



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

03/14/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment  
DLCD File Number 008-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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, March 29, 2012

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: Leigh Crabtree, City of Beaverton  
Angela Lazarean, DLCD Urban Planner  
Anne Debbaut, DLCD Regional Representative

Angela Lazarean, DLCD Urban Planner

<paa> YA

**FORM 2****DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	<b>DEPT OF</b>
	<b>MAR 9 2012</b>
	<b>LAND CONSERVATION AND DEVELOPMENT</b> For Office Use Only

Jurisdiction: **City of Beaverton**Local file number: **TA2011-0003**Date of Adoption: **3/5/2012**Date Mailed: **3/8/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/20/2011☐ 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". The City modified portions of the Development Code related to the SC-S (Station Community - Sunset) zoning district in order to respect densities established by Washington County for a City annexed area. Specific changes include § 20.20.20.1.A and 20.20.20.1.D (add superscript 66, refers to new § 20.20.25.66), § 20.20.25.66 (new), § 20.20.40 (new), § 40.15.05 (language added), § 40.15.15.A.2 (threshold added), § 40.15.15.C.10 (criterion added). Associated files: CPA2011-0002 & ZMA2011-0002.

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

During both the Planning Commission hearing and a City Council hearing (regarding appeal of the Planning Commission's recommendation to approve), the text was altered in response to community concerns. The changes are as noted in the attachment.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Barnes Road, Cedar Hills to Hwy 217; 1S1W02, 1S1W03**Acres Involved: **63**Specify Density: Previous: **970, no max**New: **1,899 to 5,115**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 ☐ No**DLCD file No.** \_\_\_\_\_

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

ODOT, Metro, Washington County

Local Contact: **Leigh M Crabtree**Phone: **(503) 526-2458**

Extension:

Address: **4755 SW Griffith Dr, POBox4755**Fax Number: **503-526-3720**City: **Beaverton**Zip: **97076-4755**E-mail Address: **lcrabtree@beavertonoregon.gov**

DLCD File No. 008-11 (19027) [16964]



**ORDINANCE NO. 4578**

**AN ORDINANCE AMENDING ORDINANCE 2050, THE  
DEVELOPMENT CODE, RELATED TO THE STATION  
COMMUNITY – SUNSET (SC-S) ZONING DISTRICT, TA  
2011-0003**

- WHEREAS,** the Council finds that pursuant to Development Code Sections 50.50.2 through 50.50.6, the City provided the required notice of a Planning Commission initial hearing to consider this legislative text amendment (TA); and,
- WHEREAS,** the Planning Commission conducted a public hearing on December 7, 2011, to consider the proposed amendment, the submitted staff report and exhibits, three supplemental memoranda, and the written and oral testimony submitted at the hearing; and
- WHEREAS,** the Planning Commission after that hearing recommended that the Council adopt the proposed TA, as per the Commission's Land Use Order No. 2273, dated December 15, 2011; and
- WHEREAS,** an appeal of the Planning Commission's recommendation was filed on December 27, 2011; and
- WHEREAS,** the City Council conducted a public hearing on February 7, 2012, to consider an appeal of the Planning Commission's recommendation, the record of the Planning Commission hearing, the submitted staff report and exhibits, one memorandum, written testimony provided from January 31, 2012 through February 7, 2012, revisions to the proposed Development Code text, Peterkort Area Frequently Asked Questions, Peterkort History, Peterkort Fast Facts, Peterkort Community Concerns, and the written and oral testimony submitted at the hearing; and
- WHEREAS,** the Council finds that the criteria for this decision and the findings in support of that criteria are as shown in the staff report of November 30, 2011, a memorandum of December 5, 2011, two memoranda of December 7, 2011, the Planning Commission's Land Use Order No. 2273 of December 15, 2011, the staff report of January 31, 2012, the revised Development Code text, the matters submitted for the record between the time of the Commission's order and the Council hearing on the appeal, and the supplemental findings attached to this Ordinance as Exhibit "B" and incorporated by this reference; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

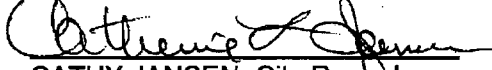
- Section 1.** Ordinance No. 2050, the Development Code is amended to read as set out in Exhibit "A" attached to this Ordinance and incorporated by this reference.
- Section 2.** All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

First reading this 28th day of February, 2012.


Passed by the Council this 5th day of March, 2012.

Approved by the Mayor this 6th day of March, 2012.

ATTEST:

  
CATHY JANSEN, City Recorder

APPROVED:

  
DENNY DOYLE, Mayor by  
RANDY EALY, Mayor Pro Tem

**TA2011-0003 Station Community – Sunset Text Amendment**

*Proposed modifications to the Development Code of the City of Beaverton are included, below.*

*Proposed deletions are in ~~strike-out~~ form and proposed additions and replacements are underlined.*

*Notes regarding proposed language changes provided in italic Arial font.*

**YELLOW** highlighted text shows the text amendments submitted to and approved by the Planning Commission at the Hearing of December 7, 2011

**BLUE** highlighted text shows additional modifications to the text submitted to the City Council at the Hearing of February 7, 2012

**PINK** highlighted text reflects further modifications to the text that were discussed during the City Council the Hearing of February 7, 2012

**20.20.20 LAND USES**

1. Dwellings
  - A. Attached  
p<sup>66</sup>
  - D. Planned Unit Development  
C<sup>66</sup>

*add superscript 66 within table, for the text of superscript 66, see 20.20.25.66, below.*

**20.20.25 USE RESTRICTIONS**

66. The requirements identified in Section 20.20.40 apply.

**20.20.40 OTHER SC-S ZONING REQUIREMENTS**

1. As to any and all property within the SC-S zoning district, approval of a Conditional Use Permit - PUD (Planned Unit Development), pursuant to Section 40.15.15.4 of the Development Code, shall be required prior to, or concurrent with, any land division or other land use approval(s) for the same property or any portion of the same property, for development of a parcel equal to or greater than 1/2 acre in size.
2. On or before the full development or redevelopment of all property lying within the SC-S zoning district, the following development level targets shall be met:
  - A. A minimum of 1,899 residential dwelling units, **but no more than A maximum of**



5,115 residential dwelling units; and

B. A maximum of 5,115 residential dwelling units.

BC. No more than A-maximum of 10,960,500 square feet of non-residential development.

3. All land use applications, with the exception of Sign Applications, submitted for development proposals within the SC-S zoning district. An applicant for a land use approval, other than a Sign Application, for any and all property within the SC-S zoning district shall demonstrate, through the submittal of a land use analysis, that the minimum and maximum development ~~level targets~~ identified in Section 20.20.40.2 have been or will continue to be met when all properties within the SC-S zoning district have been divided or developed or both on the properties that comprise the SC-S zoning district.
4. An applicant for a land use approval, other than a Sign Application, for any and all property within the SC-S zoning district shall demonstrate that the application complies with the Traffic Impact Analysis required by Section 60.55.20, associated with the effective Conditional Use Permit - PUD (Planned Unit Development) as to all property within the SC-S zoning district.
54. No more than 80 percent of approved non-residential development approved through a Conditional Use Permit - PUD (Planned Unit Development) application may be constructed prior to construction of the minimum dwelling requirement for the properties located within the SC-S zoning district. Once the minimum dwelling unit requirement for the properties located within the SC-S zoning district is constructed and has received receiving Certificate of Occupancy, construction of the remaining 2520 percent non-residential development may resume.

#### 40.15. CONDITIONAL USE

##### 40.15.05. Purpose.

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. A Planned Unit Development is a special kind of Conditional Use that permits the modification of the development standards in the underlying zoning district to achieve innovative design, preserve natural resources, reduce energy consumption and/or otherwise address unique site opportunities and constraints. Such approval allows the modification of such design standards without the necessity for separate Adjustment or Variance applications. Within the SC-S (Station Community-Sunset) zoning district, a Planned Unit Development is required to ensure that specific development requirements are satisfied. This Section is carried out by the approval criteria listed herein. [ORD 4473; February 2008]

**40.15.15. Application.**

**4. Planned Unit Development. [ORD 4432; March 2007]**

**A. Threshold.** A Planned Unit Development is an application process which:

**1. May be chosen by the applicant when one or more of the following thresholds apply:**

~~1.a.~~ The Planned Unit Development (PUD) may be applied to Commercial, Industrial, Multiple Use, and Residential properties that are 2 acres or greater in size within any City zoning district except Residential-Agricultural.

~~2.b.~~ When a land division of 2 acres or greater in size within any City zoning district except Residential-Agricultural requires collectively more than 3 of the following land use applications or combination thereof:

- ~~a.1)~~ Minor Adjustment;
- ~~b.2)~~ Major Adjustment;
- ~~c.3)~~ Flexible Setback; or
- ~~d.4)~~ Variance

**2. Is required when development is proposed within the SC-S (Station Community – Sunset) zoning district on a land area greater than 1/2 acre in size.**

**B. Procedure Type.** The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for PUD approval. The decision making authority is the Planning Commission.

**C. Approval Criteria.** In order to approve a PUD application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a PUD application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless otherwise provided by Section 60.35.03.
4. The proposal complies with the applicable policies of the Comprehensive Plan.
5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability

and appropriate development of properties in the surrounding area of the subject site.

7. The width of proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.
8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.
9. The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15:
  - a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.
  - b. The shape of the open space is such that the length is not more than three (3) times the width the purpose of which is to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest and complement the overall site design.
  - c. The dedicated land(s) is located to reasonably serve all lots for the development, for which the dedication is required.

10. For proposals within the SC-S (Station Community – Sunset) zoning district, the requirements identified in Section 20.20.40.2 and 20.20.40.3 are satisfied.

~~10.11.~~ If the application proposes to develop the PUD over multiple phases, the decision making authority may approve a time schedule of not more than five (5) years for the multiple development phases. If a phased PUD has been approved, development of the future phases of the PUD shall be filed within five (5) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code. However, all PUD phases must commence construction within five (5) years of the date of decision of the PUD. Refer to Section 50.90.

~~11.12.~~ Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a PUD shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The PUD application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.



- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a PUD application to ensure compliance with the approval criteria.
- F. If the application proposes to develop the PUD in a single phase, the decision shall expire two (2) years after the date of decision. Refer to Section 50.90.

Phasing of the development may be permitted with approval of the Planning Commission. A deed restriction for those areas of the parent parcel in which deferred development will occur shall limit the number of future units developed to an amount consistent with the minimum and maximum density or Floor Area Ratio (FAR) permitted for the overall development.

- G. Appeal of a Decision. Refer to Section 50.70.
- H. Expiration of a Decision. The PUD decision shall expire five (5) years after the date of decision. Refer to Section 50.90.
- I. Extension of a Decision. Refer to Section 50.93.

