



Oregon

Theodore R. Kubangoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/03/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment
DLCD File Number 011-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, February 19, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Cheryl Caines, City of Tigard
Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative

<paa> YA

DEPT OF

FEB 27 2009

LAND CONSERVATION AND DEVELOPMENT

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of Tigard**

Local file number: **CPA2008-00012**

Date of Adoption: **2/24/2009**

Date Mailed: **2/26/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/18/08

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comprehensive Plan Map and Zoning Map amendments to rezone 3 parcels (.98 acres total) from Low-Density Residential (R-4.5) to Mixed-Use Residential 1 (MUR-1). The site is located within Tigard's Downtown Urban Renewal District.

Does the Adoption differ from proposal? Yes, Please explain below:

The Zoning Map amendment is subject to a condition of approval limiting the trip generation rate to 300 trips per day, with a maximum of 23 AM peak hour trips and 27 PM peak hour trips.

Plan Map Changed from: **Low-Density Residential** to: **Mixed-Use Residential 1**

Zone Map Changed from: **R-4.5** to: **MUR-1**

Location: **On the east side of SW Hall Blvd. between Hunziker & Knoll Streets**

Acres Involved: **.98** Specify Density: Previous: **4.5 units/acre** New: **50 units/acre**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 011-08 (17281)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro, ODOT, Tualatin Valley Fire & Rescue, Washington County, Tigard-Tualatin School District and Tri-Met Transit.

Local Contact: **Cheryl Caines, Associate Planner**

Phone: (503) 718-2437 Extension: 2437

Address: **13125 SW Hall Blvd.**

Fax Number: **503-624-3681**

City: **Tigard**

Zip: **97223**

E-mail Address: **cherylc@tigard-or.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 08-

09 - 02

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT, CPA 2008-00012, AND ZONING MAP AMENDMENT WITH CONDITIONS, ZON 2008-00006, TO CHANGE THE COMPREHENSIVE PLAN DESIGNATIONS AND ZONING MAP CLASSIFICATIONS FOR THREE LOTS TOTALING 0.98 ACRES FROM LOW DENSITY RESIDENTIAL (R-4.5) TO MIXED USE RESIDENTIAL 1 (MUR-1). THE ZONING MAP AMENDMENT IS SUBJECT TO A CONDITION OF APPROVAL LIMITING THE TRIP GENERATION RATE TO 300 TRIPS PER DAY, WITH A MAXIMUM OF 23 A.M. PEAK HOUR TRIPS AND 27 P.M. PEAK HOUR TRIPS.

WHEREAS, Section 18.380.030 of the City of Tigard Community Development Code requires quasi-judicial zoning map amendments to be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection 18.380.030.B; and

WHEREAS, Section 18.380.030.A of the City of Tigard Community Development Code requires the Commission to make a recommendation to the Council on a Zoning Map Amendment application which also involves a concurrent application for a Comprehensive Plan Map Amendment; and

WHEREAS, Section 18.380.030.A of the City of Tigard Community Development Code requires the Council shall decide the applications on the record as provided by Section 18.390; and

WHEREAS, Section 18.380.030. B.1 of the City of Tigard Community Development Code, requires demonstration of compliance with all applicable Comprehensive Plan policies and map designations; and

WHEREAS, Section 18.380.030.B.2 of the Tigard Development Community Development Code requires demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

WHEREAS, Section 18.380.030.B.3 of the City of Tigard Community Development Code requires evidence of change in the neighborhood or community, or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has found the following to be the applicable review criteria: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Policies 1, 2, 10, and 15; of the updated Comprehensive Plan, and Policy 8 of the previous Comprehensive Plan; Metro Functional Plan, Title 1; and Statewide Planning Goals 1, 2, 10 and 12; and

WHEREAS, the Tigard Planning Commission held a public hearing on February 2, 2009 and recommended approval of CPA2008-00012, and approval with conditions of ZON2008-00006 by motion with a unanimous vote in favor; and

09 - 02

WHEREAS, the Tigard City Council held a public hearing on February 24, 2009, to consider the request for a quasi-judicial Comprehensive Plan Amendment and Zoning Map Amendment and determined that the amendments will not adversely affect the health, safety and welfare of the City and meets all applicable review criteria.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Comprehensive Plan Amendment, CPA2008-00012, is hereby approved by the City Council.

SECTION 2: Zoning Map Amendment, ZON2008-00006, is hereby approved with conditions by the City Council.

SECTION 2: The attached findings are hereby adopted in explanation of the Council's decision.

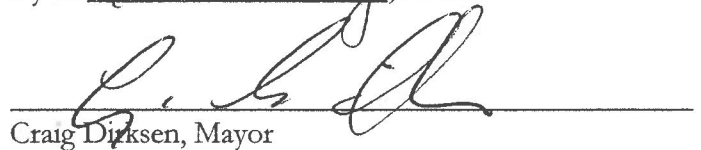
SECTION 3: The Comprehensive Plan map and Zoning Map shall be amended to represent the approved changes.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

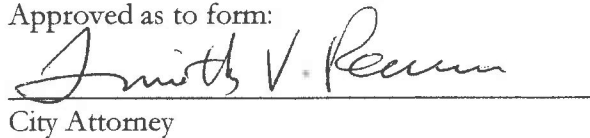
PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 24th day of February, 2009.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 24th day of February, 2009.


Craig Dixsen, Mayor

Approved as to form:


City Attorney

2.24.09
Date

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes**

DRAFT

February 2, 2009

1. CALL TO ORDER

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

2. ROLL CALL

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

Commissioners Absent: Commissioners Muldoon & Vermilyea

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

3. COMMUNICATIONS

None

4. APPROVE MEETING MINUTES

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

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

PUBLIC HEARING OPENED

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

6. PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENT

(CPA) 2008-00012/ZONE CHANGE (ZON) 2008-00006
COMMUNITY PARTNERS FOR AFFORDABLE HOUSING PLAN & MAP CHANGE

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

STAFF REPORT

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

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

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

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

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

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

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

QUESTIONS & COMMENTS BY COMMISSIONERS (Replies in italics)

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

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

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

APPLICANT'S PRESENTATION

Gretā Lavador of MGH Associates spoke on behalf of the applicant. She said they generally support staff's findings and appreciate staff's help with this process. She said they have one comment regarding trees. Pages 6 & 7 of the staff report talk about the arborist's suggestions for a planned development overlay. She said they feel the development code provides adequate regulation for tree preservation as it is and they do not need additional conditions.

to protect them. She noted that a lot of the trees are in the right-of-way that will be dedicated for Hall Blvd and Hunziker Street. Some of the trees on the site will be evaluated as part of the site development permit and they will be looked at to see if they're healthy and if they can be retained. She said they would like to recommend that an additional condition [regarding trees] is not required as part of this process.

QUESTIONS BY COMMISSIONERS (Lavador's replies in italics)

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

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

PUBLIC TESTIMONY – IN FAVOR

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

PUBLIC TESTIMONY – IN OPPOSITION

None

APPLICANT'S REBUTTAL

None

QUESTIONS OF STAFF

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

Comp Plan. You can put conditions on the zone change – such as what ODOT has asked us to do. I would suggest that you put that on the zone change itself and that'll ride with the property just as if you were to put the condition on the actual SDR.

