own entry straight from 99 Highway and leave SW Torchwood as it is.

I appreciate your time,

Miriam Nelson
Hello Agnes -

My name is Angela Swensen and I live at 11074 SW Legacy Oak Way. We have received notice of Land Use Application regarding the re-zoning of 11655 SW Pacific Highway.

We are very concerned about the extension of SW Torchwood Street on to the re-zoned property. Here are our concerns around:

1. **Traffic safety:** SW Torchwood is a VERY narrow street. Because Legacy Oak Way is a one way street, one stretch of Torchwood is essentially one way flow of traffic and with the sharp turn to SW 74th -- it is a blind corner. Increasing traffic on both 74th and SW Torchwood would be very tight and dangerous.

2. **Parking:** Parking is an issue in our community. The original developer (who went bankrupt) created one-car garages that don’t fit most vehicles and because there is no parking Legacy Oak Way (due to the street being too narrow) our community relies heavily on parking on SW Torchwood. If we have other residents (from potential future housing on the Aman property) needing to use that street parking it would create a SIGNIFICANT issue.

3. **Our community space:** Our HOA (White Oak Village) owns a large green space under the Legacy Oak Tree that is along SW Torchwood. We already have found drug paraphernalia, dog poop and other non-ideal items in a space where our young children play. This is private property and having to monitor and protect this area with the potential expansion of adding in apartments and additional residents would again be a disruption to our community.

4. **Access to Public Easement:** Legacy Oak Way is a private street that does have a public easement that connects the neighborhood to Highway 99. We are concerned with having people enter our private property to access the easement. We have had lots of trouble with this easement in the past with homeless living there, drug related transactions taking place and people disposing garbage. We would expect these types of events to occur as population would increase.

Overall we are a community full of first time homeowners with lots of young children. The safety of our children is what is most important and we are very concerned that the change to SW Torchwood resulting in a significant increase in traffic as well and access to our private street/community spaces. If Mr. Aman would like to re-zone the property it would be desired by this community if they were to the access from his existing property. Otherwise consider re-zoning to a medium density situation again to reduce the impact on our community.

Thank you for your time,

Angela
I am sending in writing, my opposition to the proposal at this property 11655 SW Pacific Highway. Once again I am finding myself trying to protect my small neighborhood and a way of life. As in past projects traffic is probably our number one concern. I am concerned with adding even more vehicles to this tiny, essentially one way street. I don’t know how this street can handle a low density housing project, much less high density. I have seen many changes since the Torchwood neighborhood was built at the end of our street. We have fewer numbers and species of birds. The sunlight for our garden has changed. The amount of traffic is getting worse all of the time. The noise is increasing. The livability is changing the values of ours and our neighbors properties. We were a part of the informational zoom and phone call in June. We were told there was a traffic study being done. We haven’t seen evidence of any traffic studies on our street or neighboring streets. There is an 18 home project going in around the corner, as I write this letter, that will be impacting the surface streets. We asked the city for a park at that site. Unfortunately, the council chose to ignore the fact that there are no parks in our neighborhood. Perhaps the city can buy the property and create a family neighborhood with a park? We at 10975 SW 74th Ave., want to be on record opposing the proposed changes to this property. We respectfully ask that you consider the dynamic of this neighborhood and deny a high density designation. Ideally we prefer no continuation of Thornwood Street. Thank you for considering our request. Respectfully John and Cindy Patelzick.

Sent from my iPad