**SUPPLEMENTAL FINDINGS ON APPEAL****TA2011-0003, ORDINANCE NO. 4578**

The matter came before the City Council on February 7, 2012, for public hearing on an appeal of the Planning Commission's Recommendation to Approve TA2011-0003 Station Community – Sunset Text Amendment. The Notice of Appeal contends that the text amendment does not satisfy Comprehensive Plan Chapters 3 (Land Use), 5 (Public Facilities), 6 (Transportation) and 9 (Economy) and Development Code Section 40.97.15.4.C.3 regarding Metro Urban Growth Functional Plan Titles 1, 6, 7 and 12. That Development Code section states approval criteria for a Discretionary Annexation-Related Zoning Map Amendment, including (at C.4) "consisten[cy] with the Washington County-Beaverton UPAA." . In fact this TA came before the Planning Commission and the Council as a Legislative Text Amendment for which the criteria for approval are set out in other Development Code Sections, namely Sections 40.97.15.2.C.1-8. Those criteria include conformance with applicable policies of the City's Comprehensive Plan, which would include the city-county Urban Planning Area Agreement in Plan Chapter 3.15 (discussed below) among other policies

The City Council adopts the following supplemental findings in support of its decision to deny the appeal and to enact the text amendment as further amended at the close of the hearing and as shown in Ordinance 4578.

At the hearing the testimony concerning Comprehensive Plan and Development Code sections cited above, centered instead on the following issues:

*State of Oregon, Statewide Planning Goals, Goal 1 Citizen Involvement and Goal 2 Land Use Planning.* The Council finds that the review process for this TA included a notice that was mailed 45-days prior to the initial hearing to the chairs of Citizen Participation Organization (CPO) 1, Central Beaverton Neighborhood Association Committee (NAC), and the Beaverton Committee for Citizen Involvement (BCCI). A second notice was mailed 20-days prior to the initial hearing to the chairs of CPO 1, Central Beaverton NAC and BCCI. The Council finds that a CPO serves a county comprehensive planning function as per the county's land use plan and Community Development Code similar to the function of the City BCCI and NACs, and that the City was entitled under its ORS Chapter 195 coordination agreement with the County to rely upon the County to further communicate with its CPOs regarding this TA and other City land use planning proposals and enactments. The Council finds that neither state law nor the City Development Code requires a community planning process for a legislative text amendment. The noticing requirements of the City's Comprehensive Plan and Development Code have been acknowledged by the DLCD as meeting Goals 1 and 2.

*State Planning Goal 12, Transportation.* The Council finds that the TPR analysis studied development capacity levels to determine compliance with the rule, namely, whether a land use proposal will affect the transportation system beyond what existing regulations allow, and whether or not mitigation is required. This TA for the SC-S zoning district limits residential and non-residential development to



align with Washington County's current regulations. Mitigation through development limitations results in compliance with the TPR.

The Council finds that staff from Washington County, the Oregon Department of Transportation (ODOT), the Oregon Department of Land Conservation and Development (DLCD), Metro, and TriMet were included in review of the TA for TPR compliance and that, prior to City's notice to DLCD of this TA, all those agencies agreed that the TPR calculations were correct.

The Council finds that the derived development capacity was determined given a number of variables. County regulations do not include a maximum for FAR, rather an applicant is to start with the minimum FAR and may propose as much floor area as available within the capacity of the transportation system. County regulations do regulate maximum height except for unlimited height in the Sunset district. County staff directed City staff to calculate capacity from gross acreage. The approach to this TPR analysis was a worst-case scenario, not reasonable worst-case as would be determined from net acreage. Thus the TA sets a maximum FAR based on regulated maximum height over gross acreage. Staff stated that there was no dispute about the maximum numbers and that the County staff had more concern over the minimum residential density requirement.

The Council finds that the difference in horizons and performance measures for the County and the City Transportation System Plans (TSPs) is not relative to this proposal. The County's TSP horizon is the year 2020 versus the City's TSP horizon year of 2035; this difference in TSP years is not an issue with this proposal,

as the City has already shown compliance with TPR by mitigating potential significant effects in the form of development limitations. The City's level of service and performance standards are more stringent in that allow potential development levels less than allowed under the County's standards and will be reviewed with a development application.

*Metro Urban Growth Management Functional Plan, Title 1.* The Council finds that in the 1990's with adoption of the 2040 Plan, Metro allocated jobs and dwelling units among regional jurisdictions. Many jurisdictions applied higher densities within Station Areas and Town Centers. These design types applied a certain number of people per acre in a mix of jobs and housing but with no required ratio of jobs to housing. Washington County for its part found it necessary to add housing density and applied its highest residential density zoning to the area around the Sunset Transit Center. Metro accepted the County's planning for this Station Area.

The Council finds that this Text Amendment includes minimum and maximum densities so as to translate the County's allocation of density for the six parcels proposed for SC-S zoning in aggregate. The record of this appeal shows that Metro reviewed the TA in this regard and by letter from Metro staff dated December 7, 2011, described the City's proposal as adequate and Metro as satisfied with the amended text for this zoning district.

*Comprehensive Plan, Section 3.3 Community Plan Context.* The Council finds that adoption of the county's Cedar Hills – Cedar Mill Community Plan as a new

Community Plan for the Sunset Transit Center Station Community is not appropriate or required. The Cedar Hills – Cedar Mill Community Plan was developed within the context of, and specifically refers to, the Washington County Comprehensive Framework Plan; therefore, it does not relate to the City's Comprehensive Plan and the structure of the Goals and Policies of other Community Plans adopted by the City. The City's Community Plans are not enacting ordinances and are not included in review of development applications, as are portions of the County's Community Plans. Specific and prescriptive sections of the county's Community Development Code and Cedar Hills – Cedar Mill Community Plan are similarly addressed by multiple sections of the City Development Code having similar standards for project design. Exhibit 16 of the Planning Commission record is a comparison of various county CDC Sections 431 and 431-12 standards to City Development Code Chapter 60 standards. The latter include provisions for Design Principles, Standards and Guidelines, higher design standards for development along Major Pedestrian Routes (MPRs) as are present along and within the subject parcels, and a 20 percent open space requirement for approval of a Planned Unit Development (PUD) application which would effectively replace the county requirements for development of "The Green" noted in ASC 11 and CDC section 431-12. Thus the Council chooses not to adopt the prescriptive provisions of Area of Special Concern (ASC) 11 of the Cedar Hills – Cedar Mill Community Plan.



*Comprehensive Plan Section 3.15, Urban Planning Area Agreement (UPAA).*

The Council finds that the UPAA does not expressly require that the City adopt the prescriptive requirements of Area of Special Concern (ASC) 11 within the Cedar Hills – Cedar Mill Community Plan and as provided in Section 431-12 of the County Community Development Code. These include specific minimum density requirements for residential units within the Peterkort Station Area sub-districts. For example, 150 dwelling units are required within the Sunset sub-district (see page TA-7 of the City Council staff report of January 31, 2012). The Council finds that for a residential only development proposal, the SC-S zoning district would require over 400 dwelling units within the Sunset sub-district, but for a multiple-use development proposal specific minimum residential density per parcel would not be required. However, the SC-S zone, as amended, will require a developer to achieve the aggregate minimum residential density and not exceed specific maximum densities over the six subject parcels, without need for the very prescriptive requirements of County Code for ASC 11.

Although specific sections of the County Community Development Code and Cedar Hills – Cedar Mill Community Plan are not incorporated in to this TA, other provisions of City Development Code have similar standards for project design. Exhibit 16 of the record before the Planning Commission compares various County Community Development Code standards to City Development Code Chapter 60 standards; the latter include Design Principles, Standards, and Guidelines that require higher level design standards for development within Multiple Use zones

and along Major Pedestrian Routes (MPRs). MPRs are present along and within the parcels subject to this TA. Additionally, a 20 percent open space requirement for approval of a Planned Unit Development (PUD) application effectively replaces the County requirements for "The Green" in ASC 11 and CDC section 431-12.

The Council finds that determining the most closely approximate zoning initially relied on land use analysis of the County Community Development Code in comparison to the City's Development Code and available City zoning districts. This analysis included specific attention to minimum densities with calculations under County zoning based on gross acreage per the direction of County staff. The Council finds that the TA results in a 'net zero' translation in density from County zoning to City zoning through the carry-over of County minimum residential density requirements over the Station Community – Sunset (SC-S) zoning district. By requiring a specific minimum residential dwelling unit count over the parcels proposed for application of SC-S zoning, the City is ensuring a mix of uses over the subject parcels.

The appellant and others suggested other City zoning districts that they contend are the "most closely approximate" to county zoning. The Council finds that in order to satisfy the minimum density requirements under county zoning, the City would have to modify the text of those other City zoning districts and thus affect properties throughout the City now within those zoning districts. For example, use of the City's Station Community – High Density Residential (SC-HDR) zoning district in place of the proposed SC-S zoning district would require a

doubling of the residential dwelling unit requirement for the SC-HDR zone. The City instead chose to modify the SC-S zone in order to approximate existing County land use regulations, as no other existing city zoning district matches the density or intensity of the county zone.

The appellants suggested that the purpose statement for the SC-S zoning district be modified in a manner proposed by Oregon Department of Transportation staff by letter of December 7, 2011. The Council finds that modifying the purpose statement of the SC-S zoning district would have no meaningful effect regarding review of development applications. Purpose statements are not actionable criteria for approval of a development application.

The Council finds that a November 23, 2011 letter from the County Planning Manager did not recommend changes to the City's zoning proposal and instead only lists considerations for reviewing future development proposals in the area; and, the Council finds that testimony from a County Commissioner at the hearing admitted as much. The Council finds that specific discussions with County administration showed that a future Transportation Management Plan will be very important to the County and the City recognizes that concern as the properties within the SC-S zoning district will access county roads. The Council finds that the county's concerns go more to equitable minimum residential density than to maximum density, specifically relative to compliance with Metro's Title 1.

The Council finds that the SC-S zoning district is a multiple-use zoning district and, as amended, requires 1,899 dwelling units residential and allows for

other uses. The SC-S zoning district will not require residential development at or near the Sunset Transit Center, however, the SC-S zoning district does allow for dense multiple-use development around the Sunset Transit Center that is transit supportive.

*Amendments to this TA adopted by the City Council after the hearing.* The Council finds that the additional modifications to the text of this TA as the Council adopted after the hearing are sufficient to meet the appellant's concern as to an alleged one-half acre partition "exception" to the PUD requirement for development in this zoning district. A representative of the Appellants accepted the modification to Code Section 20.20.40.1 at the hearing.

As to the further amendments to Code Section 20.20.40.2, the Council finds that the 10,960,500 square foot maximum for non-residential development in the TA is a theoretical maximum that follows from the Transportation Planning Rule (TPR) "worst case" analysis of the potential floor area for development. The TPR analysis showed 10,960,500 square feet allowed under the county regulations and even more under the SC-S zone prior to this amendment. The TA thus uses the theoretical limit under county's regulations as the maximum, a figure not challenged by the County and accepted by all other agencies that reviewed the TPR analysis. The Council relied on testimony at the hearing that upwards of 10,960,500 square feet of developed non-residential floor area is not realistic given the constrained transportation system and that the nominal 63 acres within the zone will be reduced by required infrastructure and other unbuildable areas. The

Floor Area Ratio (FAR) of the SC-S zoning district is too high for single level construction and will require verticality and structured parking in any case.

The further amendment to the text, now numbered Section 20.20.40.5. (previously 20.20.40.4.) will allow for construction of up to 80% of approved non-residential development prior to construction of the minimum required residential development. The Council finds that neither the county CDC nor the county Cedar Hills - Cedar Mill Community Plan mandate when approved residential components of a development are to be constructed. The County in fact requires, in ASC 11, that buildings prescribed for retail uses be constructed in the first phase of development. Both the county regulations and the TA require a minimum number of dwelling units; the county regulations note only that development timing will be based upon the market, and require construction of components for retail uses within the first phase of a Master Plan. The City PUD process will allow review of a development proposal as to proposed land uses, locations and phasing, similar to the County Master Plan process.