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

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

PUBLIC HEARING CLOSED

DELIBERATIONS

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

MOTION

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

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

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

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

ABSTAINERS: None (0)
ABSENT: Commissioners Muldoon & Vermilyea (2)

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

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

7. OTHER BUSINESS – ELECTIONS

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

MOTION - FOR PRESIDENT

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

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

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

MOTION - FOR VICE PRESIDENT

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

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

AYES: Commissioner Anderson, Commissioner Caffall,
Commissioner Doherty, Commissioner Fishel, Commissioner
Hasman, and Commissioner Inman (6)
NAYS: None (0)
ABSTAINERS: Commissioner Walsh (1)

ABSENT:

Commissioners Muldoon & Vermilyea (2)

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

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

8. ADJOURNMENT

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

Doreen Laughlin, Planning Commission Secretary

ATTEST: President Jodie Inman

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



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: COMMUNITY PARTNERS FOR AFFORDABLE HOUSING
COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT

FILE NOS.: Comprehensive Plan Amendment (CPA) CPA2008-00012
Zone Change (ZON) ZON2008-00006

PROPOSAL: The applicant is requesting amendments to the Comprehensive Plan and Zoning Maps to change the Comprehensive Plan Designation and Zoning Classification for three parcels (approximately .98 acres) from Low Density Residential (R-4.5) to Mixed Use Residential - 1 (MUR-1). The site is located on the east side of Hall Boulevard between Hunziker Street and Knoll Drive, within a small pocket of R-4.5 zoning. Sites on the west side of Hall Blvd. are zoned Central Business District (CBD). All three parcels of the site are within the Downtown Urban Renewal District.

APPLICANT: Community Partners for Affordable Housing
P.O. Box 23206
Tigard, OR 97281-3206

APPLICANT'S REP.: MGH Associates
Greta Lavador
104 W. 9th St., Suite 207
Vancouver, WA 98660

OWNER: Robert & Patricia Clickener
8485 SW Hunziker Rd.
Tigard, OR 97223

LOCATION: 12340 and 12360 SW Hall Boulevard, and 8485 SW Hunziker Street; Washington County Tax Assessor's Map 2S101BC, Tax Lots 800, 900 and 1000.

CURRENT ZONE / COMP PLAN DESIGNATION: R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally.

PROPOSED ZONE / COMP PLAN DESIGNATION: MUR-1: Mixed Use Residential District. The MUR-1 zoning district is a high density designation applied to predominantly residential areas where mixed-uses are permitted when compatible with the residential use.

APPLICABLE
REVIEW
CRITERIA:

Community Development Code Chapters 18.380, 18.390; Comprehensive Plan Goals 1, 2, 10, and 15 of the updated Comprehensive Plan, and Policy 8 of the previous Comprehensive Plan; Metro Functional Plan, Title 1; and Statewide Planning Goals 1, 2, 10 and 12.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend **APPROVAL** of the proposed Comprehensive Plan Amendment and Zone Change to the City Council.

SECTION III. BACKGROUND INFORMATION

Proposal Description

The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for three parcels totaling approximately 43,124 square feet (.98 acres) from Low Density Residential (R-4.5) to Mixed Use Residential (MUR-1). The application package includes a schematic site plan and elevations for an affordable senior housing project, The Knoll at Tigard, but this project is not part of this application. The plans are only provided for informational purposes. Any development on the site must be approved under a separate application.

Site and Vicinity Information

The subject site is made up of three tax lots and located east of Hall Boulevard between the intersections of Knoll Drive and Hunziker Street. According to the applicant all three tax lots are developed with single-family residences. These homes may have been used as day care facilities in the past based on City records (see Site History). The site is located within a small pocket of single-family homes zoned R-4.5. The three tax lots that make up the site are within the Downtown Urban Renewal District. The district was approved by voters in May 2006 after the Tigard Downtown Improvement Plan (TDIP) was adopted in September 2005. Maps within the TDIP do not show the three parcels within the downtown, but the inclusion in the Urban Renewal District applies the TDIP to the site.

The site is bound by streets on three sides, Knoll Drive to the north, Hunziker Street to the south, and Hall Boulevard to the west. Adjacent properties to the east are zoned R-4.5, like the subject site. Beyond the small pocket of residences, the properties are zoned Light Industrial (I-L), Industrial Park (I-P), Central Business District (CBD), and General Commercial (C-G). The area has a mix of commercial, industrial, and residential uses. Excluding this pocket of single-family, residential development in the area is multi-family, apartment buildings.

Site History

Staff reviewed the zoning history of the subject property utilizing old zoning maps and City records. The 1977 Land Use Map and Existing Comprehensive Plan Map show Tax Lots 800, 900 and 1000 as R 5/7 (Urban Low Residential). All subsequent versions of the City's Comprehensive Plan Map and Zoning Classification show the subject lots designated R-4.5 (Low Density Residential). The three parcels were developed with single-family residences. Records show Conditional Use Permits to utilize the residences as day care facilities (Tax Lot 1000 - CU13-67 & CU16-68) (Tax Lot 900 - CU 15-80 & SDR 1-81) (Tax Lot 800 - CU 1-84), but all three structures are currently used as single-family residences according to the applicant's representative. In addition, a two lot Minor Land Partition was approved for tax lot 800 in 1980 (MLP 9-80), but was never completed.

Summary of Issues:

- ♦ The site is located within the Tigard Downtown Improvement Plan (TDIP), which calls for development of medium to high density residential along Hall Boulevard between Garden Place and Commercial Street. Currently this site is designated as Low Density Residential (R-4.5 zone). The proposed amendment will designate the site as Mixed Use Residential 1 (a high density mixed use zone, MUR-1). This change would bring the zoning and Comprehensive Plan designation of this site in agreement with the TDIP.
- ♦ The TDIP favors the concept of moderate to higher density mixed use development, with housing availability for a wide range of income levels. The applicant has presented a conceptual plan for affordable, senior housing on the site. This type of development is possible within the MUR-1 zone, but a separate application and approval would be required to ensure it is constructed on the site.
- ♦ There are 3.17 acres of buildable lands zoned MUR-1 within Tigard compared to 172.4 acres of buildable land zoned R-4.5. Loss of 0.98 acres of R-4.5, Low Density land is insignificant.
- ♦ ODOT commented that the proposed MUR-1 Zone Change/Comprehensive Plan Amendment could result in unacceptable service levels at the Hwy 99/Hall Boulevard intersection. A trip cap has been requested to ensure the proposed amendment will not result in a significant effect upon transportation facilities.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

TIGARD DEVELOPMENT CODE CHAPTER 18.380:

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map
Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection B below.

A. The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the applications on the record as provided by Section 18.390.

The proposed zone change application to change the zoning on the subject lot from R-4.5 to MUR-1 also involves a comprehensive plan map amendment. Therefore, the Planning Commission shall make a recommendation to Council on the proposed zone change application and comprehensive plan map amendment.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

18.380.030. B.1
Demonstration of compliance with all applicable comprehensive plan policies and map designations;

COMPREHENSIVE PLAN POLICIES

The City has an acknowledged Comprehensive Plan consistent with the statewide planning goals. The applicable Comprehensive Plan goals and policies are addressed in this section of the staff report. The Comprehensive Plan is currently being updated. All the applicable goals and policies are within the updated Plan with one exception, Transportation (Chapter 8), which is addressed at the end of this section.

State and Metro requirements help determine housing capacities on buildable land within the Portland Metropolitan Area - the state Metropolitan Housing Rule and Title 1 of Metro's Urban Growth Management Functional Plan (Functional Plan). These requirements are applicable to this application and are addressed under the Housing goal below.

CITIZEN INVOLVEMENT

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

Policy 1.12 The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.

Goal 1.2 Ensure all citizens have access to:

- A. opportunities to communicate directly to the City; and
- B. information on issues in an understandable form.

Policy 1. The City shall ensure pertinent information is readily accessible to the community and presented in such a manner that even technical information is easy to understand.

Policy 2. The City shall utilize such communication methods as mailings, posters, newsletters, the internet, and any other available media to promote citizen involvement and continue to evaluate the effectiveness of methods used.

