



Oregon

Theodore R. Kulongoski, 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

12/28/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment
DLCD File Number 004-12

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, January 10, 2013

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: John Floyd, City of Tigard
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

DEC 21 2012

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **Tigard**Local file number: **ZON2012-00002**Date of Adoption: **12/17/2012**Date Mailed: **12/20/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/8/2012☐ 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".

Owner initiated rezoning of approximately 1.94 acres from I-P (Industrial Park District) to I-L (Light Industrial District), with no change to the underlying comprehensive plan designation of Light Industrial.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**to: **n/a**Zone Map Changed from: **I-P: Industrial Park**to: **I-L: Light Industrial**Location: **14380 SW 72nd Avenue / T2S R1W Section 12AD**Acres Involved: **1**Specify Density: Previous: **n/a**New: **n/a**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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 ☐ NoDLCD file No. 004-12 (19592) [17292]

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

City of Tigard, Tualatin Valley Fire & Rescue, Clean Water Services, Oregon Department of Transportation, and Tri-Met.

Local Contact: **John Floyd**

Phone: **(503) 718-2429** Extension:

Address: **13125 SW Hall Blvd**

Fax Number: - -

City: **Tigard**

Zip: **97209-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

NOTICE OF FINAL ORDER
NO. ZON2012-00002
BY PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON



A FINAL ORDER APPROVING A LAND USE APPLICATION FOR A ZONE CHANGE FOR PIONEER WATERPROOFING AT 14830 SW 72ND AVENUE. THE COMMISSION APPROVED THE ZONE CHANGE FROM INDUSTRIAL PARK TO LIGHT INDUSTRIAL ON DECEMBER 17, 2012. THE PLANNING COMMISSION BASED ITS DECISION ON THE FACTS, FINDINGS AND CONCLUSIONS DESCRIBED IN THE APPLICANT'S NARRATIVE, LAND USE PERMIT APPLICATION FOR ZONE CHANGE, THE STAFF REPORT, STAFF TESTIMONY TO THE PLANNING COMMISSION, AND THE APPLICANT'S TESTIMONY SUBMITTED AT THE DECEMBER 17, 2012 HEARING, AND THIS FINAL ORDER.

120 DAYS = 3/3/2012

SECTION I. APPLICATION SUMMARY

FILE NO.: Zone Change (ZON) **ZON2012-00002**
FILE NAME: **PIONEER WATERPROOFING ZONE CHANGE**

PROPOSAL: The applicant is requesting approval of a quasi-judicial zoning map amendment on an approximately 1.94 acre parcel fronting 72nd Avenue. The zoning designation would be changed from "I-P: Industrial Park District" to "I-L: Light Industrial District", the existing comprehensive plan designation of "Light Industrial" would remain unchanged. The applicant envisions developing the property with an industrial services use (Pioneer Waterproofing), which is not permitted in the Industrial Park zone.

APPLICANT:	Mike Crawford Pioneer Waterproofing 1800 SE Water Ave. Portland, OR 97214	OWNERS:	United Pipe & Supply Co. Acting through Myers & Co. Consultants LLC 17523 Spyglass Circle Dallas, TX 75287
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LOCATION: 14830 SW 72nd Avenue; Washington County Tax Map 2S112AD, Tax Lot 700

COMP. PLAN DESIGNATION: Light Industrial. These areas are deemed appropriate for industrial activities which include manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials and which are devoid of nuisance factors that would adversely affect other properties. The designation includes the I-L and I-P Zones.

CURRENT ZONE: I-P: Industrial Park District. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well integrated, attractively landscaped, and pedestrian-friendly. Among other uses, indoor entertainment is allowed.

**PROPOSED
ZONE:**

I-L: Light Industrial District. The I-L zoning district provides appropriate locations for general industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, and wholesale sales activities with few, if any, nuisance characteristics such as noise, glare, odor, and vibration.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380.030.B, 18.530.020 – 18.530.050; Comprehensive Plan Policies 1.2, 2.1.2, 2.1.3, 2.1.7, 2.1.8, 2.1.15, 9.1.3, & 12.1.10.

SECTION II. PLANNING COMMISSION'S DECISION

The Planning Commission finds that the proposed zone change meets the applicable approval criteria of the Tigard Community Development Code and that the proposal will not adversely affect the health, safety and welfare of the city. The Planning Commission, therefore, **APPROVES** the proposed zone change subject to the following conditions of approval.

SECTION III. BACKGROUND INFORMATION

Site Description

The subject property is located at 14830 SW 72nd Avenue and measures approximately 1.94 acres in size. The property fronts 72nd Avenue along the western property boundary through an existing circular driveway with two driveway entrance/exits. While proximate to Sequoia Parkway to the east, access to Sequoia Parkway is prohibited by a 7.5 foot wide strip of landscaping controlled by PacTrust.

Standing on the subject property is a 21,000 square foot structure, located in the approximate center of the property. The structure functions as two separate but attached spaces, consisting of a 4,000 square foot office building and a 17,000 square foot warehouse. The remainder of the property is predominantly asphalt or pervious surfacing, with a landscaped area abutting 72nd Avenue. Substantial landscaping screens views of this property from the east and south. The nearest inventoried natural resources are approximately 400 feet to the northwest, in and around Ball Creek.

The subject property is now vacant due to closure of its previous occupant, United Pipe and Supply. Prior to its closure, United Pipe and Supply operated a Wholesale Sales type land use at this location at least as far back as 1993, with land use records suggesting an earlier establishment date for the business. Aerial photographs and land use records suggest this property contained a single-family home and agricultural land uses prior to development of the current structure in 1976 for a sheet metal business (see Conditional Use Permit CU24-75). Land use records are unclear as to when the building was converted to a wholesale sales business under United Pipe & Supply.

Zoning History

In the late 1970's the subject property was zoned M-3 (Industrial). In 1983 the M-3 zone was replaced by the I-P (Industrial Park) and I-L (Light Industrial) zones, with the subject property being designated I-L. In 1993 this property and two others were rezoned from I-L (Light Industrial) to I-P (Industrial Park) under ZON93-0003. The Comprehensive Plan Map designation of Light Industrial has remained unchanged since 1983. See Attachments 1 and 2 for existing Comprehensive Plan and Zoning Designations within the vicinity of the subject property.

Vicinity Information

The site is located within a large industrial/commercial area bounded by I-5 to the east, Bridgeport Village to the South, railroad tracks to the West, and the Tigard Triangle north. Properties to the north, east and south are zoned Industrial Park. Properties to the west and southwest are zoned light industrial.

Adjoining businesses to the north and south include Penske Truck Rental and an office building. To the east across Sequoia Parkway is Home Depot. To the west across 72nd is a mixture of industrial and office type land uses.