*Development Code Section 40.15., Conditional Use - Planned Unit Development.* The Council finds that the proposed requirement for a Conditional Use - Planned Unit Development (PUD) application will allow for a public process to discuss many of the appellants' concerns. The PUD process requires a developer to hold at least one Neighborhood Review Meeting and requires a Type 3 review process with public notice and public hearing before the City's Planning Commission. Beyond the PUD process, subsequent Design Review and other

applications will be subject to review for compliance with the PUD conditions of approval.

*Development Code, Section 60.55 Transportation Facilities.* As to the appellants' allegation that construction of commercial uses would leave no capacity for residential development, the Council finds that the required PUD application process will verify that the development targets for the SC-S zone can be met. This approach requires an applicant to account for the minimum residential density requirement of 1,899 dwelling units and to include the auto trips for the residential uses in the corresponding Transportation Impact Analysis (TIA). The TIA would account for all assumed residential and assumed non-residential trips, the impacts of those trips and any mitigation requirements for those impacts. This approach is similar to other developments in the City such as the Teufel property further west on Barnes Road. The TA includes provisions requiring subsequent development applications to verify consistency with the approved PUD.

Transportation mitigation measures may include turn lanes, traffic signal timing or other measures. A PUD proposal and corresponding TIA must assume the full transportation system build out for the full zone, including residential uses.

*Design Element 1 of the Barnes – Peterkort Subarea for the Cedar Hills – Cedar Mill Community Plan.* The text of this county plan states in part as follows:

“The process of planning traffic circulation throughout this area shall include citizens of the community as well as property owners, County departments, affected service providers, and the developer”.



The Council finds that transportation circulation is a design component that will be reviewed during the City's land use process for development review. This will include specific access and pedestrian crossings along Barnes Road as approved by Washington County. As for the TA itself, again, the Council relies on staff testimony that the County, Metro, ODOT and TriMet as well as representatives of Providence - St. Vincent's Hospital nearby to the east also agree with the TPR analysis that supports this TA. A TIA will be required with a development application which will include the background growth rates assumed in the regional model of Metro's Regional Transportation Plan (RTP).

*Other Contentions.* The appellant contends that Metro's Urban Growth Management Functional Plan (UGMFP) Titles 1, 6, 7, and 12 and the City's Comprehensive Plan Chapters 3, 5, 6, and 9 were not satisfied by the proposed amendment. In response the Council cites the supplemental findings for Ordinance No. 4578, and the findings provided in the Staff Report to City Council dated January 31, 2012 as adequately addressing the appellant's argument with regard to each of those UGMFP Titles and Comprehensive Plan Chapters.



## CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

HEARING DATE: December 7, 2011

TO: Planning Commission

STAFF: Leigh M Crabtree, Associate Planner *LMC AS*

PROPOSAL: TA2011-0003 Station Community – Sunset Text Amendment

SUMMARY: The City of Beaverton is proposing to amend portions of the Development Code related to the SC-S (Station Community - Sunset) zoning district. Specific changes include § 20.20.20.1.A and 20.20.20.1.D (add superscript 66, refers to new § 20.20.25.66), § 20.20.25.66 (new), § 20.20.40 (new), § 40.15.05 (language added), § 40.15.15.A.2 (threshold added), § 40.15.15.C.10 (criterion added). These amendments include provisions to maintain minimum density requirements established through Washington County planning efforts, establish maximum densities to maintain transportation capacities for the planning area, require construction of the minimum residential components prior to completion of 80 percent of the non-residential components, and require Planned Unit Development review of proposals over one-half acre in size within the SC-S zoning district.

APPLICANT: City of Beaverton

DECISION CRITERIA: Criteria for Text Amendments are listed in Section 40.85.15.1.C of the Development Code.

RECOMMENDATION: Approval of TA2011-0003 (Peterkort Station Community – Sunset Text Amendment), with no associated conditions of approval.

**TA2011-0003 Station Community – Sunset Text Amendment**

The SC-S (Station Community – Sunset) zoning district was adopted into the *Development Code of the City of Beaverton* as a new zoning district for the City in 2010 as part of an update to Chapter 20. The adoption of the SC-S zoning district reflects the City's first attempt at blending the City's existing zoning structure with the requirements of Washington County's TO (Transit Oriented) land use districts in place near the Sunset Transit Center.

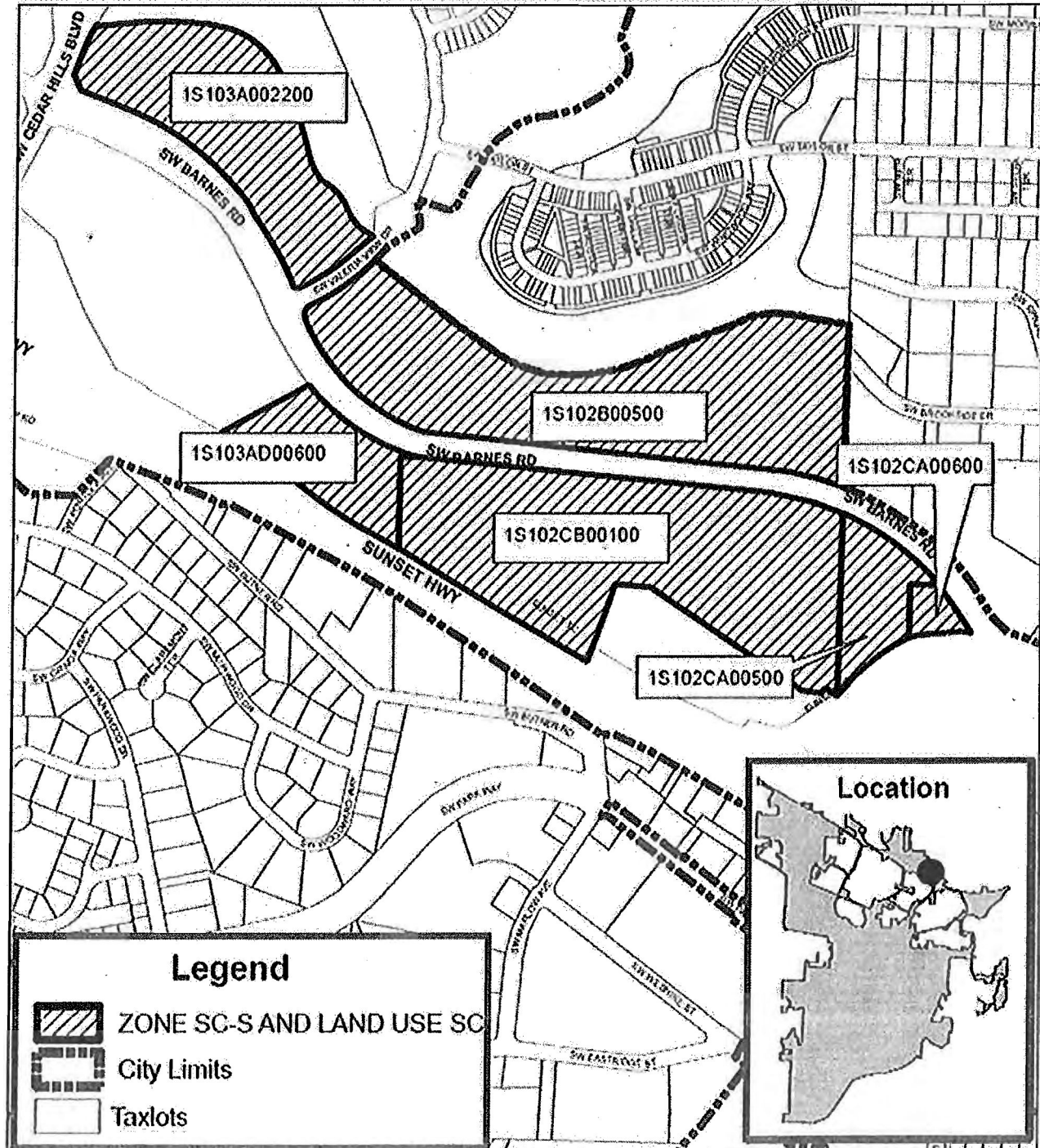
As proposed in concurrent applications, CPA2011-0002 (Peterkort Station Community Land Use Map Amendment) and ZMA2011-0002 (Peterkort Station Community – Sunset Zoning Map Amendment), the City is requesting application of the SC-S zoning district upon six tax lots. These parcels are generally within one-half mile of the Sunset Transit Station light rail platform. Approximately two-thirds of the acreage proposed for SC-S zoning is within ASC (Area of Special Concern) 11 as identified in the County's Cedar Hills-Cedar Mill Community Plan, which carries with it specific minimum dwelling unit counts and minimum FARs (floor area ratios) in order to achieve a high density mix of uses around the Sunset Transit Center. All six parcels currently carry interim Washington County TO (Transit Oriented) land use districts.

Clarification of County requirements for the general Peterkort area and analysis related to the concurrent applications for land use and zoning implementation indicated to City staff a need to amend the SC-S zoning district. The amendments proposed include provisions for:

- CU – PUD (Conditional Use – Planned Unit Development) review of project over one-half acre in size.
- minimum and maximum density requirements
- requirements for land use analysis
- requirements for construction of the minimum number of dwelling units prior to completion of non-residential development

The full body of proposed amendments is attached as Exhibit 20 to this staff report.

CONCURRENT CPA2011-0002 & ZMA2011-0002  
PROPOSED CITY OF BEAVERTON  
LAND USE DESIGNATIONS & ZONING DISTRICTS



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**EXHIBITS**

1	n/a	
2	n/a	
3	n/a	
4	Map of proposed SC-S zoning district application	<b>SR 3</b>
5	Ordinance 4334	
6	Ordinance 4562	
7	Washington County Comprehensive Plan Policy 18	
8	Washington County Cedar Hills – Cedar Mill Community Plan	
9	Washington County “Goal 5 Natural Resources Inventory and Significance Determination for the Peterkort and Adjacent Properties in Washington County, Oregon”	
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## ANALYSIS AND FINDINGS TEXT AMENDMENT

Section 40.97.15.4 of the *Development Code of the City of Beaverton*

**C. *Approval Criteria. In order to approve a Text Amendment application, the decision making authority shall make findings of fact based upon evidence provided by the applicant demonstrating that all the following criteria are satisfied:***

- 1. *The proposal satisfies the threshold requirements for a Text Amendment application.***

**Facts and Findings:**

One threshold requirement is identified for a Text Amendment in Section 40.85.15.1.A.1, which states:

*Any changes to the Development Code, excluding changes to the zoning map.*

This proposal is to amend specific sections of the Development Code.

Therefore, staff finds the proposed Text Amendment satisfies criterion 1.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

**Facts and Findings:**

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Community and Economic Development Department is a General Fund program and initiated the application. Therefore, the payment of an application fee is not required.

Therefore, staff finds that criterion 2 is not applicable to this proposal.

- 3. *The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.***

**Facts and Findings:**

The effective Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan are addressed below.