Policy 6. The City shall provide opportunities for citizens to communicate to Council, boards and commissions, and staff regarding issues that concern them.

The applicant's representative sent out notices to surrounding property owners and neighborhood representatives, posted a sign on the property, and held a neighborhood meeting on November 11, 2008 in accordance with the City of Tigard's neighborhood meeting notification process. According to the minutes of the neighborhood meeting, 12 people attended. Attendee questions were related to the future development of the site, impacts of a multi-story building on neighboring properties, changes to public streets (Hall and Knoll), and public transit.

In addition, the City has mailed notice of the Planning Commission hearing to property owners within 500 feet of the subject site, interested citizens, and agencies, published notice of the hearing and posted the site pursuant to TDC 18.390.050 for Type III Procedures.

With these public involvement provisions and the applicant's documented participation, this application is consistent with applicable Citizen Involvement policies.

LAND USE PLANNING

Goal 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard's land use planning program.

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.

Re-zoning the site from Low Density Residential to Mixed Use Residential 1 will increase the economic opportunities on the site. Currently the parcels are developed structures used as single-family residences. Redevelopment of this site with high density residential units may be a catalyst for other development within the Downtown Urban Renewal District.

Policy 8. The City shall require appropriate public facilities are made available, or committed, prior to development approval and are constructed prior to, or concurrently with, development occupancy.

Public water and sanitary sewer lines are found in all surrounding streets. Storm water must be collected and treated before released into an approved public system. There is a storm manhole at the corner of Knoll and Hall, but it is unknown if that is adequate to serve any future development. Prior to the approval of any specific development application, regardless of zoning, the applicant must provide information to show how the site would be served.

Policy 14. Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan and, when necessary, those of the state and other agencies.

The applicant has shown how the proposed zone change is consistent with the Development Code and Comprehensive Plan. This staff report illustrates how the request is consistent with both the code criteria and Comprehensive Plan policies.

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 abuts three public streets (Hall Boulevard, Hunziker Road, and Knoll Drive). A Traffic Impact Study was prepared by the applicant's traffic engineer, Frank Charbonneau of Charbonneau Engineering, LLC. Staff at the Oregon Department of Transportation (ODOT) has reviewed the study. Comments received from ODOT note that the study assumes only a 49 unit apartment complex for the worst case traffic scenario under the proposed MUR-1 zoning, but that MUR-1 zoning allows more units than this to be constructed. More units are possible since 50 units per acre is the minimum density, and there is no maximum density within the MUR-1 zone. More units could mean more vehicle trips from the site. ODOT requests that the City condition a trip cap be placed on the approval. Traffic impact is discussed further under the Transportation Goal.

Sanitary and water lines are available in the streets. Storm water currently drains to a roadside ditch that parallels SW Hall Boulevard. Comments received from the Public Works department indicate that stormwater is an issue at this location. Prior to future development, the applicant would need to upgrade or connect to current facilities.

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

A traffic impact study has been prepared by the applicant's engineer, Frank Charbonneau. The study considers development of the site with the maximum estimated density under the current R-4.5 zoning, with the anticipated use of senior adult housing, and with apartment units which is the allowed use that generates the most vehicle trips. The analysis shows the proposed zone change will not have a significant effect on the transportation facilities. ODOT agrees with this analysis, but requests a trip cap be placed on the approval. This issue is discussed further under the Transportation Goal.

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;

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 Downtown Improvement Plan (TDIP) identifies the need for moderate to high-density, mixed use development with housing for a wide range of income levels. The site is located within the Downtown Urban Renewal District. The current zoning is low density and the estimated maximum density is six units. Re-designation of the site to MUR-1 would help meet the desire for higher density housing within the downtown. The applicant expects to develop the site with senior adult housing. Other possible uses could include multi-family housing. Both of these uses present opportunities to provide housing to a wider range of income levels than does single-family homes.

This site is served by public transportation making it well-suited for higher density residential. A bus line runs along Hunziker Road. The Tigard Transit Center, with bus and commuter rail service, is within ¼ mile of the site. Proximity to the downtown puts future residents within walking distance of restaurants, shops, commercial uses and the Tigard library.

In addition, the applicant states that the City's Buildable Land Map (January 1, 2008) shows a supply of 0.76 acres of MUR-1 compared to 172.4 acres of R-4.5 zoned land, but the map actually shows 3.17 acres of MUR-1 land and 0.76 acres of MUR-2 land. Regardless, the reclassification of one acre of low density residential land to Mixed Use Residential will not adversely impact the supply of low density buildable land.

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 applicant has provided conceptual architectural elevations and a site plan that demonstrate how a multi-family, senior housing development could be constructed in compliance with the MUR-1 regulations. There currently is no overlay districts for the site, but this may change in the future as new zoning is developed for the downtown. Any future development would be reviewed for all applicable regulations prior to construction.

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 site is located within a small pocket of single-family homes near a mix of industrial, commercial and multi-family uses. Only the eastern boundary of the site is adjacent to the single-family residences. The site is bound by streets on all other sides. If the site were redesignated to MUR-1, then future development must meet the setback and buffering/screening standards outlined in the Tigard Development Code. Setbacks in the MUR-1 zone are 20 feet when adjacent to residential zoning such as R-4.5. The applicant states that redevelopment of the site under the MUR-1 zoning would provide a buffer between the noise and traffic of SW Hall Boulevard and the existing single-family homes.

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

There are no natural areas on or adjacent to the site that would be adversely impacted. If and when the site was redeveloped with higher density homes, all stormwater would need to be collected and treated by an approved system. The applicant points out that allowing compact urban development will promote the preservation of open space in other areas of the City. The sites location will enable future residents to walk to services, reduce the dependence upon the automobile, and possibly improve air quality.

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 City Arborist has reviewed the proposal and noted that the conceptual plan appears to not take into consideration several large trees on site. He is suggesting the addition of a Planned Development (PD) overlay to ensure preservation of existing trees. While applying this overlay would allow more discretion by the decision makers for plan approval, the process may be excessive in relation to the desired outcome.

It is unknown if the applicant is considered existing trees when developing plans for future development. To ensure measures are taken to incorporate existing trees, the Planning Commission may choose to impose a condition for the applicant to design the site and locate buildings to preserve existing trees to the greatest degree possible, to demonstrate alternatives considered, to present information to show why the trees cannot be preserved, and/or to work with staff and consultants to find measures of preservation.

ODOT has requested a condition be put on the Comprehensive Plan and Zoning Map Amendment approval. The condition is as follows:

A condition of this zone change is that the site is limited to 300 trips per day, with a maximum of 23 a.m. peak hour trips and 27 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips by removing the condition, the applicant must re-apply for the Comprehensive Plan Amendment showing consistency with the Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed.

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.

As discussed under other policies, this change from R-4.5 (Low Density) to MUR-1 (Mixed Use Residential 1) will encourage development of the site that is more compatible with the existing and future development in the downtown. Conflicts between the existing single-family homes in the area and future high density development would be mitigated by larger required setbacks and landscape buffering.

HOUSING

Goal 10.1 Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

Policy 1. The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, preferences, and financial capabilities of Tigard's present and future residents.

Policy 2. The City's land use program shall be consistent with applicable state and federal laws.

The City of Tigard maintains an up-to-date buildable lands inventory, a permit tracking system for development, as well as complying with Metro's Functional Plan. The City is responsible for monitoring residential development. All of these tools aid the City in monitoring its progress toward the above goals, and in determining if the opportunity remains for current and future residents to have diverse housing choices.