Proposal Description

The applicant is requesting approval of a quasi-judicial zoning map amendment on an approximately 1.94 acre parcel fronting 72nd Avenue. The zoning designation would be changed from "I-P: Industrial Park District" to "I-L: Light Industrial District", the existing comprehensive plan designation of "Light Industrial" would remain unchanged.

The applicant envisions developing the property with an industrial services use (Pioneer Waterproofing), which is not permitted in the Industrial Park zone. Should the Planning Commission approve the zone change, the applicant anticipates development of the property in two phases. The first would consist of a tenant improvement to the existing office space with accompanying upgrades of exterior windows and doors. This would be processed as a Minor Modification to Existing Development and would allow quick occupancy by the applicant. The second phase would consist of substantial changes to the driveway entrances, exterior parking, and other exterior improvements. These would be processed as a Major Modification to Existing Development, processed in a manner identical to Site Development Review.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

Tigard Development Code Chapter 18.380.020

Section 18.380.030.A.1 states that the Commission shall decide zone change applications which do not involve comprehensive plan map amendments.

The Tigard Comprehensive Plan Map assigns the subject property a designation of Light Industrial. As defined in the Comprehensive Plan Map Legend contained in the Comprehensive Plan Glossary, the Light Industrial designation is implemented through both the I-L and I-P zoning districts. As a result, a comprehensive plan map amendment is not required.

Finding: Based on the analysis above, staff finds the Tigard Planning Commission as the decision making authority for this application.

Section 18.380.030.B states that 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:

Section 18.380.030.B.1

Demonstration of compliance with all applicable comprehensive plan policies and map designations.

The Comprehensive Plan treats the I-L and I-P zoning districts, which together comprise the Light Industrial Comprehensive Plan Designation, interchangeably. The applicable Comprehensive Plan Policies are as follows:

Policy 1.2: The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.

Public involvement and notice requirements for quasi-judicial zone changes are set forth in application form requirements set forth by the Director, and section 18.390.050.C the Tigard Community Development Code. Pursuant to application form requirements, the applicant noticed and held a neighborhood meeting on October 4, 2012 at the subject property site. Pursuant to noticing requirements set forth in 18.390.050 of the development code, the public was made aware of the project and instructed

on how they may participate through direct mailing of public hearing notices to all property owners within 500 feet, the posting of an on-site notice visible from 72nd Avenue, and the publishing of a notice in the Tigard Times. The rule for public participation at a public hearing is set forth in 18.390.050.D which the Planning Commission must follow when making a decision. This policy is satisfied.

Policy 2.1.2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

The requested zone change from Industrial Park to Light Industrial is consistent with the assigned Comprehensive Plan Map designation of Light Industrial. The effects of this change will not negatively impact the city's transportation system or other public facilities, economic development goals, or other goals of the comprehensive plan. This policy is satisfied.

Policy 2.1.3: The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

As required by 18.390.050.C.1.a(3) of the Tigard Community Development Code, and discussed in Section V below, notice of the proposed zone change was sent to affected government agencies. This policy is satisfied.

Policy 2.1.7: 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 zone change will not affect the overall mixture of land uses set forth in categories A through F above. Permitted land uses under the current and proposed zoning will remain industrial in character. This policy is satisfied.

Policy 2.1.8: The City shall require that appropriate public facilities are made available, or committed, prior to development approval and are constructed prior to, or concurrently with, development occupancy.

The subject property has vehicular access onto 72nd Avenue, designated as an Arterial on the City's Transportation System Plan and presently configured with two travel lanes, a turn lane, and sidewalks. The property is also connected to sewer, potable water, electricity and telecommunications infrastructure. As discussed in Section V below, City of Tigard Public Works staff reviewed the proposal and do not expect an increased demand for street or utility infrastructure to result from a zone change. If a specific development proposal under the proposed zoning were found to impact public facilities, they would be required to be installed prior to or concurrent with development occupancy. This policy is satisfied.

Policy 2.1.15: 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;
- 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 property has existing access onto a designated arterial within the City. Under Section 9 of OAR 660-012-0060, a local government may find an amendment to a zoning map does not significantly affect an existing transportation facility if all of the following requirements are met:

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

As the proposed zone change is consistent with the existing comprehensive plan designation, the proposed zone change is consistent with the TSP, and the area was not exempted from this rule, no further analysis of transportation impacts is required to satisfy the transportation planning rule.

Notwithstanding this determination, both planning staff and public works staff have reviewed the application for impacts to transportation facilities and other public services. The property is presently served by all necessary public services including water, wastewater, telecommunications, emergency response, garbage, and transportation. In a memo dated November 1, 2012 Public Works staff stated the project was not expected to result in an increased demand on utilities or the transportation network. Planning staff also reviewed the project's potential traffic impacts, and found the range of uses allowed under the new zoning would likely generate fewer trips during the PM Peak Hour of traffic (see Attachment 3). Sections A and B of this policy are satisfied.

- 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;**
- E. Demonstration that land uses allowed in the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses; and**

The proposed project does not affect the proposed Comprehensive Plan land use designation of Light Industrial, as such the existing community need for land areas deemed appropriate for industrial activities shall remain unchanged. As the affected property is entirely surrounded by lands zoned for industrial activities, any future development on the property will be compatible or can be made compatible with surrounding land uses.

Only the mixture of specific land uses is being affected. This change is requested in order to respond to market forces. More specifically, planning staff has observed an increase in the number of businesses looking to open contracting businesses and similar uses that require extensive, non-office space to stage materials and perform repair or manufacturing services for off-site customers. As these types of activities are no longer allowed within the I-P zone due to a 1998 rewrite of the development code, contractors and other industrial service providers are having difficulty finding appropriately zoned properties to conduct their businesses. This need is reflected in Pioneer Waterproofing's application to rezone the subject property, and a forthcoming development code amendment that will be presented to the Planning Commission and Council in early 2013 (see DCA2012-00003 - MASCO Development Code Amendment). This pending development code amendment will propose the allowance of industrial services within the Industrial Park zoning district in order to provide more land for this type of use. Sections C through E of

this policy are satisfied.

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

The nearest inventoried natural resource for this property is located approximately 400 feet northwest of the subject property. Future development will be required to provide landscaping and trees consistent with landscaping and urban forestry standards. Any downstream impact from surface water runoff will be avoided or mitigated by compliance with Clean Water Services regulations in force at the time of future development. Section F of this policy is satisfied.

Policy 9.1.3: The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.

The Comprehensive Plan Map Legend indicates that the Light Industrial comprehensive plan designation may be implemented through one of two zoning districts, in order to provide on-the-ground flexibility for implementation. This application is proposing to use this flexibility in implementation to allow the reuse of an existing, vacant building for a new business. This policy is satisfied.

Policy 12.1.10: The City shall require all development to meet adopted transportation standards or provide appropriate mitigation measures.

As discussed in the responses to Policies 2.1.8 and 2.1.15 above and agency responses in Section V below, the application meets or is expected to meet all adopted transportation standards. This policy is satisfied.