## **Chapter 3.07 Urban Growth Management Functional Plan**

### **Title 1: Requirements for Housing and Employment Accommodation**

Sections 3.07.110 – 3.07.120

Section 3.07.110 of the UGMFP states:

*The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.*

The City of Beaverton has adopted minimum density requirements for each zoning district which allows residential development. Application of City land use designations allows for application of City zoning districts. The proposed Station Community land use district for the subject parcels will allow the City to apply Station Community zoning districts that require similar densities to those required by the County.

Two concurrent applications, CPA2011-0002 and ZMA2011-0002, if approved, allow for application of the SC-S zoning district upon six parcels. This proposal requires that the minimum dwelling units required by County regulations is maintain over the six parcels subject to CPA2011-0002 and ZMA 2011-0002. Exhibit 15 to this report, attached, is a Development Capacity analysis that depicts density requirements of the existing County land use districts compared to proposed City zoning districts, without Text Amendment approval.

### **Title 2: Regional Parking Policy**

(Repealed Ord. 10-1241B, § 6)

### **Title 3: Water Quality and Flood Management**

Sections 3.07.310 – 3.07.370

Section 3.07.310 of the UGMFP states:

*To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.*

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3. The subject proposal does not modify compliance with Title 3.



**Title 4: Industrial and Other Employment Areas**  
Sections 3.07.410 – 3.07.450

Section 3.07.410 of the UGMFP states:

*... To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. ...Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.*

This application does not propose modification of Development Code text which would affect any of the lands identified on the Metro's *Title 4, Employment and Industrial Areas Map*. The SC-S zone does accommodate non-industrial employment; this proposal does not include amending allowances for industrial and non-industrial employment. This proposed amendment does not modify compliance with Title 4 and is not applicable to the amendment.

**Title 5: Neighbor Cities and Rural Reserves**  
(Repealed Ord. 10-1238A, § 4)

**Title 6: Centers, Corridors, Station Communities and Main Streets**  
Sections 3.07.610 – 3.07.650

Section 3.07.610 of the UGMFP states:

*The Regional Framework Plan (RFP) identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role...*

The areas in and around the parcels subject to CPA 2011-0002 and ZMA 2011-0002 include existing regional investments in light rail transit, bus service, pedestrian and bicycle access, and automobile travel options. Specific investments include the Sunset Transit Station and associated improvements, Barnes Road, Cedar Hills Boulevard, Highway 217 and Highway 26. Metro's *2040 Regional Growth Concept Map* depicts the Station Communities, Town Centers or Corridors design types over all or part of the parcels subject to CPA 2011-0002 and ZMA 2011-0002. This proposal maintains Washington County requirements for master planning the SC-S area, through a PUD (Planned Unit Development) process, and minimum residential density. This proposal requires submittal of a land use analysis with applications for development within the SC-S zone to ensure that the mix of development approved in the master plan is satisfied and that no more than 80 percent of non-residential development is constructed prior to construction of the minimum dwelling unit requirement.

This proposal does not include amendments to the location of land use, zoning or design types. Additionally, this proposal does not amend the design standards and guidelines for development within the SC-S zoning district.

The City's SC-S zoning district allows for development with a critical number of residents and workers, a vibrant and walkable area, and a mix of housing types. Attached dwellings are allowed with the subject amendments setting the minimum number of dwelling units required; eating and drinking establishments and retail trade are generally permitted (with a prohibition for bulk retail); educational institutions, hospitals, medical offices and facilities are typically permitted uses; public buildings, services and uses are usually conditionally permitted. The specific locational requirements for residential, office and retail envisioned by County codes and plans are not established in City codes and plans. The SC-S zoning district, amended, will allow a developer to propose a master plan for the area that aligns with market demand for location of varying uses while maintaining the minimum residential densities expected by the County established by their prior community planning efforts.

### ***Title 7: Housing Choice***

Metro Code Sections 3.07.710-3.07.760

The intent of Title 7 is to enact a "fair share" housing strategy for each jurisdiction which includes a diverse range of housing types, specific goals for low- and moderate-income housing, housing densities consistent with the regional transportation system, and a balance of jobs and housing. The City adopted Comprehensive Plan Chapter Four to comply with this Metro Title. The sections of the Comprehensive Plan that are applicable to this Comprehensive Plan Land Use Map Amendment are addressed below to show consistency with Title 7.

Comprehensive Plan Goal 4.2.1.1 states, "Maximize use of buildable residential land in the City." Action items applied to implement this goal have been implemented. Goal 4.2.2.1 states "Provide an adequate variety of quality housing types to serve Beaverton's citizenry." This proposal involves implementing a minimum density requirement that respects the amount of housing currently required by the County.

Additionally, the City continues to support affordable housing programs through the Community Development Block Grant and HOME programs, the Citywide Housing Rehabilitation Loan Program, and partnership with local non-profit service providers. Goal 4.2.3.2 states "Promote the production of new affordable housing units in the City." Participation in local non-profit efforts to develop affordable housing, providing an ombudsman to assist in the development review process, developing revolving loan funding, exploring land banking and employer sponsored affordable housing, supporting alternative funding for affordable housing, and continuing to explore tools and strategies to encourage affordable housing development are actions to implement Goal 4.2.3.2. These goals and actions comply with Title 7.

The proposed amendments to the SC-S zoning district will establish residential development minimums for the zone and will not alter compliance with Title 7

***Title 8: Compliance Procedures***

Metro Code Sections 3.07.810-3.07.870

Information about this proposal was sent to the Chief Operating Officer on October 20, 2011, 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820.

***Title 9: Performance Measures***

Repealed

***Title 10: Functional Plan Definitions***

Metro Code Sections 3.07.1010

Title 10 provides definitions for use in Metro's administration of the UGMFP. While the definitions inform relative UGMFP Titles, they are not specifically related to compliance of this proposal to the UGMFP. Therefore, this title does not require a response relevant to this proposal.

***Title 11: Planning for New Urban Areas***

Metro Code Sections 3.07.1105 – 3.07.1140

Title 11 concerns planning for new urban areas. The proposed amendment to the City's Development Code is not relevant to this title. The properties which would be subject to the SC-S zoning district are not a 'New Urban Area' as they have been within the Urban Growth Boundary since the adoption of the first 2040 Growth Concept Map. Therefore, this title does not apply to the amendment.

***Title 12: Protection of Residential Neighborhoods***

Metro Code Sections 3.07.1210 – 3.07.1240

Section 3.07.1210 of the UGMFP states:

*Existing neighborhoods are essential to the success of the 2040 Growth Concept...The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.*

The SC-S zoning district was initially crafted and is currently proposed to be amended to be substantially similar to the County's density and use provisions for the parcels subject to CPA2011-0002 and ZMA 2011-0002. Therefore, this proposal results in little change in impacts to the level of protection provided for the surrounding residential neighborhoods.

### ***Title 13: Nature In Neighborhoods***

Metro Code Sections 3.07.1310 - 3.07.1370

The City, as a member of the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC), implemented a program that complies with Title 13. The City has also enacted Comprehensive Plan and Development Code regulations that comply with Title 13 as part of the TBNRCC program. This application does not modify the City's compliance with Title 13.

### ***Title 14: Urban Growth Boundary***

Metro Code Sections 3.07.1405 - 3.07.1465

Title 14 applies to adjustments and amendments to the Urban Growth Boundary. This proposal does not include adjustments and amendments to the Urban Growth Boundary.

## ***Regional Transportation Plan***

### **Chapter 6 Implementation**

#### **Section 6.7 Implementation Activities to be Addressed Post-RTP Adoption**

##### **6.7.1. Local Plan Implementation**

*Local plans and projects will be updated to implement the outcomes-based RTP and Regional Transportation Functional Plan (RTFP). The RTFP directs how city and county plans will implement the new RTP through their respective comprehensive plans, local transportation system plans (TSPs) and other land use regulations. All of the actions included in the RTFP will help the region begin proactively addressing climate change, improve mobility and support other desired outcomes.*

*The TPR includes provisions for local TSPs to be updated within one year of adoption of the final RTP, but allows for the RTP to determine a schedule for local plan compliance. A schedule for local transportation system plan updates is provided in the Regional Transportation Functional Plan, Table 3.08-4. The local plan updates are phased appropriately to support local desires for completing plan updates in a timely manner, in coordination with other planning efforts and to take advantage of state funding opportunities.*

The City's 2035 Transportation System Plan (TSP) was adopted in 2010 in advance of the required 2011 adoption identified in Table 3.08-4. The 2035 TSP was adopted with full review by Metro for consistency with the 2035 RTP and 2035 RTFP. Applicable sections of the Regional Transportation Functional Plan are addressed, below.

## ***Chapter 3.08 Regional Transportation Functional Plan (RTFP)***

### ***Title 5: Amendment of Comprehensive Plans*** **Metro Code Section 3.08.510**

#### ***3.08.510 Amendments of City and County Comprehensive and Transportation System Plans***

This application is a Text Amendment to the *Development Code of the City of Beaverton* and does not propose an amendment to either the Comprehensive Plan text or the 2035 Transportation System Plan. The subject amendments are proposed in order to align the City's requirements more closely to the County requirements upon the parcels subject to CPA2011-0002 and ZMA 2011-0002.

**Summary Finding:** Staff finds that, for the reasons identified above, the proposed amendment complies with applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.

Therefore, staff finds the proposed Text Amendment satisfies criterion 3.

#### ***4. The proposed amendment is consistent with the City's Comprehensive Plan.***

#### **Facts and Findings:**

Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of the *Comprehensive Plan for the City of Beaverton* include policies that are applicable to this Comprehensive Plan Map Amendment. Staff finds that no other local plans are applicable to this proposal.

## ***Chapter 2 Public Involvement Element***

Chapter 2 of the Comprehensive Plan reiterates criteria from Chapter 1 and goes further to discuss public involvement programs for the City in compliance with Statewide Planning Goal 1, the City Council's Goal for citizen involvement and participation, and the Comprehensive Plan Public Involvement Goal. This application satisfies Chapter 2 by satisfying the applicable procedures within Chapter 50 of the Development Code.

## ***Chapter 3 Land Use Element***

### ***Section 3.2 Planning Context***

In reference to Metro's *Urban Growth Management Functional Plan* and local jurisdiction application of the various 2040 design types, Section 3.2 includes the following discussion:

*Station Communities in Beaverton include...The Sunset and 170<sup>th</sup>/Elmonica Station Communities are located within Beaverton's urban service area... Beaverton's zoning*



*districts focus on the immediate station, within ½ mile, and the outer perimeter, ½ to 1 mile. These zoning district categories are labeled Station Community and Station Area, respectively. ... Metro's target density is 45 persons per acre for the Station Community design type.*

The subject proposal is to amend the SC-S zoning district. Concurrent with this application is ZMA 2011-0002 that proposes the first implementation of SC-S. The parcels included in ZMA2011-0002 are generally within one-half mile of the Sunset Transit Center's light rail platform.

### ***Section 3.3 Community Plan Context***

The City is relying upon Washington County's *Cedar Hills – Cedar Mill Community Plan* to inform application of City land use designations and zoning districts for respective geographic areas.

### ***Section 3.4 Community Identity***

***3.4.2 Goal: Proper relationships between residential, commercial, industrial, mixed and public land uses to provide a sound basis for urbanization.***

*Policies:*

- a) The City, through its Planning Commission and City Council, shall establish and apply appropriate land use designations to property within the city limits.*
- b) The City shall establish and maintain a Comprehensive Plan Land Use Map (Figure III.1) designating land uses throughout the city.*
- c) The City shall apply appropriate City land use designations to annexed areas.*

This proposal does not include application of a land use designation.