State and Metro requirements help determine housing capacities on buildable land within the Portland Metropolitan Area - the state Metropolitan Housing Rule and Title 1 of Metro's Urban Growth Management Functional Plan (Functional Plan). Both focus on increasing jurisdictions' housing capacity in order to use land within the UGB efficiently.

The Metropolitan Housing Rule (OAR 660-007/Division 7) established regional residential density and mix standards for communities within the Metro UGB to measure compliance with State Goal 10. It set minimum residential density standards for new construction by jurisdiction. Tigard's target capacity is for an overall density opportunity of 10 or more dwelling units per net buildable acre. In addition it requires that jurisdictions designate sufficient buildable land to provide the opportunity for at least 50% of new residential units to be attached housing (either single-family or multiple-family.)

The Metropolitan Housing Rule is as follows:

OAR 660-007-0035

(3) Multnomah County and the cities of Portland, Gresham, Beaverton, Hillsboro, Lake Oswego and Tigard must provide for an overall density of ten or more dwelling units per net buildable acre. These are larger urbanized jurisdictions with regionally coordinated population projections of 50,000 or more for their active planning areas, which encompass or are near major employment centers, and which are situated along regional transportation corridors.

OAR 660-007-0005

(1) A "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas.

The City is currently in compliance with the Metropolitan Housing Rule as it can provide for an overall density of 10.42 units per net buildable acre (2,979 potential units* divided by 286 net buildable acres**).

*Based on current zoning regulations for each property found on the buildable lands inventory.

**Based on a total of 409.15 acres of residential and mixed-use buildable lands as of January 1, 2008 minus 20% for future rights-of-way and 10% for future parks/open space).

Metro implements Goal 10 through Title 1 of the Functional Plan. To meet Title 1, each jurisdiction was required to determine its housing capacity and adopt minimum density requirements. Tigard adopted an 80% of minimum density requirement for development in 1998, which means that a development must build 80% of the maximum units allowed by the zoning designation.

The City has committed to providing the development opportunity for an additional 6,308 dwelling units between 1998 - 2017. This number shows Tigard's zoned capacity for additional dwelling units. It is an estimate based on the minimum number of dwelling units allowed in each residential zoning district, assuming minimum density requirements.

The numbers above are based on current zoning and density rates in Tigard. The City anticipates increased housing capacity with future zone and density changes brought about by the TDIP. Currently, the Central Business District (downtown) zone allows for, but does not require, single-family housing at 12 units/acre and multi-family housing at 32 units/acre. In 2005, only 10% of downtown acreage was used for housing (TDIP, September 2005). It is likely that the plan will result in greater residential density estimated at 40 unit/acre, on a greater percent of downtown acreage (up to 80%), estimated to yield approximately 1,200 units. Although these changes are not yet assured, they represent a general trend toward increased residential use and density in the downtown. Re-designating the site as MUR-1, increases Tigard's residential capacity, which further meets the state and regional housing goals and residential density goals within the downtown.

Policy 3. The City shall support housing affordability, special-needs housing, ownership opportunities, and housing rehabilitation through programs administered by the state, Washington County, nonprofit agencies, and Metro.

Policy 4. The City shall adopt and maintain land use regulations that provide opportunities to develop housing for persons with special needs. The scale, design, intensity, and operation of these housing types shall be compatible with other land uses and located in proximity to supporting community services and activities.

Metro Title 7 calls for voluntary affordable housing production goals to be adopted by local governments. The City has not adopted the goal of 319 affordable housing units (Tigard 2027 Report), but does have policies to encourage the development of affordable housing. Tigard provides the opportunity for single-family attached and multi-family housing within high density areas such as Washington Square, Central Business District (downtown Tigard), and the Tigard Triangle. The applicant would like to construct affordable senior housing on the site. A conceptual plan was provided with the application, but a specific development would require separate approval and is therefore not guaranteed. Even if the site were not

developed with this plan, any multi-family development could possibly be offered as affordable housing. High density provides the developer lower land costs per unit than does low density, but it should be noted that development of this site with affordable housing is a possibility and not a guarantee at this point. Any future development requires approval under separate application.

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 lies within a small pocket of R-4.5 zoning (Low Density Residential), but is also within the downtown. The current zoning is incompatible with the TDIP which calls for creating more housing of various types within the downtown and to accommodate a wide range of income levels. The proposed change to Mixed Use Residential 1 will allow the site to develop with high density residential in accordance with the downtown plan and Policy 5. The site is located along an existing transit corridor (Hall Boulevard and Hunziker Road), near employment opportunities and commercial services in downtown, and about ½ mile from the Tigard Library.

Goal 10.2 Maintain a high level of residential livability.

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.

The applicant states that the proposed MUR-1 zone will provide an orderly transition from the heavily used transit corridors of Hall Boulevard and Hunziker Road to the existing low density residential uses. Standards within the Tigard Development Code such as larger setbacks between the proposed MUR-1 and existing R-4.5 zoning and buffering/screening requirements will also mitigate the impact of a more intense use adjacent to the existing single-family homes. Future development will be reviewed for compliance with these standards prior to plan approval.

SPECIAL PLANNING AREAS - DOWNTOWN

Goal:

15.1 The City will promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people live, work, play and shop in an environment that is uniquely Tigard.

The applicant states that by approving the zone change to MUR-1, more people will be active in the downtown area. Future residents will walk from their home to work and to recreational amenities within the area. They will be patrons of the downtown retail and restaurants. Development of the site with multi-family residential will spur interest in the area and promote the City's vision of a vibrant urban village.

Goal:

15.2 Facilitate the development of an urban village.

Policies:

1. New zoning, design standards, and design guidelines shall be developed and used to ensure the quality, attractiveness, and special character of the Downtown as the "heart" of Tigard, while being flexible enough to encourage development.

City staff is currently developing new zoning, design guidelines, and standards for the Downtown. The applicant intends to develop the site with a high quality project that takes steps to incorporate sustainable building practices where possible. The zone change approval does not ensure specific design standards will be met. Any future development will be required to meet the standards in place at the time of application submittal. As stated above, the new Downtown standards have not been adopted, but the applicant has been working and brainstorming with City staff and design professionals to create a more detailed plan in accordance with the City's goals.

2. The downtown's land use plan shall provide for a mix of complementary land uses such as:
 - A. retail, restaurants, entertainment and personal services;
 - B. medium and high-density residential uses, including rental and ownership housing;
 - C. civic functions (government offices, community services, public plazas, public transit centers, etc);
 - D. professional employment and related office uses; and
 - E. natural resource protection, open spaces and public parks.
5. Downtown design, development and provision of service shall emphasize public safety, accessibility, and attractiveness as primary objectives.
6. New housing in the downtown shall provide for a range of housing types, including ownership, workforce, and affordable housing in a high quality living environment.

The proposed zone change will allow the site to develop with high density residential uses in accordance with this goal. The applicant would like to develop the site with high-density, affordable housing for seniors which will complement existing and future uses within the Downtown. As this proposed project has not been approved, there is no guarantee that it will be constructed. Any multi-family housing will be consistent with these policies. Specific design elements such as public safety and accessibility will be reviewed during the development review application.

Goal 1:

15.4 Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles, and transit.

Policies:

1. The downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike, and pedestrian facilities.
2. The downtown shall be Tigard's primary transit center for rail and bus transit service and supporting land uses.
3. The City, in conjunction with TriMet, shall plan for and manage transit user parking to ensure the downtown is not dominated by "park and ride" activity.
5. Streetscape and public area design shall focus on creating a pedestrian friendly environment without the visual dominance by automobile oriented uses.
6. The City shall require a sufficient, but not excessive, amount of parking to provide for downtown land uses. Joint parking arrangements shall be encouraged.