FINDING: Based on the analysis above, the applicable Comprehensive Plan policies outlined above have been adequately addressed.

18.380.030.B.2

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

FINDING: The proposed zone change does not include a specific development proposal at this time. However, during Site Development Review, any new development will be required to meet all of the current Tigard Development Code standards of the I-L zone. This standard is met.

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.

In the late 1970's the subject property was zoned M-3 (Industrial). In 1983 the City's first state acknowledged Comprehensive Plan assigned this area a designation of Light Industrial, which remains unchanged to this day. Concurrent with the new designation was replacement of the M-3 zone with the I-P (Industrial Park) and I-L (Light industrial) zones, with the subject property receiving a designation of I-L under City Ordinance No. 83-24.

In 1993 this property and two others were voluntarily rezoned from I-L to I-P under ZON93-0003. This zone change was requested in order to facilitate development on the western side of 72nd Avenue. At that time the land use category of Construction Sales and Services was allowed in both the I-L and I-P zoning districts. This category allowed "establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites, as well as the retail or wholesale sale

from the premises of materials used in the construction of buildings or other structures.” Given the development code language in place at that time, the 1993 zone change had a neutral affect upon the wholesale sales business then in operation on the subject property.

In 1998 the City significantly reformatted and rewrote the development code under Ordinance No. 98-19. One significant change was replacement of the land use category Construction Sales and Services with three new land use categories of Wholesale Sales, Industrial Services, and Outdoor Sales. All three of these land use classifications were then assigned only to the Light Industrial zoning district, and either prohibited or significantly restricted in the Industrial Park District.

Research of the 1998 amendment did not reveal any corresponding Zoning Map amendments to adjust for the change of allowed uses within the I-P zoning district. This lack of adjustment to the Zoning Map created a number of nonconforming properties and corresponding confusion by both tenants and landlords trying to establishing a contracting business or similar Industrial Services type use. This confusion has been evidenced in the experience of planning staff when fielding development applications, general inquiries, or taking part in enforcement actions. The City has also received a pending Development Code Amendment (DCA2012-00004) to allow industrial services within the I-P zoning district in order to correct this persistent issue.

The effect of Ordinance No. 98-19 on the subject property was to render the existing use nonconforming (Wholesale Sales, Outdoor Sales), and prohibit establishment of the land use desired by the applicant (Industrial Services). The applicant has presented evidence that a zoning map designation of I-P is a mistake, and a designation of I-L is more appropriate given the history and character of the property and neighborhood.

Historical aerial photographs taken between 1986 and 2012 show minor changes in development and land use patterns within the area. From 1986 onward all properties to the west and north of the subject property have maintained a similar level of building density, industrial building type, and utilization of exterior equipment storage to that of the subject property. Between 1986 and 1996 there was development to the east and south of the subject property. This development is characterized as big-box commercial or office park style development. Dense vegetation screens these uses from the subject property. Overall, little change has been observed in this area since 1996 suggesting a very stable pattern of activity and development.

The applicant states that a change in zoning designation from I-P to I-L will make the Zoning Map consistent with current and historical land use patterns in a developmentally stable part of the City. This present lack of consistency results from the absence of changes to the zoning map in 1998, whereupon the effect of the development code overhaul was not corrected for individual properties. The change in zoning designation will correct the mistake, and make the zoning map more consistent with present market demand for industrial service type land uses, something the present zoning of I-P prevents.

FINDING: Staff reviewed the history of the subject property and land use regulations, and found evidence of a mistake in the zoning map as it relates to this property. This mistake is due to a change to the development code in 1998, and how the map is implemented. The application will remove the inconsistency. This standard is met.

SECTION V. ADDITIONAL CITY STAFF AND OUTSIDE AGENCY COMMENTS

City of Tigard Public Works Department reviewed the proposal and had no concerns. In a memo dated November 1, 2012 they stated the project was not expected to result in an increased demand on utilities or the transportation network. Consequently a demand for increased street or utility capacity was not expected.

Tualatin Valley Fire and Rescue reviewed the proposal and had no concerns.

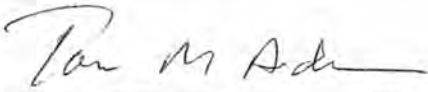
METRO, Clean Water Services, ODOT and Tri-Met were notified of the proposed amendment and did not respond.

SECTION VI. CONCLUSION

The City of Tigard Planning Commission has APPROVED, Zone Change ZON2012-00002 requested by Pioneer Waterproofing.

IT IS FURTHER ORDERED THAT THE APPLICANT AND ALL PARTIES TO THESE PROCEEDINGS BE NOTIFIED OF THE ENTRY OF THIS ORDER.

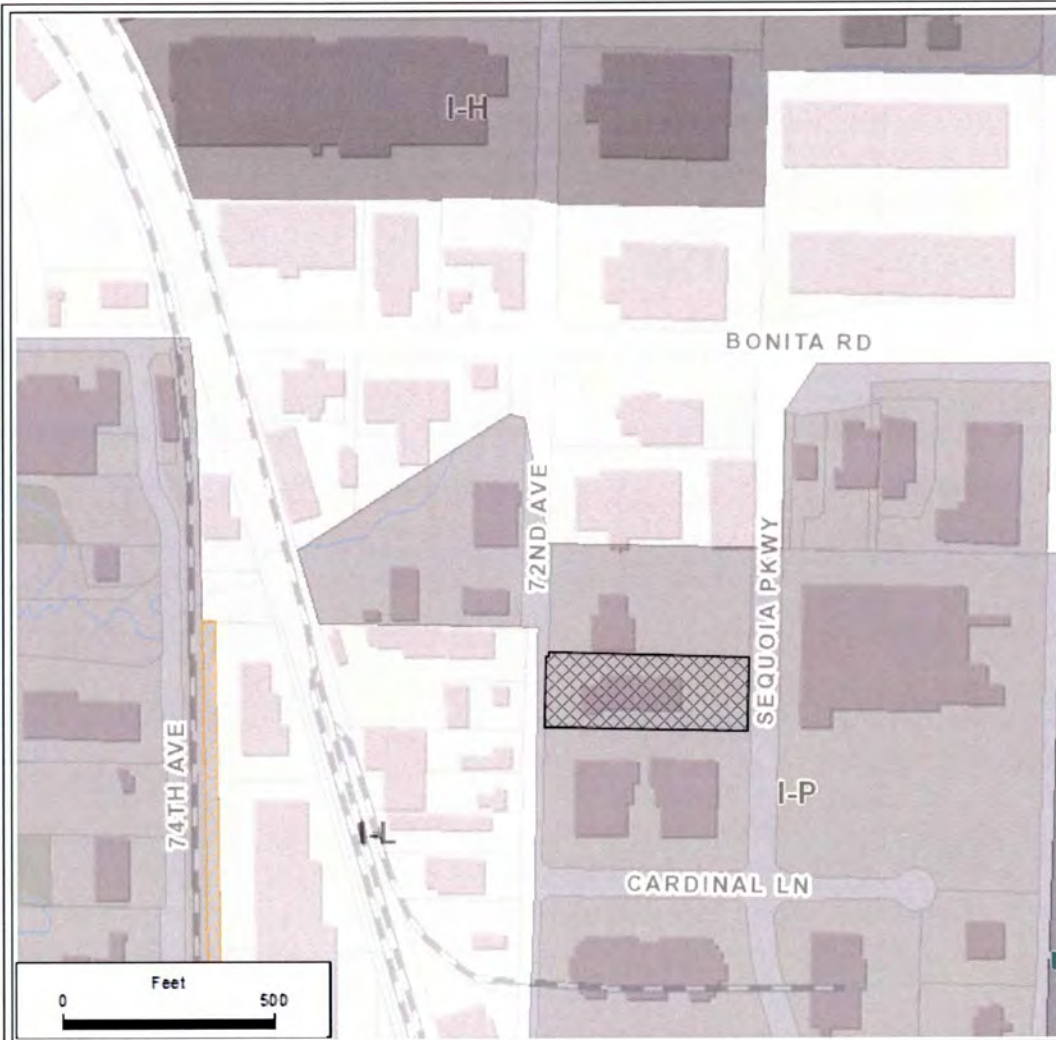
PASSED: THE 17TH DAY OF DECEMBER, 2012 BY THE CITY OF TIGARD PLANNING COMMISSION.