### ***Section 3.5 Mixed-Use Element***

*... Mixed use areas are conceived as urban neighborhoods containing a variety and intermixing of uses that complement the established surrounding communities. These areas generally integrate compatible land uses vertically, horizontally, or both. ...*

***3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.***

This application proposes amendments to the City's Development Code to further align the City's requirements with the County's requirements for development near the Sunset Transit Center. Current County and City policies were developed in the context of the *2040 Regional Growth Concept Map* adopted prior to 2011. The newly Metro adopted *2040 Regional Growth Concept Map* continues to depict Station Community within one-quarter mile of the light rail station platform.



### **3.8 Station Community Development**

**3.8.1 Goal: Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.**

*Policies:*

- a) *Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.*
- b) *Apply the Station Community land use designation generally within one mile of light rail station platforms.*
- c) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*
- d) *Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.*

This application proposes amendments to the SC-S zoning district to further align the City's requirements with the County's requirements for development near the Sunset Transit Center. These amendments are meant to maximize public infrastructure investment in light rail generally within one mile of a light rail station platform. The City does not have an adopted Community Plan for the areas around the Sunset Transit Station, but have relied on the County's Cedar Hills – Cedar Mill Community Plan for direction.

**3.8.2 Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the-clock activity.**

*Policies:*

- a) *Regulate new development in Station Communities to provide increased densities and employment to support a high level of transit service.*
- b) *Within ¼ mile of the light rail station platform and along all major pedestrian routes, require development to provide the highest level of design features for pedestrian activity and public access to the light rail station platform.*
- c) *Within ¼ mile of the light rail station platform, design the arrangement of parking and streets to accommodate construction of multiple level structures for parking, commercial, residential and mixed uses.*

The Development Code of the City of Beaverton has been written to regulate development along Major Pedestrian Routes, near light rail stations and in Station Communities at higher levels of density and intensity. Many requirements are based upon distance from the light rail station platform with the intent to reduce individual motor vehicle dependency the closer development is to the station platform. The proposed amendments establish a minimum residential development expectation for the zoning district that is consistent with the community planning completed by Washington County for the area around the Sunset Station.

### **3.14 Comprehensive Plan and Zoning District Matrix**

*The City's Comprehensive Plan provides the overall planning perspective for the City. Integrating state and regional mandates, the plan provides land use patterns that are further implemented through zoning. The following Matrix prescribes the relationship*

*between the Comprehensive Plan land use designations and zoning districts. Compliance with the Comprehensive Plan is achieved through development application approval consistent with the regulations of the Development Code.*

Concurrent with this application are proposals to apply the SC land use designation through CPA2011-0002 and the SC-S zoning district through ZMA2011-0002. Per note 1 of the Matrix, for all properties currently within the City of Beaverton, the SC-S zoning district is only applicable to the parcels subject to CPA2011-0002 and ZMA2011-0002.

### ***3.15 Urban Planning Area Agreement***

*The Washington County Urban Planning Area Agreement (UPAA), including Exhibits A and B, which is dated October 25, 1998 and was signed by the City on May 15, 1989 and signed by the County on February 10, 1989 is hereby incorporated as section 3.15 of this Land Use Element.*

The land use planning processes and policy framework described in the Comprehensive Plan, UPAA, and Development Code form the basis for decisions and actions, such as the subject amendments. Concurrent review of ZMA2011-0002 discusses application of the City's SC-S zoning district. In this case, "the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations." The subject amendments to the Development Code improve the correlation between existing County and City regulations for the properties subject to ZMA2011-0002.

## ***Chapter 4 Housing Element***

***4.2.1.1 Goal: Maximize use of buildable residential land in the City.***

***4.2.2.1 Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry***

***4.2.3.1 Goal: Promote the retention of existing affordable housing stock in the City.***

***4.2.3.2 Goal: Promote the production of new affordable housing units in the City.***

In January of 2002, pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD) the City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Compliance with Title 1 of Metro's UGMFP standards was cited as a compliance element in satisfying the requirements of Goal 10. Based upon the findings of those studies, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. The City's policies that derived from this process were henceforth acknowledged to comply with Goal 10.

The density allotted for the parcels subject to ZMA2011-0002 resulted from the County's process to comply with Metro's UGMFP provisions; which were themselves subject to compliance with the Statewide Planning Goals. This proposal involves amending the Development Code to more closely align with the County's residential density requirements, continuing to allow for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10.

## ***Chapter 5 Public Facilities and Services Element***

Chapter 5 outlines the context of public facilities within the City of Beaverton. Many services for citizens and property owners within the city are provided by districts and jurisdictions separate from the government structure of the City of Beaverton. The portfolio of services provided in the city, whether by the City of Beaverton or another agency, make Beaverton a full service city.

This proposal is not expected to affect the City's projected provision of the Public Facilities Plan, Capital Improvement Plan, Urban Service Area, Storm Water and Drainage, Potable Water, Sanitary Sewer, Parks and Recreation, Police, or Fire and Emergency Medical Services. Additionally, because the density opportunities for the six parcels that are subject to SC-S zoning through ZMA2011-0002 would be similar with the proposed amendment to the existing Washington County land use districts upon the parcels, school district forecasts for capital improvement and service provision should not be significantly affected.

## ***Chapter 6 Transportation Element***

### ***6.2 Transportation Goals and Policies***

***6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.***

The subject text amendment is proposed with the intent to maintain the density and intensity planned for by Washington County. Modification to the design and construction of surrounding transportation facilities is not proposed, nor is development proposed with this application.

***6.2.2. Goal: A balanced multimodal transportation system that provides mobility and accessibility for users.***

The subject text amendment is proposed with the intent to maintain the density and intensity planned for by Washington County. The proposed amendment is not expected to alter the multimodal transportation system provided in this area.

### ***6.2.3. Goal: A safe transportation system.***

The City of Beaverton, Washington County, TriMet, and the State of Oregon work cooperatively to ensure a safe transportation system.

### ***6.2.4. Goal: An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.***

Comprehensive Plan Section 6.2.4.c is relevant to the proposed amendment. It states as follows:

*Maintain levels of service consistent with Metro's Regional Transportation Plan, and the Oregon Transportation Plan. Applications for Comprehensive Plan Amendments shall comply with the requirements of OAR 660-012-0060 and as appropriate include a transportation Impact Analysis that shows that the proposal will not degrade system performance below the acceptable two-hour peak demand-to-capacity ratio of 0.98...*

The findings for Statewide Planning Goal 12, provided later in this report, are applicable to this section. As discussed under Goal 12, the concurrent proposal to amend the land use designation assigned to the subject parcels from Interim Washington County Transit Oriented to City SC (Station Community) is in compliance with OAR 660-012-0060.

It should also be noted that development of the SC-S zoned properties will require that the traffic impacts be assessed by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts of development are forecast to degrade the system beyond the 0.98 demand to capacity ratio, mitigation measures to alleviate the impact may be required. The analysis of the impact of development would be triggered at the time when development of the property is proposed rather than with the proposed amendment. The subject text amendment is proposed with the intent to maintain the density and intensity planned by Washington County to not adversely affect the transportation system.

### ***6.2.5. Goal: Transportation facilities that serve and are accessible to all members of the community.***

No development is proposed with this amendment; however future development of SC-S zoned parcels may require improvements to ensure facilities are accessible to all members of the community. Review of the improvements will be done at the time of proposed development.



**6.2.6. Goal: Transportation facilities that provide safe efficient movement of goods.**

**6.2.7 Goal: Implement the transportation plan by working cooperatively with federal, State, regional, and local governments, the private sector, and residents.**

The City of Beaverton, Washington County, Metro, TriMet, and the State of Oregon work cooperatively with the private sector and residents to implement a safe and efficient transportation plan. The subject proposal and its effect on the surrounding transportation facilities has been the subject of several meetings between the agencies.

**6.2.8. Goal: Create a stable, flexible financial system.**

The proposed text amendment does not include modifications to any financial system that may affect future proposed development.

**6.3 Transportation Needs**

**6.4 Developing a Financially Constrained Transportation Plan**

**6.5 Transportation System Plan Improvements**

The proposal is a text amendment to the Development code of the City of Beaverton. No development is proposed with this application. Future development of SC-S zoned properties will require that the traffic impacts be assessed by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts of development are forecast to degrade the system beyond the 0.98 demand to capacity ratio, mitigation measures to alleviate the impact may be required. This may or may not include improvements that have been identified in sections above. The analysis of the impact of development would be triggered at the time when development of the property is proposed rather than with the proposed amendment.

**Finding:** Staff finds that, for the reasons specified above, the proposal is consistent with the policies found in Chapter 6 of the City's Comprehensive Plan. Implementation of the proposed amendments does not modify the projected provision of public facilities and services. The goals found in Chapter 6 of the City's Comprehensive Plan are not expected to be adversely impacted by the proposed. Therefore, staff finds that the proposed amendment is compatible with the relevant goals and policies found in Chapter 6.

## ***Chapter 7 Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element.***

The subject proposal does not amend Chapter 7 or related resources. The current version of Washington County's *Cedar Hills-Cedar Mill Community Plan* (Community Plan) does not depict cultural, historic, scenic or Goal 5 resources on the "Significant Natural and Cultural Resources" map in association with the parcels that are subject to the proposal for ZMA2011-

0002. Prior versions of the Community Plan did depict significant natural resources, but subsequent development of the "Goal 5 Natural Resources Inventory and Significance Determination for the Peterkort and Adjacent Properties in Washington County, Oregon" (Study) published in July 1997 replaced the Community Plan mapping.

The multiple-use nature of the SC-S zoning district and the proposed amendments allow for development at densities that reduce pressure on significant natural resources and reduce per capita energy consumption.

### *Chapter 8 Environmental Quality and Safety Element.*

Chapter 8 of the *Comprehensive Plan for the City of Beaverton* addresses water quality, air quality, noise, seismic hazards, geologic hazards, flood hazards, and solid and hazardous wastes. Developments that may occur within the SC-S zoning district are expected to maintain water quality, air quality, noise levels, and provision of solid and hazardous waste disposal services similar to developments that are allowed under the current County land use districts. Additionally, developments will be required to meet engineering, construction and building standards relative to any seismic, geologic or flood hazards that may exist.

### *Chapter 9 Economy Element.*

The City's Station Community land use designation allows for implementation of zoning districts that require higher densities and, "...sufficient intensities to generate light rail ridership and around-the-clock activity," as stated in section 3.8.2 of the *Comprehensive Plan*. The SC-S zoning district, as amended, requires the highest density (minimum number of residential dwelling units) of any zoning district available in the Development Code and the SC-S zone allows for the highest range of FAR.

Section 9.2.2.1 of the *Comprehensive Plan* states, "support business development through an effective transportation system, targeted land (re)development, and adequate infrastructure," as related to public partnerships. The parcels that are subject to ZMA2011-0002 are at an intersection of four major public transportation facilities, the Sunset Transit Center, Barnes Road, Highway 26, and Highway 217. The Sunset Transit Center provides multiple bus connections, a park-n-ride facility, and a non-auto bridge across Highway 26. Auto and pedestrian access to the Sunset Transit Center, other than the bridge over Highway 26, is currently provided through the Peterkort Station Area by a surface street. The location of the Sunset Transit Center bolsters the area's opportunities for employment and commercial growth.