If re-zoned to MUR-1 any future re-development of the site will require the applicant to construct improvements along abutting street frontages for automobiles, pedestrians, and bicycles. These improvements could also include a bus shelter as noted by the applicant. Placement of high density housing on this site will provide more riders with access to public transit choices within the Downtown and decrease the dependency upon the automobile for residents.

The following applicable portions of the previous Tigard Comprehensive Plan were in effect at the time of application:

TRANSPORTATION SYSTEM

The 2001 Tigard Transportation System Plan (TSP) updates the comprehensive plan and policies. However, it does not fully replace all elements of the comprehensive plan adopted prior to the 2001 TSP. Goal # 4, Policy # 1 of the Tigard TSP correlates to the following comprehensive plan policy:

Policy 8.1.4: Set and maintain transportation performance measures that set a minimum intersection level of service standard for the city of Tigard and requires all public facilities to be designed to meet this standard.

Comments were received from the Seth Brumley and Doug Baumgartner with Oregon Department of Transportation (Attachment 1). The letter states that the local government must make findings that the proposed zone change/comprehensive plan amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect, assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility.

For zone changes and comprehensive plan amendments:

OAR 660-012-0060

1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ration, etc) of the facility.

A plan or land use regulation amendment significantly affects a transportation facility if it would:

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

The applicant's traffic engineer prepared a Traffic Impact Study analyzing the traffic impacts from the proposed zone change for a year 2011 development build-out and a year 2025 planning horizon in order to meet the requirements of OAR 660-012-0060. The study analyzes "reasonable worst case scenarios" for 6 single-family homes for the existing zoning and a 49 unit apartment complex for the proposed zoning, MUR-1. Based on the proposed 300 trip generation from the apartment complex of 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips, the zone change would not have a significant effect on the transportation facilities.

However ODOT staff comments that MUR-1 zoning allows development density greater than a 49 unit apartment complex and could generate more than the 300 vehicle trips estimated in the traffic study. Additional trips could result in a significant effect on the Highway 99W and Hall Boulevard intersection. To ensure that the proposed zone change/comp plan amendment does not significantly affect State facilities, ODOT requests the City conditions a trip cap be placed on this approval. The cap would limit the site to 300 vehicle trips per day, with maximums of 23 a.m. peak hour trips and 27 p.m. peak hour trips. To allow more trips, the applicant or future property owners will need a Plan Amendment with TPR OAR 660-012-0060 analysis to determine if the limit can be revised or removed.

Policy 8.2.3

The city shall require as a precondition to development approval that:

- A. Development abuts a publicly dedicated street or has adequate access approved by the appropriate approval authority;**
- B. Street right-of-way be dedicated where the street is substandard in width;**

- C. The developer commit to the construction of the streets, curbs and sidewalks to city standards within the development;
- D. Individual developers participate in the improvement of existing streets, curbs and sidewalks to the extent of the development's impacts;
- E. Street improvements be made and street signs or signals be provided when the development is found to create or intensify a traffic hazard;
- F. Transit stops, bus turnout lanes and shelters be provided when the proposed use of a type which generates transit ridership;
- G. Parking spaces be set aside and marked for cars operated by disabled persons and that the spaces be located as close as possible to the entrance designed for disabled persons; and
- H. Land be dedicated to implement the bicycle/pedestrian corridor in accordance with the adopted plan.

The applicant has proposed only a conceptual development plan at this time, but this application is only for a re-designation from R-4.5 to MUR-1. Prior to the construction of any development on-site, the applicant shall obtain separate land use approval and construct required street improvements along all frontages.

18.380.030.B.2

Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

For the purposes of the proposed comprehensive plan amendment and zone change, the applicant has satisfactorily addressed the applicable Sections of Chapter 18.380, Zoning Map and Text Amendments, of the Tigard Development Code. Please see the findings under 18.380.030.B.3. The standards of Chapter 18.390.050 for Type III-PC procedures are applicable to this proposal, as identified in 18.380.030. The applicant has submitted an Impact Statement as required under 18.390.050.B.e. Although a conceptual site plan was provided, the proposed comprehensive plan amendment and zone change do not include a specific development proposal. Any proposed development will be required to meet all of the current applicable Tigard Development Code standards. An additional impact statement will also be required for the development application.

FINDING: The proposal is consistent with the applicable standards of the Tigard Development Code.

18.380.030.B.3

Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

The citizens of Tigard approved an Urban Renewal District in 2007. This site is included within that district and is therefore the Tigard Downtown Improvement Plan (approved 2005) applies to the site. This plan calls for high density residential along Hall Boulevard between Garden Place to the north of the site and Commercial Street to the south. The site has been zoned low density residential since at least the 1970s, but now the low density zoning is inconsistent with the downtown plan. Re-designating the site to MUR-1 (Mixed Use Residential 1) will make the zoning and Comprehensive Plan designation consistent with downtown development goals.

FINDING: The proposal demonstrates that there is an inconsistency in the comprehensive plan and zoning map as it relates to the subject property.

C. Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.

FINDING: The land use action requested is quasi-judicial as it is limited to specific parcels and does not apply generally across the City. Therefore, the Planning Commission recommendation to Council may be for denial, approval, or approval with conditions.

SECTION V. ADDITIONAL CITY STAFF AND OUTSIDE AGENCY COMMENTS

The City Arborist commented that the conceptual development plan appeared to ignore several large trees on the site and asked that a Planned Development overlay be included with the zone change to allow greater discretion over plan approval.

The City of Tigard's Public Works Department noted that water service can be provided to the site, but the water meter may need to be upsized. Drainage at the corner of Hall and Hunziker will need to be addressed, as it is a constant issue.

The Tigard Police Department reviewed the proposal and had no objection.

Oregon Department of Transportation (ODOT) has reviewed the proposal and provided comments. Some comments have been incorporated into this report, but the full comment letter and analysis have been included as Attachment 1.

Clean Water Services reviewed the proposal and recommended that all of the relevant provisions of the IGA between the City and CWS be followed and that a site certification will be required prior to development of the subject parcels.

The City's Long Range Planning Division, Engineering Division, Building Division, Oregon Department of Land Conservation and Development, Tualatin Valley Fire & Rescue, and Metro Land Use and Planning were mailed a copy of the proposal but provided no comment.

SECTION VI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

The proposal to re-designate the site from R-4.5 (Low Density Residential) to MUR-1 (Mixed Use Residential) would reduce the amount of land zoned for low density development within Tigard, but would net more units to meet the City's capacity goal for residential density required under Metro' Title 1 and the City's Housing goals. The current zoning is inconsistent with the downtown conceptual plan which calls for high density residential along Hall Boulevard. In addition, the TDIP identifies downtown housing development as one of eight catalyst projects that will substantively alter the development environment. The TDIP favors moderate to high density housing to serve a wide range of income levels. Bringing more people into the downtown will support local services, retailers, and mass transit options.

ODOT states that re-designating the site to MUR-1 could have a significant effect on transportation facilities because this zoning allows 50 units per acre as a minimum density with no maximum. ODOT has commented that with a trip cap, this issue could satisfactorily be addressed to meet the provisions of the state TPR (OAR 660-012-0060).

SECTION VII. CONCLUSION

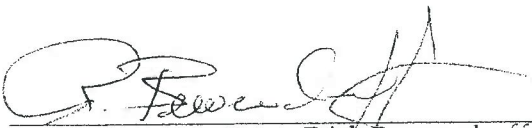
Based on the foregoing findings and analysis, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment is consistent with applicable provisions of the Tigard Comprehensive Plan, Metro Regional Functional Plan, Statewide Planning Goals, and the Tigard Development code (18.380).