Tom Anderson, Acting Planning Commission President

Dated this 18th day of December, 2012.

Attachments: Existing Zoning Map Designations
Existing Comprehensive Plan Map Designations
Trip Generation Comparison
Zone Change Application Materials



VICINITY MAP

**ZON2012-00002
PIONEER WATERPROOFING
ZONE CHANGE
ZONING DESIGNATIONS
WITHIN PROJECT VICINITY**

Subject Site



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

Approx. Scale 1:4,000 - 1 in = 333 ft

Map printed at 09:48 AM on 03-Dec-12

DATA IS DERIVED FROM MULTIPLE SOURCES. THE CITY OF TIGARD MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. THE CITY OF TIGARD SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED.

**TIGARD
MAPS**

City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503 639-4171
www.tigard-or.gov





VICINITY MAP

**ZON2012-00002
PIONEER WATERPROOFING
ZONE CHANGE
COMPREHENSIVE PLAN
DESIGNATIONS WITHIN
PROJECT VICINITY**

Subject Site



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

Approx. Scale 1:4,000 - 1 in = 333 ft
Map printed at 09:46 AM on 03-Dec-12

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TIGARD MAPS
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503.639.4171
www.tigard-or.gov



PIONEER WATERPROOFING ZONE CHANGE: TRIP GENERATION COMPARISON				
LAND USES AFFECTED BY ZONE CHANGE	WEEKDAY PM PEAK HOUR TRIPS (per 1,000 sq. ft.)	POTENTIAL TRIP GENERATION USING EXISTING SQ. FT.	ITE CODE	NOTES
<u>NO LONGER ALLOWED IN PROPOSED ZONE</u>				
Commercial Lodging	0.57 per room		312 - Business Hotel	
Eating and Drinking Establishments	25.81	109	936 - Coffee/Donut Shop	Limited to 20% of gross square footage per code
Outdoor Entertainment	0.89 per acre / 3.67 per court		490 - Tennis Courts	
Indoor Entertainment	5.84	123	493 - Athletic Club	
Sales-Oriented	53.42	225	851 - Convenience Market	Limited to 20% of gross square footage per code
Personal Services	26.69	113	912 - Drive in Bank	Limited to 20% of gross square footage per code
Repair-Oriented	8.1	170	920 - Copy, Print and Express Ship Store	
Bulk Sales	0.53	12	890 - Furniture Sales	
Office	1.49	32	710 - General Office Building	
Detention Facilities	11.39	240	571 - Prison	
<u>ALLOWED IN PROPOSED ZONE</u>				
Outdoor Sales	5.56	117	812 - Materials and Lumber Store	
Motor Vehicle Sales/Rental	2.72	58	841 - New Car Sales	
Motor Vehicle Servicing/Repair	3.26	69	848 - Tire Store	
Industrial services	0.51	11	110 - General Light Industrial	
General Industrial	0.75	16	140 - Manufacturing	
Wholesale Sales	0.52	11	860 - Wholesale market	
Cemetaries	1.64 per acre	4	566 - Cemetary	

*Trip generation rates determined using ITE Trip Generation: An Informational Report, 8th Edition.

TO: City of Tigard Planning Commission

Regarding: Quasi-Judicial Zone Change Request for property located at 14830 SW 72nd Ave, Tigard Or., to change the current zone designation of I-P (Industrial Park District) to I-L (Light Industrial District).

Applicant: Pioneer Water Proofing

Current Address: 1800 S.E. Water Ave., Portland, OR 97214

Phone: (503)232-9020

Business Type: Building Contractor, classified as "Industrial Services" use classification.

Purpose:

Pioneer Water Proofing, a building contractor, would like to relocate their business from their current address in the city of Portland , Or., to the subject property located at 14830 SW 72nd Ave, Tigard Or. This property is currently zoned I-P, Industrial Park. Per the City of Tigard's planning code, Section 18.130.070, Industrial Uses, Sub Section C, construction contractors fall within the use category of "Industrial Services". Pioneer Water Proofing's business activities do not meet the requirements of the exception 18.130.070.C.4 which allows modification of a contractor's use category to be "Office". Per table 18.530, Industrial Services are not permitted in I-P zones. Therefore, Pioneer Water Proofing is requesting a zone change for this property from I-P Zone to I-L, Light Industrial Zone, which allows construction contractors as a permissible use . This will give them the ability to re-locate their business to this Tigard address.

Property Summary: (Reference Exhibit C – Existing Site Plan)

The subject property at 14830 SW 72nd Ave, Tigard Oregon is 1.94 acres in size with vehicular access to 72nd Ave. There are two access points on 72nd Ave. The back (East) side of the proposed Pioneer Waterproofing property abuts a separate, narrow strip of land held under a different property ownership that lies between the subject property East property line and Sequoia Parkway. The proposed zone change request does not include access to Sequoia Parkway through this adjacent property.

There are two connected buildings on the property, a 4000 square foot office building and a 17,000 square foot warehouse. The past owner of the property operated a wholesale pipe supply and fabrication company. The area which surrounds the warehouse is paved with asphalt surfacing. There are narrow landscaping strips at the north, east, and south side of the property and a large landscape area to the west between the office building and 72nd Ave. 53.01% of the site is paved with non-pervious pavement, 6.80% of the site is covered by pervious surfacing, 24.85% of the site is covered by buildings, and 15.34% is covered by landscaping.