Section 9.2.3.1 of the *Comprehensive Plan* includes language for requiring, "a high quality... attractive environment," and recognition of, "the growing cultural diversity in Beaverton." The County and the City both require design review for development in multiple use areas. As the controlling agency for Barnes Road, the County will continue to be engaged in review of transportation facilities for the Barnes-Peterkort Area. The City considers Barnes Road a



Major Pedestrian Route, which carries with it additional design requirements for abutting development.

The City's SC-S zoning district, as amended, allows for a mix of uses, density, intensity intended to support business development. Additionally, the City's Development Code design standards will provide developers with baseline improvement requirements to improve quality of life.

**Summary Finding:** Staff finds that the proposed Text Amendment is generally consistent with the City's Comprehensive Plan.

Therefore, staff finds the proposed Text Amendment satisfies criterion 4.

5. *The proposed amendment is consistent with other provisions within the City's Development Code.*

**Facts and Findings:**

The proposed amendments do not create impacts or conflicts with other provisions within the Development Code. The proposed amendments are only applicable to the SC-S zoning district, which is limited in its application by the *Comprehensive Plan and Zoning District Matrix*. The design review standards, including those for development along Major Pedestrian Routes, also will continue to apply to all development within the SC-S zoning district.

**Finding:** Staff finds that the proposed Text Amendment is consistent with other provisions within the City's Development Code.

Therefore, staff finds the proposed Zoning Map Amendment satisfies criterion 5.

6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*

**Facts and Findings:**

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment.

**Finding:** Staff finds that criterion 6 is not applicable to the proposed Text Amendment.

Therefore, staff finds the proposed Text Amendment satisfies criterion 6.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

### Facts and Findings:

Staff has submitted the required application materials documents related to review of a Text Amendment application. This application will be reviewed concurrently with the CPA2011-0002 and ZMA2011-0002.

Therefore, staff finds the proposed Zoning Map Amendment satisfies criterion 7.

### *Other applicable approval criteria*

As a post-acknowledgement amendment to the City's Development Code, the proposed Text Amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff has determined that Goals 1, 2, 5, 6, 7, 9, 10, 11, 12, 13 and 14 are applicable to the proposed map amendment.

#### **Goal 1: Citizen Involvement**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

This proposed amendment is subject to the public notice requirements of the City Charter and Development. At the hearing, the Planning Commission considers written comments and oral testimony before they make a recommendation to City Council. The amendment procedures outlined in Development Code Section 50.50 allow for proper notice and public comment opportunities on the proposed text amendment as required by this Statewide Planning Goal. These procedures have been followed.

#### **Goal 2: Land Use Planning**

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The City of Beaverton adopted its Comprehensive Plan, which includes text and maps in a three-part report (Ordinance 1800), in 1972. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before adoption. The adopted Plan and findings supporting adoption was deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003.

This proposal amends language within the *Development Code of the City of Beaverton* related to development of properties that are assigned the SC-S zoning district. The proposal satisfies

the thresholds for a Text Amendment application. Text Amendments are a Type 4 procedure and are subject to the requirements of Section 50.50 of the Development Code.

***Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces***

*To protect natural resources and conserve scenic and historic areas and open spaces.*

The current version of Washington County's Cedar Hills-Cedar Mill Community Plan (Community Plan) does not depict scenic, historic or Goal 5 resources on the "Significant Natural and Cultural Resources" map in association with the subject properties. Prior versions of the Community Plan did depict significant natural resources, but subsequent development of the "Goal 5 Natural Resources Inventory and Significance Determination for the Peterkort and Adjacent Properties in Washington County, Oregon" (Study), attached as Exhibit 9, published in July 1997 replaced the prior Community Plan mapping with the "Protected Natural Resources in Portions of the Sunset Transit Center Area" map. The Study addressed Statewide Planning Goal 5, Oregon Administrative Rule (OAR) Section 660, Division 23.

This proposal does not include amendments regarding Goal 5 resources. The subject amendments maintain the minimum residential dwelling unit requirements of Washington County. Maintaining the current density requirements will reduce pressure on natural resources over time.

***Goal 6: Air, Water and Land Resources Quality***

*To maintain and improve the quality of the air, water and land resources of the state.*

The *Comprehensive Plan for the City of Beaverton* addresses storm water and drainage, potable water, and sanitary services within Chapter 5 and addresses air quality, water quality and solid and hazardous wastes within Chapter 8. Developments that may occur within the SC-S zoning district are expected to maintain air, water, and land resource quality irrespective of the current Text Amendment proposal.

***Goal 7: Areas Subject To Natural Disasters and Hazards***

*To protect people and property from natural hazards.*

Goal 7 states that, "Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards." The City outlines goals, policies, and actions for seismic, geologic, and flood hazards within Chapter 8 of the *Comprehensive Plan for the City of Beaverton*. Varying levels of land use, site development, and building plan review are required in order to regulate where and how construction occurs, especially with regard to natural disasters and hazards. This proposal does not modify the enacted requirements related to Goal 7.

**Goal 9: Economic Development**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Statewide Planning Goal 9 states that, "Comprehensive plans for urban areas shall: ...3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The SC-S zoning district allows for various commercial uses as an implementing zone of the SC land use designation of the Comprehensive Plan Map. The SC-S zoning district was intended for parcels like the parcels identified as the subject of ZMA2011-0002. These parcels are within the Barnes-Peterkort area of the County's *Cedar Hills-Cedar Mill Community Plan*. The County's concepts were established to bolster the economic potential of properties suitable for development with a mix of uses. Amending the City's SC-S zoning district maintains compliance with the intentions expressed in Goal 9.

**Goal 10: Housing**

*To provide for housing needs of citizens of the state.*

Goal 10 requires that local jurisdictions inventory the supply of buildable lands and develop plans "...in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels".

In January of 2002, pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD) the City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Compliance with Title 1 of Metro's UGMFP (Urban Growth Management Functional Plan) standards was cited as a compliance element in satisfying the requirements of Goal 10. Based upon the findings of those studies, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. The City's policies that were derived from this process were henceforth acknowledged to comply with Goal 10.

The proposal amends the Development Code to require a specific minimum number of residential dwelling units over SC-S zone parcels. In the concurrent ZMA2011-0002 application, the SC-S zone would be applied to six parcels. The density allotted to the six parcels resulted from the County's process to comply with Metro's UGMFP provisions, which were subject to compliance with the Statewide Planning Goals. This proposed amendment is intended to match the minimum dwelling unit requirement of the County's planning process. This approach will continue to allow for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10.

### ***Goal 11: Public Facilities and Services***

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The City of Beaverton is located within the UGB (Urban Growth Boundary) for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and works with local governments to determine the highest and best use of lands within the UGB in order to reduce the need for provision of public facilities and services and UGB expansions into rural lands.

Generally speaking, this proposal should reduce pressure on expansion of the UGB, given the intent to match current minimum density requirements. At the time of proposed development or redevelopment of SC-S zoned properties in the future, site specific issues related to public facilities and services will be addressed as part of the development review process. Needs related to provision of public facilities and services are not expected to change significantly with implementation of the proposed amended Development Code language.

### ***Goal 12: Transportation***

*To provide and encourage a safe, convenient and economic transportation system.*

OAR (Oregon Administrative Rules) 660-012-000 through 660-012-0070, referred to as the TPR (Transportation Planning Rule), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirements for public facilities planning required under ORS (Oregon Revised Statute) 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume 4 of the Comprehensive Plan contains the City's adopted TSP, effective October 21, 2010. OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities.

The intent of the proposed amendment is to more closely approximate the intent of Washington County development requirements for the area around the Sunset Transit Center. The amendments relative to density are proposed in an effort to maintain the County's minimum density while also capping the maximum density derived from Washington County regulations for the area. The result is not exceeding the County's worst case development scenario. This density influences the scale of traffic generation that will affect local transportation facilities.

The OAR 660-012-0060 (1) (State Transportation Planning Rule (TPR)) contains standards by which to review "*amendments to functional plans, acknowledged comprehensive plans and to land use regulations*". The TPR states that such amendments "*which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.*"



This proposed amendment does not change functional classifications or change standards implementing a functional classification system. Transportation Consulting Group has submitted a significant effect analysis, Exhibit 17, based on Interim Washington County Transit Oriented Land Use District, the current zoning in that district and the worst case (highest trip generating) uses of the current zoning. This was compared to the worst case (highest trip generating) uses of the proposed SC-S zoning district of ZMA2011-0002.

The TPR states that an amendment significantly affects a transportation facility if it would:

- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (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*

The analysis provided by Transportation Consulting Group, Exhibit 17, found that, "The transportation impact of the proposed plan and zoning amendments, when accompanied by the concurrent text amendment to the SC-S zone, will be a net reduction in trip generation potential compared to that which could theoretically be generated under current County zoning. As such, the proposed land use actions do not have a Significant Effect on the transportation system for TPR purposes." Therefore, the proposal would (a) not change the functional classification of an existing or planned transportation facility, (b) not change the standards implementing a functional classification system, and (c) as measured by the end of the planning period of the adopted Beaverton TSP, 2035, the comprehensive plan amendment will:

- (A) not 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. The levels of service of the street system in the impact area are currently at acceptable levels of service (less than V/C ratio of 0.98 and the control delay of 65 seconds, Development Code Section 60.55.10.7).
- (B) not reduce the performance below the minimum acceptable performance standard identified in the TSP of an existing transportation facility and
- (C) will not 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.

Therefore, based on this data, staff is in agreement with the analysis and has concluded that the findings in the significant effect analysis that the proposed amendment concurrent with

the proposed change in zoning will not "significantly affect" a transportation facility as defined by OAR 660-012-0060 cited above. The proposed amendment is consistent with Statewide Planning Goal 12.

***Goal 13: Energy Conservation***

*To conserve energy.*

Section 7.5 of the *Comprehensive Plan for the City of Beaverton* outlines goals and policies for energy conservation, solar energy and renewable energy development. Energy conservation can be addressed in several ways. The SC-S zoning district is proposed through ZMA2011-0002 to be applied to six parcels generally within one-half mile of the Sunset Transit Center. This area of Washington County is surrounded by a variety of land use districts. The transportation services provided at the Sunset Transit Center reduce the number of individual automobiles on the streets and highways. Surrounding the Sunset Transit Center are land use designations that allow for commercial, high density residential, and high density mixed-use development. This proposal includes amendments to maintain the current level of residential density required of the six parcels. The variety of allowed development types within the SC-S zoning district offers opportunities for residents, employees and visitors of the subject parcels to rely on services within reasonable walking and biking distances. The combination of transit availability and mix of land uses is expected to reduce per capita energy consumption.

***Goal 14 Urbanization***

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

This proposal will allow the City of Beaverton to carry on current County minimum density requirements. By continuing to require the same level of density over the six parcels subject to ZMA2011-0002, this proposal will not increase pressure on the UGB.

**Remaining Goals**

***Goal 3: Agricultural Lands***

***Goal 4: Forest Lands***

These goals apply to rural unincorporated areas. The City of Beaverton is an urban incorporated area; therefore, the goals are not applicable.