SECTION VIII. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed comprehensive plan amendment and zone change to City Council.


PREPARED BY: Cheryl Caines
Associate Planner

January 22, 2009
DATE


APPROVED BY: Dick Bewersdorff
Planning Manager

January 22, 2008
DATE

Attachments:

1. 1/13/09 Letter from ODOT
2. Vicinity Map
3. Current Zoning Map
4. Tigard Downtown Improvement Plan (TDIP) Proposed Zoning Map



Oregon

Theodore R. Kulonowski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

File code: PLA9 2A - 141
ODOT Case No: 3057

1/13/2009

City of Tigard
Planning Division
13125 SW Hall Blvd
Tigard, OR 97223

RECEIVED
JAN 13 2009
CITY OF TIGARD
PLANNING/ENGINEERING

Attn: Cheryl Caines, Associate Planner

Re: CPA2008-00012; ZON2008-00006: The Knoll at Tigard ZC/CPA
Hall Blvd and SW Knoll Dr

Dear Ms. Cheryl Caines,

We have reviewed the applicant's proposal to change the zoning on three parcels from R-4.5 (Low Density Residential) to MUR-1 (Mixed Use Residential). The site is adjacent to Hall Blvd and in the vicinity of 99W. ODOT has jurisdiction of these State highway facilities and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standards of these facilities. According to the 1999 Oregon Highway Plan (OHP), SW Hall Boulevard is classified as a District Highway with a maximum volume to capacity (v/c) ratio of 0.99 and 99W is classified as a Statewide Highway with a maximum v/c ratio of 0.95.

For zone changes and comprehensive plan amendments local governments must make findings 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 the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses 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 the applicant provided a Traffic Impact Study (TIS) dated November 2008 and prepared by Frank Charbonneau of Charbonneau Engineering LLC. ODOT traffic analyst Doug Baumgartner has reviewed the TIS for the proposed Zone Change and compared it with the scope of work provided by ODOT to the applicant on December 1, 2008 (see attached memo).

The TIS analyzed the traffic impacts from the proposed zone change in the 2011 build-out year and the 2025 planning horizon. The "reasonable worst case scenarios" were assumed to be 6 single family homes for the existing zoning and a 49-unit apartment complex for the MUR-1 zone. The TIS shows that the Highway 99W and SW Hall Blvd intersection is forecast to operate above the OHP mobility standard at a v/c ratio of 1.40 in the a.m. peak hour and 1.24 in the p.m. peak hour in 2025. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not planned within the planning horizon

to bring performance to standard, the performance standard is to avoid further degradation. With an assumed trip generation of 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips the proposed zoning of MUR-1 will not increase the volume-to-capacity ratio further and therefore will not have a significant effect.

However, the MUR-1 zone allows development density greater than a 49 unit apartment and could generate more trips than the 300 daily trips assumed for the 49-unit apartment complex. The resulting additional site trips generated by the increased density could result in a significant effect on the Highway 99W and SW Hall Blvd intersection. In order to ensure that the zone change will not result in a significant effect upon State facilities, ODOT requests that the City of Tigard condition a trip cap to be placed on the zone change:

A condition of this zone change is that the site is limited to 300 trips per day, with a maximum of 23 a.m. peak hour trips and 27 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Plan Amendment with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed.

It is important that any proposal to allow more trips be addressed in the Plan Amendment process and will trigger a new evaluation of TPR compatibility at that time to determine whether or not the new proposal will have a significant effect on State highway facilities and the limit can be revised or removed.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at (503) 731-8234.

Sincerely,



Seth Brumley
Development Review Planner

C: Doug Baumgartner, ODOT Region 1 Traffic



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

TO: Seth Brumley – Planner
Region 1 Planning

FROM: Doug Baumgartner, E.I.T.
Development Review Traffic Analyst
Region 1 Traffic

DATE: January 13, 2009

RE: **Hall Boulevard Zone Change
HWY 141 (Beaverton-Tualatin)
Washington County, Oregon**

Introduction

I have reviewed the Transportation Impact Study (TIS) for the proposed Knoll at Tigard Zone Change in Washington County, Oregon. The TIS is dated November of 2008 and was prepared by Frank Charbonneau of Charbonneau Engineering LLC. The scope of work for the TIS was provided by ODOT to the applicant on December 1, 2008.

The zone change proposal is for three adjacent parcels on SW Hall Boulevard currently zoned as R-4.5 (Low-Density Residential) and proposed to be rezoned as MUR-1 (Mixed Use Residential). The property currently contains three single family residences and, under the R-4.5 Zoning, could contain up to a maximum of six single family residences. The scope of work for the TIS identified the intersections of SW Hall Blvd with OR 99W, SW Knoll Dr, SW Hunziker Rd / SW Scoffins St, SW Knoll Dr, and SW Burnham St as well as the intersection of SW Hunziker Rd with SW 72nd Ave for analysis. According to the 1999 Oregon Highway Plan, SW Hall Boulevard (Highway 141, MP 5.21) is classified as a District Highway with a maximum volume to capacity ratio of 0.99 and SW Pacific Highway (OR 99W, MP 8.82) is classified as a Statewide Highway with a maximum volume to capacity ratio of 0.95.

The TIS included the analysis of the traffic impacts from the proposed zone change for a year 2011 development build-out and a year 2025 planning horizon in order to meet the requirements of the Transportation Planning Rule Section 660-012-060. Build-out scenarios were analyzed for 6 single family homes (ITE Code 210) for the existing zoning, a 48-unit independent living facility for the proposed land use under the zone

change (Senior Adult Housing – Attached, ITE Code 252), and a 49-unit apartment complex (ITE Code 220) that represents the highest trip generator analyzed for the MUR-1 zone (300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips).

The TIS year 2025 planning horizon analysis for the build-out development scenarios under the existing and proposed zoning revealed that the Highway 99W and SW Hall Blvd intersection will operate at a v/c ratio of 1.40 in the a.m. peak hour and 1.24 in the p.m. peak hour. Based on the proposed trip generation of 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips from the apartment build out development scenario, the zone change would not have a significant effect on the Highway 99W and SW Hall Blvd intersection.

The City of Tigard Development Code for the MUR-1 zone could allow development density beyond the 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips assumed for the 49-unit apartment complex that was analyzed and the resulting additional site trips generated by the increased density could result in a significant effect on the Highway 99W and SW Hall Blvd intersection. In order to ensure that the zone change will not result in a significant effect on State facilities, ODOT requests that the City of Tigard condition a trip cap to be placed on the zone change for 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips. If based on the ITE Trip Generation Manual a proposed development on the site generates traffic above the trip cap, the applicant shall be required to perform a traffic impact study to demonstrate compliance with Transportation Planning Rule Section 660-012-060.

TIS Needs for a Development Proposal

The proposed zone change site has frontage along SW Hall Blvd and SW Knoll Dr. ODOT recommends that access to the site be served from SW Knoll Dr since a site access to SW Hall Blvd could not meet the access spacing standards for SW Hall Blvd and the site has frontage along SW Knoll Dr.

The TIS did not include an analysis of crash data for study intersections as requested in the scope of work. The queuing analysis that was reported in the TIS identified deficiencies in available storage at a majority of study intersections for the proposed 2011 build-out year. Under the proposed build-out development scenarios, site generated traffic increased queue lengths that were already exceeding the available storage. The TIS did not propose any specific mitigation to address the storage deficiencies or the impact of the development from the zone change.