Compliance with Comprehensive Plan and Map Designation:

(Reference Exhibit A – City of Tigard Zone Map and Exhibit B – Partial Enlarge Zone Map)

The uses of the neighboring properties and existing configuration of the subject property would accommodate the proposed zone change without impact to the overall character, use pattern or infrastructure of the neighborhood. The requested zone change from I-P to I-L will expand the permitted industrial uses for this property from Light Industrial (the only permitted industrial use category included in the I-P zone) to include Industrial Services and General Industrial. Heavy industrial uses are not be permitted in the I-L zone.. This proposed zoning modification will allow uses that may have an outdoor material and/or equipment storage component, repair and service activities,

manufacturing, processing, and assembly of goods, and for contractors whose primary work is conducted off site. Railroad lead and spur lines would be permitted as an accessory use under Industrial Services, however the site does not have adjacency or access to existing railroad infrastructure.

The site has adjacencies to both I-P and I-L properties. There are I-P zoned properties to the north, east and south and I-L zoned properties to the west across 72nd Ave. The existing uses of properties to the North and West (14555, 14650, 14655, 14725, 14750, 14795, 14835, 14865, 14875, 14945, 14915 and 14955 SW 72nd), independent of Zoning requirements include exterior vehicular and material storage density similar to the documented historical use of the subject site, (Reference Exhibit D – Illustration of Current Site Use Types).

Changing the zone of the subject property to I-L will not increase the level exterior storage of equipment or materials from that of the prior occupant or to a level which exceeds that of adjacent north and west properties. It is worth noting that the proposed use of the subject site will have an exterior equipment and material storage density which is less than the past occupant and less than the property to the northwest (which is currently zoned I-P).

The site does not fall within the defined Tigard design districts (Development Code Chapters 18.610, 18.620, 18.630, and 18.640). However, 72nd Ave is referenced as a major transit access street and pedestrian / bikeway transit street in the Tigard Triangle Design Standards (18.620). Per Table 18.620.1 the Land Use / Design Priority for this area promotes Mixed Use Employment. The existing sidewalk currently meets pedestrian requirements. Additional Street Functions and Land Use Design Priorities may require future improvements of the street and a minor dedication of the existing site to the public right of way to facilitate these future improvements per the 92ft right of way requirements.

The site is not considered a part of or included in sensitive lands (Chapter 18.775). There are no wetland areas or natural drainage swales draining directly to a stream, wetland or river within the boundary of the site. Currently all surface storm water runoff is collected and disposed of by the municipal storm water system. The site does not lie within the 100 year flood plan (Reference Exhibit E – FEMA Flood Zone Map).

Compliance with Applicable Standards:

All of the applicable comprehensive plan policies related to light industrial uses are currently met by the current condition of the subject property and by existing neighborhood infrastructure. No zone specific requirements are left unaddressed in this narrative. The following applicable development standards are relevant to the subject property.

- Chapter 18.810 – Street and Utility Improvement Standards: There is no traffic impacts anticipated due to the proposed zone change. The proposed use category for the site will have a reduction in traffic impacts (trip counts) over the most recent use of the property which had a higher on site customer count and higher on-site shipping and receiving activities.
- Chapter 18.705 – Access, Egress and Circulation: The current parking count for the site is lower than that required by the proposed use; however there is ample existing paved area to provide parking for the required spaces with stripping only. Per table 18.705.3, one driveway is required. The current site has two driveways onto 72nd Ave.
- Chapter 18.725 – Environmental Performance Standards:

The zone change to I-L will allow for a visible emissions stack which was not permitted under I-P. To the best of our observations, there are currently no industrial emissions stacks utilized by adjacent property uses. The proposed use for this property requiring the I-L zone will not require any type or size of industrial emission stacks. All other environmental performance standards are use dependant and our not related to the proposed zone change.

Evidence of Change to Neighborhood or Community:

(Reference Exhibit F – Aerial Photograph, 1986, Exhibit G – Aerial Photograph, 1996, Exhibit H – Aerial Photograph, 2011)

On May 9, 1983 this property was zoned I-L under City Ordinance No. 83-24. This document implemented the State of Oregon's first acknowledged comprehensive plan. On May 17th 1993 the Planning Commission approved a zone change for several properties to switch from I-L to I-P. This change was initiated by the affected property owners, including United Pipe and Supply At the time of that zone change from I-L to I-P, the land use category known as "Construction Sales and Services" was allowed in both zoning districts. This included both sales of construction materials and contracting services. As such, United Pipe became subject only to a change in the required development standards, and not the allowed uses.

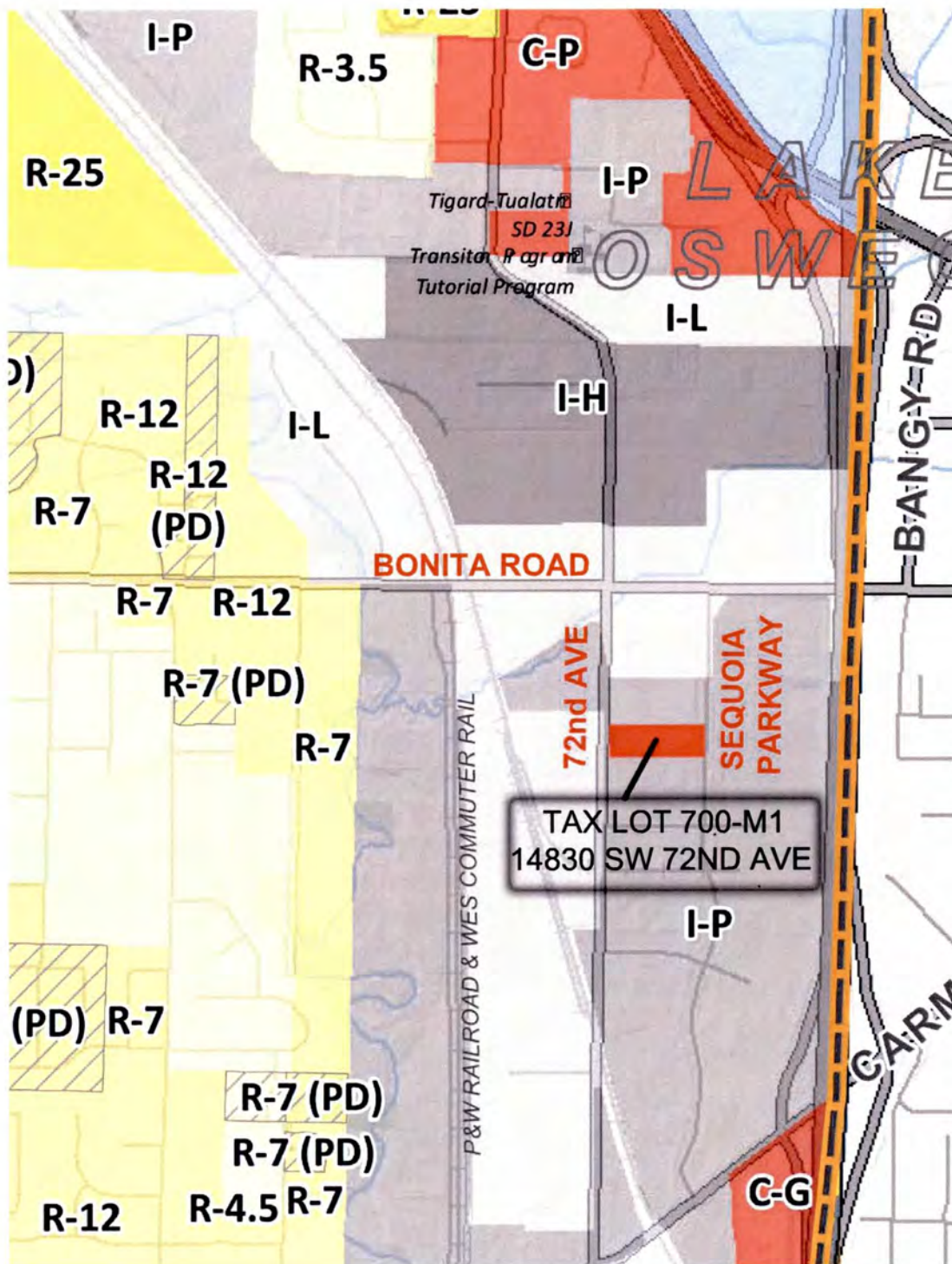
In 1998 the city reformatted and rewrote significant portions of the development code (Ordinance No. 98-19). One of the changes was the removal of the land use category of "construction sales and services" from the I-P zone, replaced by a multitude of new land use categories. The uses on the subject property , Industrial Services (proposed) and Wholesale Sales (historic) are now only allowed in the I-L zoning district, yet had effectively existed on the site until 2012..