***Goal 8: Recreational Needs***

The proposal does not involve locating necessary recreational facilities which include destination resorts or opportunities to satisfy the recreational needs to visitors and the



citizens of the state. Therefore, this goal is not applicable.

***Goal 15: Willamette Greenway***

This goal applies to lands along the Willamette River. The Willamette River is not within, or adjacent to, the City of Beaverton, thus this goal is not applicable to the proposal.

***Goal 16: Estuarine Resources,***

***Goal 17: Coastal Shorelands,***

***Goal 18: Beaches And Dunes,***

***Goal 19: Ocean Resources***

These goals apply to oceanic or coastal resources. The City of Beaverton is more than 80 miles from oceanic or coastal resources; therefore, these goals do not apply to the City of Beaverton.

**Summary Finding:** Staff finds that, for the reasons identified above, the proposed amendment complies with Goals 1, 2, 5, 6, 7, 9, 10, 11, 12, 13 and 14 and finds that Goals 3, 4, 8 and 15 through 19 are not applicable. Criterion 1.5.1.A is met.

## **SUMMARY**

For the reasons identified above, staff finds that the Text Amendment satisfies the approval criteria for a Text Amendment pursuant to Section 40.85.15.1.C of the *Development Code of the City of Beaverton*.

## **CONCLUSION**

Based on the facts and findings presented, staff concludes that proposal, TA2011-0003 (Station Community – Sunset Text Amendment) meets the criteria for approval.

## **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of TA2011-0003 (Station Community – Sunset Text Amendment) with no recommended conditions of approval.



## MEMORANDUM

### Community and Economic Development Department

**To:** Planning Commission  
**From:** Steven A Sparks, AICP  
**Date:** December 5, 2011  
**Subject:** Peterkort Amendments

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Please find attached Exhibit 21. Exhibit 21 is a revised Transportation Planning Rule Analysis to the proposed Peterkort Amendments:

CPA2011-0002	Peterkort Station Community Comprehensive Plan Map Amendment
ZMA2011-0002	Peterkort Station Community – Sunset Zoning Map Amendment
CPA2011-0003	Peterkort Corridor and NR-HD Comprehensive Plan Map Amendment
ZMA2011-0003	Peterkort CC and R1 Zoning Map Amendment
TA2011-0003	Station Community – Sunset Text Amendment

Exhibit 21 includes edits to Exhibit 17 that staff feels are not substantive, in that they are part of the memo describing the analysis and are not errors within the analysis of Tables 2 through 5. The specific edits include:

- annexation information and relative number of parcels per annexation year
  - clarification of UPAA requirements
  - notation of Corridor Commercial zoning (not Community Commercial)
  - reference to all existing Washington County zoning designations in Table 1 and on page 6
  - clarification of floor area allowed upon parcel 7 (1S103A002200)
  - clarification of the results of the analysis in Table 4
  - replacement of Figure 2.
-

**TRANSPORTATION CONSULTING GROUP**

Phone 503/969-6255  
Fax 503/324-3489

Transportation Engineering & Planning

PO Box 282  
Banks, Oregon 97106

November 27, 2011

City of Beaverton  
Attn: Steve Sparks  
4755 SW Griffith Drive  
Beaverton, Oregon 97005

**RE: Peterkort Properties: Comprehensive Plan and Zoning Map Amendments  
CPA 2011-0002 / ZMA 2011-0002**

Tax Lots:	1S1 02CA 00600	1S1 02CA 00500
	1S1 02CB 00100	1S1 03AD 00600
	1S1 02B 00500	1S1 03A 02200

**CPA 2011-0003 / ZMA 2011-0003**

Tax Lots:	1S1 03A 01600	1S1 03A 01700
	1S1 03AB 00200	1S1 03A0 02300
	1S1 03A0 02100	1S1 02BB 07200
	1S1 02B 00400	

Dear Steve:

The City of Beaverton and the Peterkort ownership are proposing Comprehensive Plan Map Amendments and Zoning Map Amendments on thirteen parcels located within the Sunset Transit Center Station Community boundary. Nine parcels were annexed to the City of Beaverton in 2005 as part of Ordinance 4334, and four were annexed in 2011 as part of Ordinance 4562. Each parcel presently carries Washington County zoning designations which are required by the Urban Planning Area Agreement (UPAA) between the County and City to be converted to City of Beaverton zoning most closely matching that of the County. Figure 1 depicts the parcels proposed for zone change and their current County zoning designations. Figure 2 illustrates the proposed zoning for each of the parcels. This letter analyzes the proposed zone change on the multiple parcels from County zoning to Beaverton zoning specifically with regard to compliance with the Transportation Planning Rule (TPR), OAR 660-012-0060.

This work product has been developed in cooperation with City of Beaverton planning department staff, who have assumed responsibility for interpreting County and City zoning codes in order to facilitate determination of the appropriate City zoning designation for each individual parcel; and for purposes of this TPR analysis, to ascertain the potential "worst-case development" mix of uses under each agency's zoning code. The mix of uses yielding the highest trip generating potential under each respective zone's allowed uses was established by TCG in cooperation with City staff. An example of this includes use of medical office as a worst-case trip generation for the commercial/office land use type since it generates more trips per thousand square foot of building than general office use.

Beaverton staff's analysis of "maximum" land development alternatives under both County and City zoning are attached in Appendix A for reference.

## **SUMMARY OF FINDINGS**

For proposed zone changes in Oregon, the applicant is required to evaluate the effect of such zone change on the transportation system's ability to service the impacts resulting from the zone change. The provisions of OAR 660-012-0060 provide the framework for this assessment. Typically, this requires a two-step process. The first step of the analysis is to determine if there will be a significant effect on surrounding transportation facilities due to the proposed zoning revision. In the event it is determined that the zone change yields a significant effect, the second step is to identify and provide appropriate mitigation measures under OAR 660-012-0060(2),

Determination of significant effect on a typical zone change analysis for TPR compliance would be based upon a comparison of "reasonable" worst-case development under the existing and proposed zoning designations through the adopted forecast year, currently 2035. This is because most TPR analyses relate to parcels undergoing a change in zoning to either intensify use or to alter the intended underlying use of the parcels, such as from residential use to commercial/retail use. The UPAA between the City and County does not identify correlating City zoning districts to the County's Transit-Oriented land use districts. In this case, the transition from County zoning to City zoning is on a like-to-like basis, consistent with the UPAA requirement, both for type of use and for intensity of use. For this reason, the methodology used compares maximum worst-case development scenarios, assuming in each case that development scenarios are taken to the maximum trip generating use mix allowed, and to the maximum intensity allowed as determined either by density, FAR, or height limitations under the respective County and City zoning. This approach has been taken in order to guide structural refinements to the City's Station Community - Sunset zone text language to result in equivalent trip generation potential to that which would be achievable and allowable under County zoning. The concurrent Station Community - Sunset text amendment process is a result of this analysis.

**Commercial CC Zoned Parcels:** For the two Peterkort parcels located south of Barnes Road adjacent either side of Cedar Hills Boulevard, the proposed conversion from County TO:RC zoning to Beaverton CC (Corridor Commercial) zoning was determined to yield equivalent trip generation potential. (See Table 2) As such, a determination of No Significant Effect was reached for these two parcels thereby eliminating the need for a 20-year "reasonable worst-case traffic operational analysis for the two parcels located adjacent Cedar Hills Boulevard and south of Barnes Road.

**Residential R1 Zoned Parcels:** The analysis described below identified that potential "maximum" worst-case trip generation under the City residential R1 zoning for parcels located north of Johnson Creek and for Parcel 1, located at the northwest corner of the intersection of Barnes Road and Cedar Hills Boulevard, (see Figures 1 and 2) would yield slightly less trip generating potential than under the current County Transit Oriented residential zones (TO:R12-18 and TO:R24-40). Table 3 provides the detailed trip generation calculations. For this reason, the analysis concludes that there is No Significant Effect resulting on the transportation system from the zone change on the residential zoned parcels (Parcels 1, 6, 10, 11, and Open Space), thus a 20-year "reasonable"

worst-case traffic operational analysis is not required for the parcels slated to receive a R1 zoning designation.

**Station Community – Sunset Zoned Parcels:** For Peterkort parcels located north of Barnes Road, south of Johnson Creek, and east of Cedar Hills Blvd (see Figures 1 and 2) as well as for those parcels located on the south side of Barnes Road east of the existing retail Towne Square parcel, the analysis showed that a direct comparison of maximum worst-case development under both the County and City zoning could result in an increase in potential trip generation under the Beaverton Station Community – Sunset (SC-S) zoning. Primarily this is due to a greater height allowance under Beaverton zoning than under County zoning. The SC-S zone is unique to the Peterkort area and it is recognized that it could be refined to constrain use under the SC-S zone to ensure “maximum” trip generation potential cannot exceed that which could be achievable under the County zones for these parcels (TO: R40-80, TO:R80-120, and TO:BUS). In order to ensure a No Significant Effect finding, and to preclude the need for a 20-year transportation operational analysis, this led to a recommendation that the SC-S zoning code text be amended to regulate the maximum amount of specific types of land uses which could be developed on the SC-S zoned land as follows:

Residential	5,115 du (attached housing)
Office/Commercial	7,200,000 sf
Retail	3,500,000 sf
Hi-Turnover Sit-Down Restaurants	65,900 sf (13 maximum)
Quality Restaurants	194,600 sf (16 maximum)

In summary, with the concurrent text amendment to the Station Community – Sunset (SC-S) zoning code language to limit the size of potential development by use to ensure equivalent trip generating potential, this analysis concludes that the proposed zone change from County zoning to Beaverton SC-S zoning on Parcels 7, 12/17, Hillside, and the Station site would not have a significant effect on the transportation system. For this reason, no detailed 20-year forecast or buildout level forecast of traffic operations is warranted for these parcels concurrent with the assignment of City SC-S zoning and approval of the concurrent text amendment to the SC-S zone.

**Performance Measures:** It is important to note that, just as under County zoning, Development Code, and R&O 86-95 requirements, the ability to develop land uses within the constraints established by the City of Beaverton's Zoning and Development Code, requires the ability to provide specific transportation operations analyses showing that the actual proposed development can be safely and efficiently served by the impacted transportation system, with or without recommended mitigation. In fact, Beaverton's adopted performance standards are more stringent than current adopted County standards. Beaverton requires mitigation to ensure a volume/capacity ratio of 0.98 is maintained while Washington County requires a 0.99 V/C rate. Beaverton requires a study encompassing the 5% impact area while the County requires a 10% impact area analysis. Past transportation studies prepared by TCG for the Peterkort have indicated that some additional roadway system mitigation is anticipated to support “reasonable” worst-case levels of mixed use development, with the level of development trip generation deemed serviceable in past studies measuring well below the “theoretical” zoned trip generating capacity of the parcels identified in Tables 2, 3, 4, and 5.



## COMPARISON OF DEVELOPMENT POTENTIAL

Figure 1 depicts the Peterkort-owned parcels being considered for zone change from their current County zoning to new Beaverton zoning. Specifically, Figure 1 illustrates the current County zoning, while Figure 2 depicts the proposed new Beaverton zoning. Both figures list relevant tax lot designations, gross acreage, net acreage, and the past Peterkort Parcel labeling designations.