When the applicant submits a development application to the City of Tigard, ODOT requests that the applicant update the TIS in order to analyze the impact of the proposed development on State facilities. The updated TIS should address queuing storage deficiencies and identify mitigation for the impact of the proposed development. The updated TIS should also include a crash analysis for study intersections, and address frontage improvements for SW Hall Blvd including any right of way dedication that may be necessary to meet the TSP cross sections. Frontage improvements, right of way dedication, and proportionate contributions may also be required by the City of

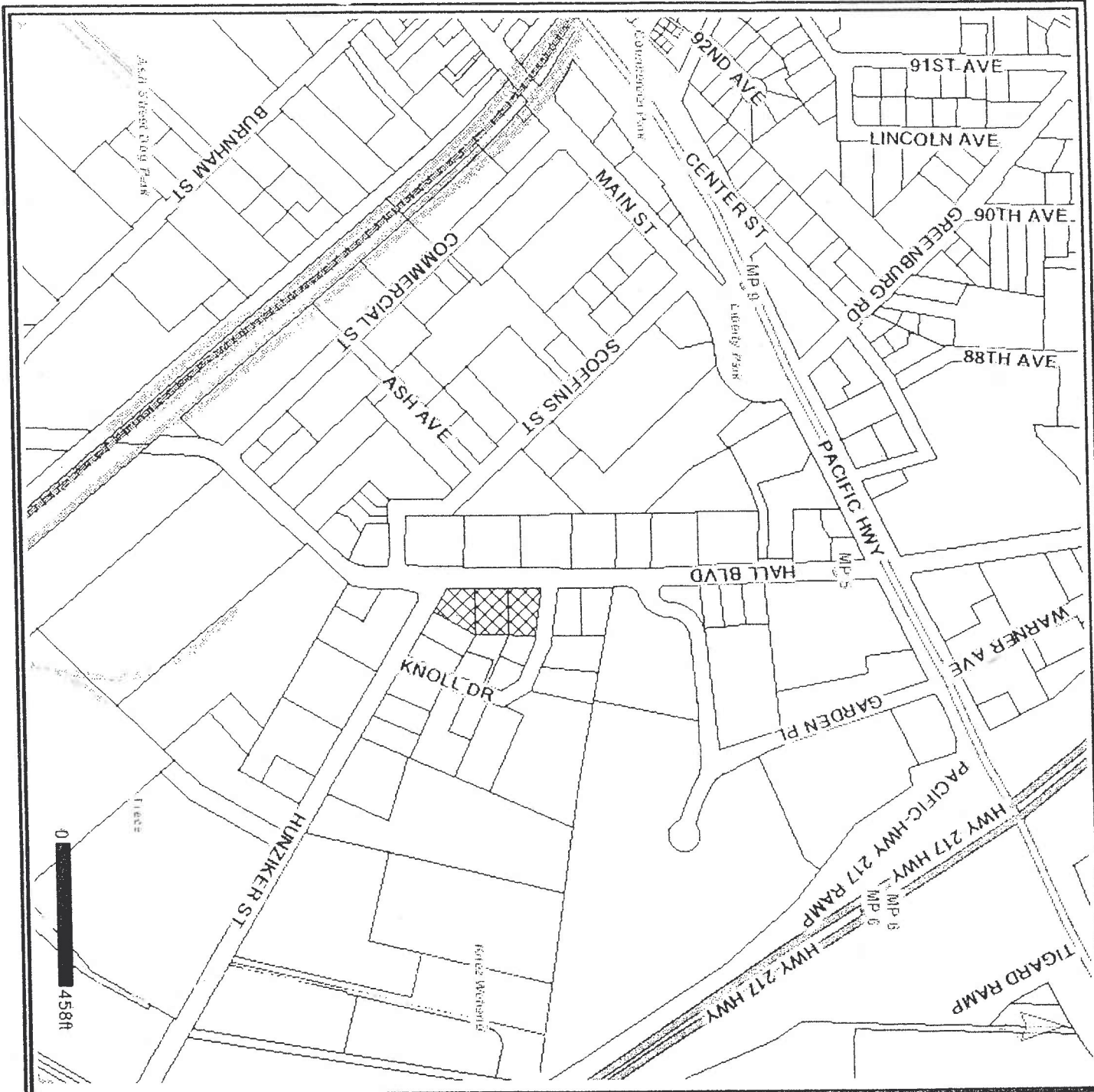
Tigard for any planned improvements for the SW Hunziker Rd / SW Scoffins St and SW Hall Blvd intersection.

The Highway 99W and SW Hall Blvd intersection is currently operating beyond the 0.95 mobility standard. A Washington County transportation improvement project is planned for the Highway 99W / SW Hall Blvd intersection and is anticipated to be completed in the near future. The project will add an additional northbound lane on Highway 99W through the SW Hall Blvd intersection and will provide separate right, thru, and left turn lanes on both Hall Blvd approaches to the intersection. The County project will improve the v/c ratio for the Highway 99W / SW Hall Blvd intersection. The updated TIS for the development application should include these improvements in the analysis of build-out scenarios for which these improvements will be in place.

Conclusion

The City of Tigard Development Code for the MUR-1 zone could allow development density beyond the 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips assumed for the 49-unit apartment complex that was analyzed. Based on the proposed trip generation of 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips from the apartment build out development scenario, the zone change would not have a significant effect on the Highway 99W and SW Hall Blvd intersection. In order to ensure that the zone change will not result in a significant effect upon State facilities, ODOT requests that the City of Tigard condition a trip cap to be placed on the zone change for 300 daily trips with 23 a.m. peak hour trips and 27 p.m. peak hour trips. If based on the ITE Trip Generation Manual a proposed development on the site generates traffic above the trip cap, the applicant shall be required to perform a traffic impact study to demonstrate compliance with Transportation Planning Rule Section 660-012-060.

When the applicant submits a development application to the City of Tigard, ODOT requests that the TIS be updated to address the needs listed above. If there are any questions regarding the contents of this memorandum, please contact me at (503) 731-8225.