Historical changes in development and use patterns in the neighborhood, as recorded by aerial photographs taken from 1986 to 2011, are minor relative to photographic evidence of use patterns. From 1986 to present all properties to the west and north of and including the subject property have included and maintained a similar level of building density and exterior equipment storage and material storage density. There is no evidence of major activity change in the immediate area of the subject property..

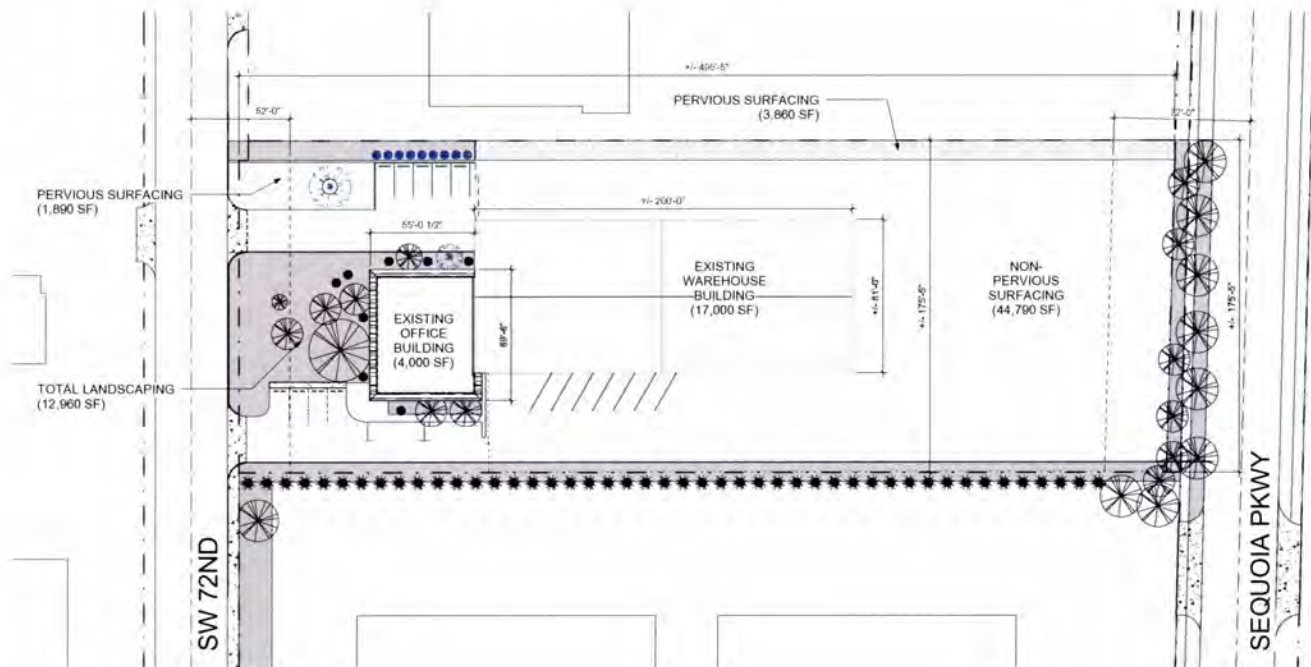
Between 1986 and 1998, there was development to the east and the south of the subject property. These developments have building and exterior parking densities that are significantly different than what exists to the north and west of the subject property. These properties are a business park, a large scale retail business and several miscellaneous businesses.

As evidenced in the aerial photographs, (Exhibits F, G, and H), it is apparent that a change in zone designation of the subject property from I-P to I-L will not modify the existing use patterns of the neighborhood. Instead it will consolidate the zoning of the subject property and those properties to the north and west into alignment with current and historic land uses. Predominant, localized patterns of traffic access from 72nd Avenue (rather than Sequoia Parkway) for light industrial and general industrial uses have established a distinct separation of access to business parks and retail from Sequoia Parkway. This pattern of access is further complimented by mature existing landscape screening strips and street trees on sequoia Parkway.

The subject property, located at 14830 SW 72nd Ave is a reasonable inclusion to the I-L zone. We request that Pioneer Waterproofing be allowed to relocate their business to Tigard, Oregon on this site.

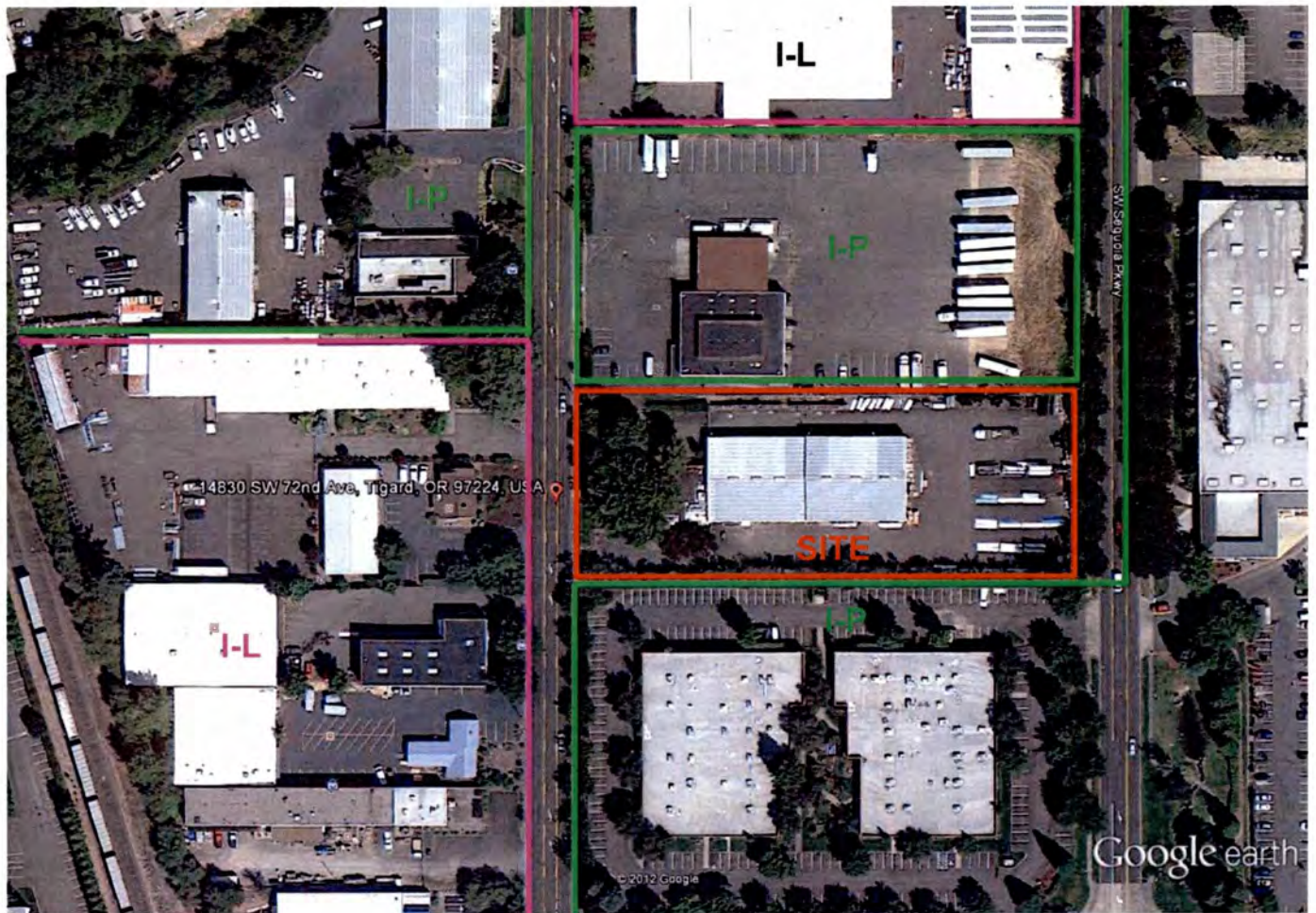


PIONEER WATERPROOFING - ZONE CHANGE REQUEST
EXHIBIT B PARTIAL ENLARGE ZONE MAP



EXISTING SITE SUMMARY	
SITE AREA	1.94 ACRES (84,506 SF)
BUILDING AREA	21,000 SF
LANDSCAPE AREA	12,960 SF
% LANDSCAPE AREA	15.33%
PERVIOUS SURFACING	5,750 SF
NON PERVIOUS SURFACING	44,800 SF
% NON-PERVIOUS SURFACING	5.3%