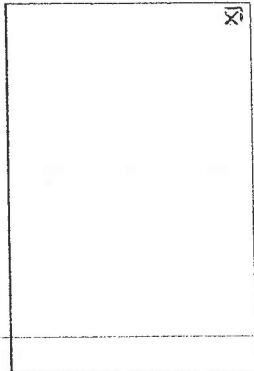


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VICINITY MAP

CPA2008-000121ZON2008-00006
 COMMUNITY PARTNERS PLAN
 & MAP AMENDMENT

 Selected Site



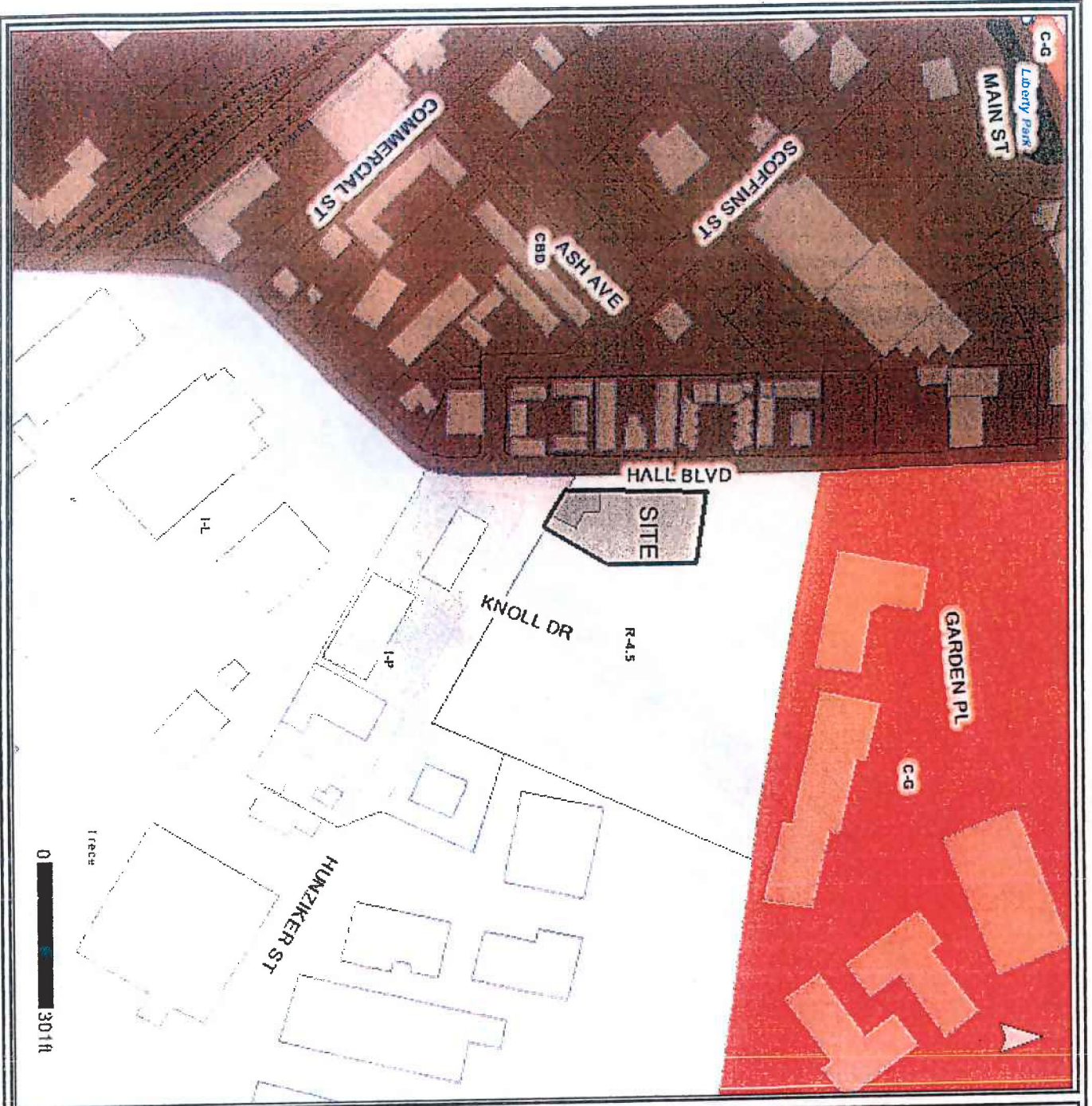
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Scale 1:5,500 1 in = 458 ft
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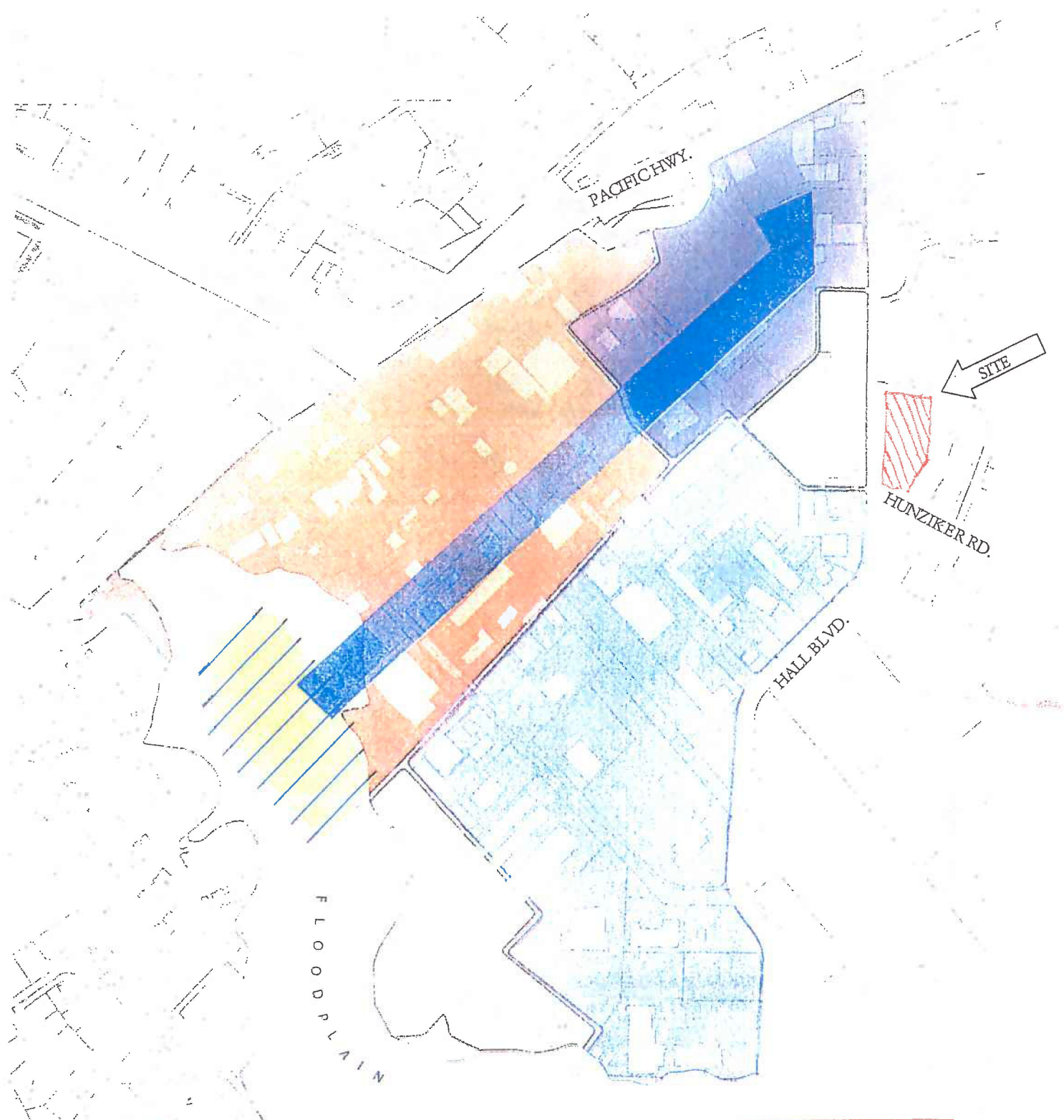
CURRENT ZONING

Zoning	30,000 Sq Ft Min Lot Size	20,000 Sq Ft Min Lot Size	10,000 Sq Ft Min Lot Size	7,500 Sq Ft Min Lot Size	5,000 Sq Ft Min Lot Size	3,050 Sq Ft Min Lot Size	1,480 Sq Ft Min Lot Size	40 Units Per Acre
Mixed Use Residential 1								
Mixed Use Residential 2								
Central Business District								
Community Commercial								
General Commercial								
Neighborhood Commercial								
Professional Commercial								
Mixed Use Commercial								
Mixed Use Commercial 1								
Mixed Use Employment								
Mixed Use Employment 1								
Mixed Use Employment 2								
Light Industrial								
Industrial Park								
Heavy Industrial								

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TC-MUE-2

TC-CBD

TC-MUR-1

TC-MUR-2

TC-MUC

GREEN CORRIDOR URBAN CREEK OVERLAY

FANNO CREEK OPEN SPACE OVERLAY



PROPOSED TIGARD DOWNTOWN IMPROVEMENT PLAN

ZONING

6.30.05

Parametrix

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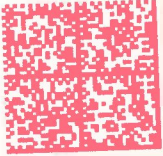
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FEB 26 2009

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City of Tigard
Current Planning Division
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Tigard, OR 97223

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OR. Dept. of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540



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