PIONEER WATERPROOFING - ZONE CHANGE REQUEST
EXHIBIT C EXISTING SITE PLAN



Google earth

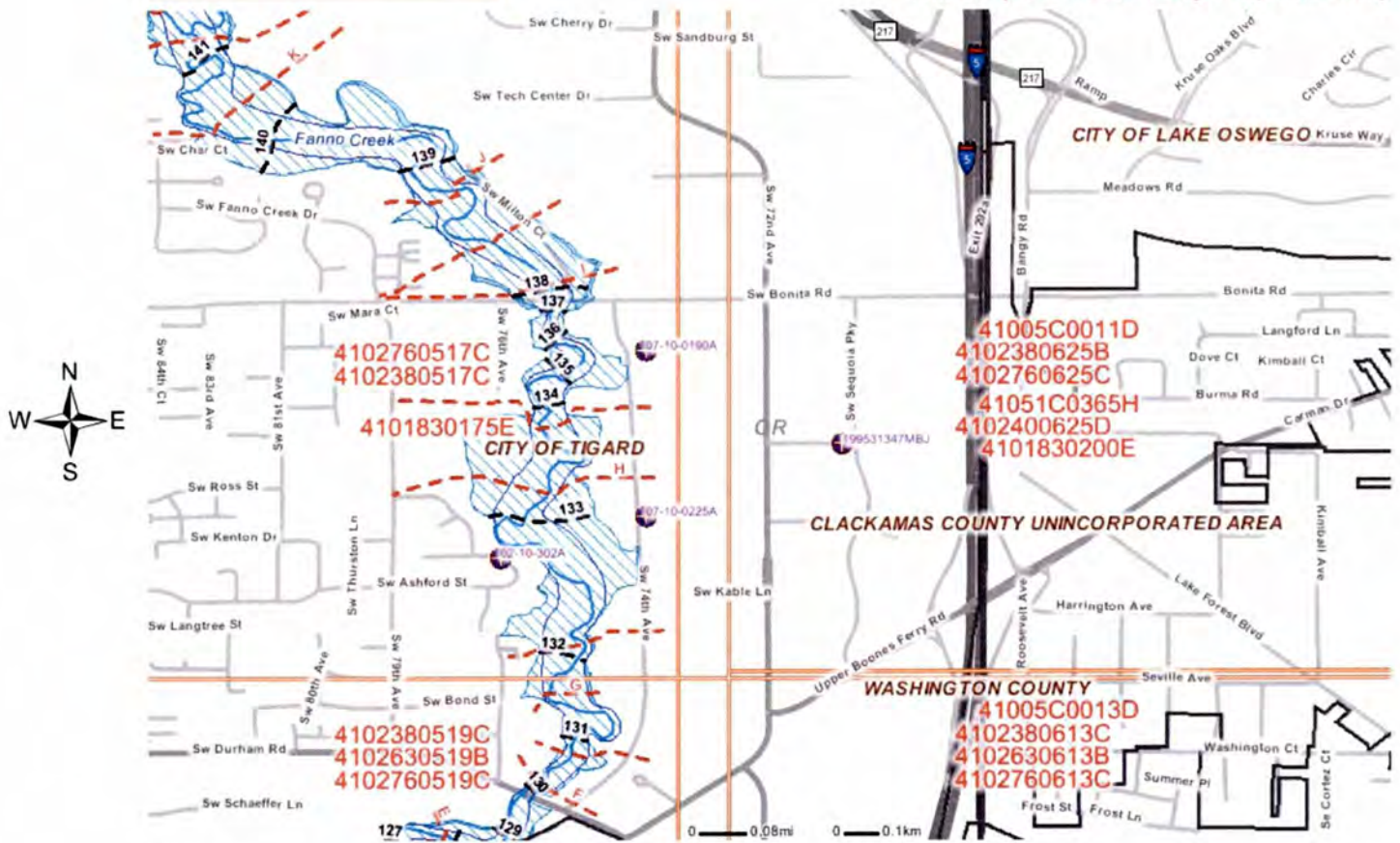
feet 600
meters 100



PIONEER WATERPROOFING - ZONE CHANGE REQUEST
EXHIBIT D ILLUSTRATION OF CURRENT USE TYPE

Mapping Information Platform

This Map Is For Advisory Purposes Only



Legend

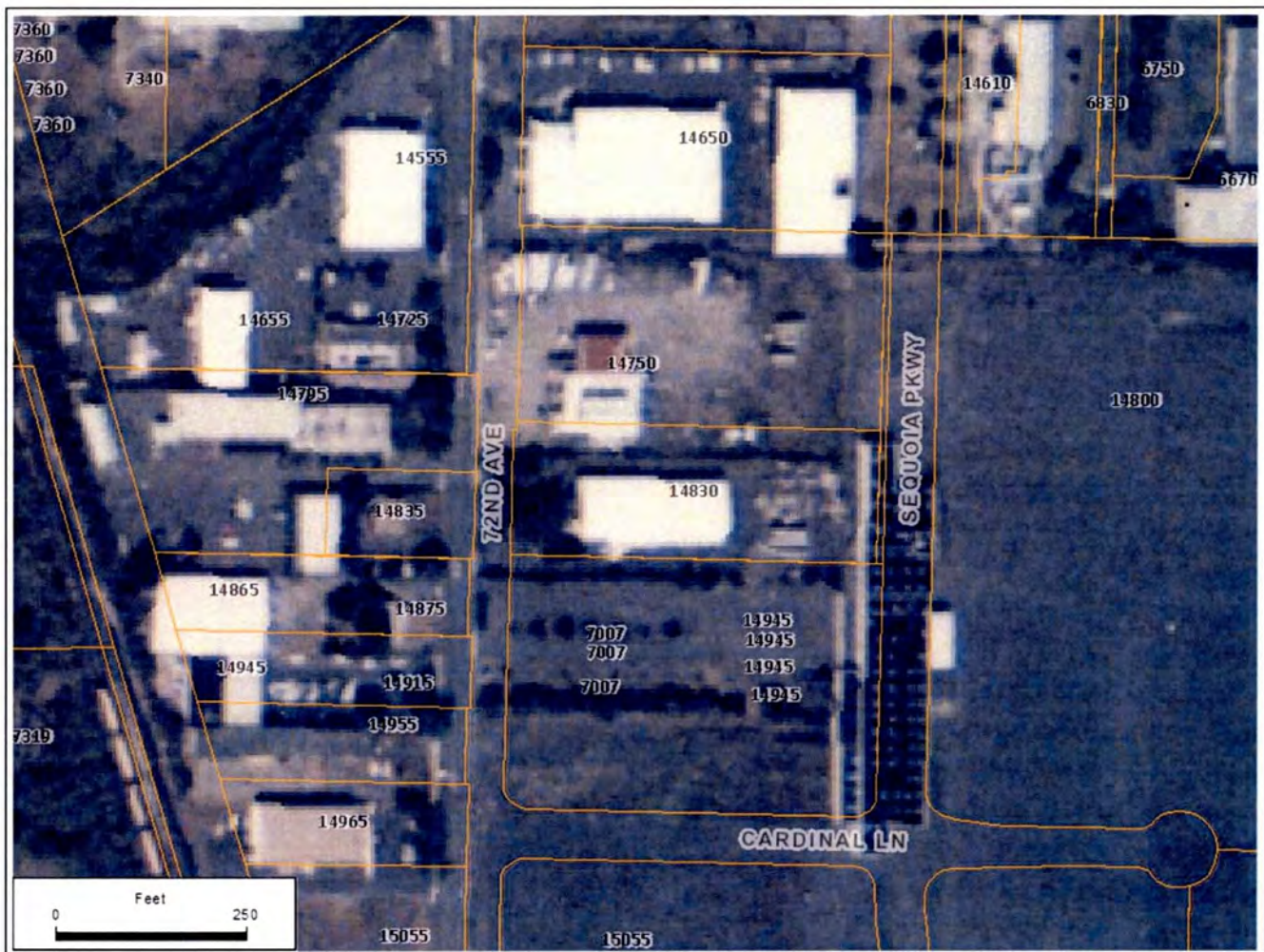
Cities	BFE with NGVD29 datum	Other Countries
Other Places	BFE with NAVD86 datum	
Small Towns	BFE with other datum	
Small Cities	Cross Section Lines	
State Largest Cities	Cross Section with NGVD29 datum	
Major Cities	Cross Section with NAVD86 datum	
Completed LOMAs	Cross Section with other datum	
LOMR's	Streams	
DFIRM Panels	Streets	
Bench Marks	Major Roads	
General Structures	Highways	
Culverts	Major Highways	
Foot Bridges	States	
Dams	Lakes, Major Rivers	
Levees	Land Areas	
Wing Walls	US	
Base Flood Elevation (cont)	(cont)	



FEMA

Sunday, 30 September 2012 16:29

**PIONEER WATERPROOFING - ZONE CHANGE REQUEST
EXHIBIT E FLOOD PLAN AND WATERWAY MAP**



PIONEER WATERPROOFING - ZONE CHANGE REQUEST
EXHIBIT F 1986 AERIAL PHOTOGRAPH



PIONEER WATERPROOFING - ZONE CHANGE REQUEST
EXHIBIT G 1996 AERIAL PHOTOGRAPH



PIONEER WATERPROOFING - ZONE CHANGE REQUEST
EXHIBIT H 2012 AERIAL PHOTOGRAPH

 City of Tigard
Planning Division
13125 SW Hall Boulevard
Tigard, Oregon 97223

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7006 0810 0002 4524 9785



DEPT OF

DEC 21 2012

LAND CONSERVATION
AND DEVELOPMENT

ATTN PLAN AMENDMENT SPECIALIST
DEPT OF LAND USE & CONSERVATION
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540

RETURN RECEIPT
REQUESTED