Table 1 summarizes the parcels under consideration:

**Table 1**

Parcel Name	Tax Lot	County Zoning	Beaverton Zoning	Gross Acres	Net Acres
Towne Square I	1S1 03A 01600	TO:RC	CC	16.91	16.91
Towne Square II	1S1 03A 01700	TO:RC	CC	9.32	9.32
Parcel 1 Kinder Care, PK West	1S1 03AB 00200	TO: R24-40 TO: R12-18	R1	20.38	8.66
Tract "A"	1S1 03A 02300	TO: R24-40 TO:R40-80	R1	8.83	0.0
Parcel 6	1S1 03A 02100	TO: R24-40	R1	10.76	10.76
Parcel 10	1S1 02BB 07200	TO: R24-40	R1	8.09	8.09
Parcel 11	1S1 02B 00400	TO: R24-40	R1	0.72	0.72
Parcel 7 (Johnson Ck West)	1S1 03A 02200	TO: R40-80	SC-S	11.93	9.21
Parcel 12 (Johnson Ck East) Parcel 17 (Holly)	1S1 02B 00500	TO: R40-80 TO: R80-120 TO:BUS	SC-S	22.04	15.74
Hillside (West) – HS(w)	1S1 03AD 00600	TO: R40-80	SC-S	3.86	1.46
Hillside (East) / Sunset (West)	1S1 02CB 00100	TO: R40-80 TO:BUS	SC-S	21.41	19.77
Sunset (Homestead)	1S1 02CA 00500	TO: BUS	SC-S	3.22	2.70
Sunset (East)	1S1 02CA 00600	TO: BUS	SC-S	0.70	0.23

A detailed series of spreadsheets prepared by Leigh Crabtree, Associate Planner, with the City of Beaverton is included in Appendix A. All calculations assume floor-to-floor heights in office/commercial uses at 10 feet and assume residential dwelling units at an average of 1,000 square feet per unit. A brief summary of each parcel's assumed type and intensity of use follows:

**CC Zoned Parcels:** Both County and City zoning allow similar types of commercial development including retail and office type uses, with height limited in both cases to yield a maximum of 6 floors of development. Theoretically, this could yield 4,419,598 square feet of developed space on Towne Square I and 2,435,875 square feet on Towne Square II under both County and City zoning. Actual serviceable development intensity is considerably less, though for purposes of establishing zoning criteria, the existing TO:RC matches the City's CC zoning designation. Housing is optional in the City's CC zoning. For purposes of worst-case trip generation, no housing use is considered since it generates less trips per thousand square feet than other potential commercial and retail uses. Table 2 compares trip generating potential under both the existing County TO:RC zoning and the proposed Beaverton CC zoning.



**R1 Zoned Parcels:** Parcel 1, located at the northwest quadrant of the Barnes/Cedar Hills intersection, is currently zoned TO:R24-40 south of Johnson Creek and TO:R12-18 north of the creek. Maximum height limits would allow up to 5,148,792 square feet of developed space under the County zoning, up to 5,326,517 square feet under City zoning. Development density for this parcel is limited on this parcel not by height, but instead by maximum residential density. Under County zoning, a maximum of 771 dwelling units could be provided while Beaverton zoning would allow a maximum of 888 dwelling units. County zoning however allows, in addition to the residential use, up to 10% of buildable area as commercial use. Table 3 details trip generation for the estimated 81,556 square feet of commercial use as a 5,000 square foot High Turnover Sit Down style restaurant, a 5,000 square foot Day Care (the existing Kinder Care), and the balance as Shopping Center type use.

Development of Parcel 6 under County zoning could yield a maximum of 430 dwelling units and 5,000 square feet of commercial/retail use. Beaverton's R1 zoning could allow up to 469 dwelling units. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of a 2,000 square foot coffee/donut shop and the remaining 3,000 square feet is a small convenience store.

Parcel 10 development could yield up to 324 dwelling units and 5,000 square feet of commercial/retail use under County zoning. Beaverton's R1 zoning could allow up to 352 dwelling units. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of a 2,000 square foot coffee/donut shop and the remaining 3,000 square feet is a retail shopping structure.

Parcel 11 would support up to 29 dwelling units and 5,000 square feet of commercial/retail use under County zoning and up to 31 dwelling units under Beaverton R1 zoning. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of 5,000 square feet of specialty retail space.

Beaverton staff has also compared development potential on the Open Space tract shown on Figures 2 and 3. Under County zoning, staff calculates it could yield 353 apartment units and 5,000 square feet of commercial/retail use. Beaverton's R1 zoning could support 385 dwelling units. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of a 2,000 square foot coffee/donut shop and the remaining 3,000 square feet is retail shops.

**SC-S Zoned Parcels:** Parcel 7, located on the north side of Barnes Road between Cedar Boulevard and Valeria View Drive, is currently zoned TO:R40-80. Under the current zoning, the parcel could support up to 954 dwelling units (assumed at 954,000 sf), a matching 954,000 square feet of office space, and up to 10% retail space (assumed at 212,000 sf). The County zoning includes a provision that retail use shall not exceed 10,000 square foot per parcel, but in the event Parcel 7 is portioned into multiple small parcels, the cumulative 10% retail provision would prevail. Under Beaverton zoning, a minimum of 177 dwelling units is required but the maximum number is only limited by building height. Beaverton's SC-S zoning, as currently adopted, could allow a maximum of 6,236,050 square feet of buildable space. In order to estimate maximum worst-case trip generating potential under City zoning, residential use was held to a minimum with the balance

of buildable area assumed as medical office use with two 5,000 square foot High-Turnover Sit Down style restaurants.

Table 4 illustrates that the SC-S zoning could generate significantly more trip generation than the County TO:R40-80 zoning, prompting the need to pursue text amendments to the SC-S zoning code to limit the amount of each land use type within the SC-S zone to remain compatible with trip generation potential under the current County zoning. As described below, this is the case for all parcels proposed to receive SC-S zoning. Table 5 illustrates trip generation comparisons with capped amounts of use on all of the SC-S zoned parcels in order to assure TPR compliance.

Parcels 12 and 17 (Holly site) are located on the north side of Barnes Road extending from Valeria View Drive east to the Peterkort Centre site. The parcels are bounded on the north by the Johnson Creek corridor. Parcel 12 is currently zoned TO:R40-80 while Parcel 17 (Holly site) is zoned TO:R80-120 and TO:BUS. Beaverton staff has proposed the SC-S zone as the most compatible of existing Beaverton zones. For maximum potential development under the County zoning, housing is required to be maximized at its limit of 2,261 dwelling units. Under the County zoning, allowances of office and commercial use are granted in conjunction with housing. Within the TO:R40-80 zone, up to 50% of total building area can be developed as office use plus an additional allowance of up to 10% commercial. Within the TO:R80-120 zone, up to 25% of total building area can be developed as office use plus an additional allowance of up to 10% commercial. By Beaverton staff's calculations, this could potentially allow up to 3,967,699 square feet of development under County zoning. Under Beaverton's SC-S code, mixed use is required but only with a minimum 302 dwelling units. The remainder of buildable space is theoretically controlled only by height restrictions which could allow development up to 12 stories on the gross acreage. Theoretically, this could yield a total of 11,520,749 square feet of developed space. A significant increase in trip generating potential would exist unless constraints are placed on development under the SC-S zone. For this reason, the SC-S zone text amendment is being processed concurrent with these plan amendment and zone change processes in order to restrict development potential under the SC-S zone to be compatible with that which could be developed under the County zoning.

The Hillside West site is zoned TO:R40-80 and is also proposed for conversion to the SC-S zone. Like Parcels 12 and 17, the potential maximum development under the SC-S zone could significantly exceed that which could be developed under the County zoning. With the maximum 309 dwelling units under the County zoning, Beaverton staff has calculated that total development could reach 686,667 square feet. Under the SC-S zone, staff estimates 2,017,699 square feet of developed space could result. Amendments to the SC-S code are proposed to restrict development to remain compatible with that which could potentially be developed under the TO:R40-80. Under either code, this theoretical maximum development still far exceeds that which can be serviced and supported by the transportation system, notwithstanding mitigation improvements. Regulating the level of development will be addressed through the City's land development entitlement process, with adherence to adopted transportation performance measures remaining as the final determinant of allowable development use, mix, and density.

The Hillside East parcel carries an existing TO:R40-80 zoning and the Sunset West parcel carries a TO:BUS zoning. Both are proposed for conversion to SC-S zoning. Including 391 dwelling units, it is estimated that a potential maximum of 6,889,104 square feet could be developed under

County zoning. Under the SC-S zoning, staff estimates a maximum of 11,191,435 square feet including a minimum of 406 dwelling units could theoretically be developed, based upon height limitation applied over the entire gross site area. Use of a capped SC-S zone will be required to ensure TPR compliance.

The Sunset Homestead parcel, located near the eastern end of the Station site, is currently zoned TO:BUS. Staff estimates that, under County zoning, a minimum of 22 dwelling units would be required and maximum potential development could reach 1,122,105 square feet based upon the eight story height limitation. The Beaverton SC-S zone allows for up to 12 floors, resulting in a potential 1,683,158 square feet with a minimum of 53 dwelling units. Capping use under the SC-S zone will be required for TPR compliance.

The Sunset East parcel is zoned TO:BUS and is slated to convert to SC-S zoning. A minimum of 5 dwelling units would be required under County zoning with maximum potential development based upon 8 floors of maximum height totaling 243,936 square feet. Under the SC-S zone, a minimum of 4 dwelling units would be required and a maximum of up to 304,920 square feet could result given the Beaverton 12 floor height limit. A cap of use within the SC-S zone will be required to assure TPR compliance.

## **COMPARISON OF TRIP GENERATION POTENTIAL**

The land use comparisons prepared by City of Beaverton staff were converted into PM Peak Hour trips utilizing the 8<sup>th</sup> Edition of the Institute of Transportation Engineers Trip Generation Manual. Basic principles carried throughout the trip generation calculations presented in Tables 2, 3, 4 and 5 are summarized below:

- For maximum trip generation by parcel under the County TO:R24-40, TO:R40-80, and TO:R80-120 zoning, the number of dwelling units is required to be maximized since it allows matching percentages of non-residential building area in commercial and retail uses.
- For maximum trip generation by parcel under the City SC-S zoning, the number of dwelling units is required to be minimized since it generates less trips per thousand square feet of building area than commercial or retail uses.
- All residential use trip generation under both City and County zoning has been based upon ITE Land Use Code 223 for Mid-Rise Apartments.
- All office commercial uses under both City and County zoning have been based upon ITE Land Use Code 720, Medical-Dental Office Clinic as it generates more trips per thousand square feet than general office, is allowed under both City and County zoning, and is a use likely to be sited on Peterkort property in some measure due to the proximity to the St. Vincent Hospital.
- For retail uses, it was determined that the trip tables would consider gross trips and net trips reflecting reduction for pass-by trips. In order to maximize trip generating potential, it was recognized that Quality Restaurants (ITE LU #931) generate more net new trips per thousand square feet of building area than High-Turnover Sit-Down style restaurants (ITE LU#932) due to the pass-by trip reduction. Both generate trips at a higher trip rate per thousand square feet than Shopping Center (ITE Land Use Code #820). Under both County and City zoning, the total number of restaurants are held equal and approximates

the number and density of restaurants found at the Bridgeport Village development, reflecting the anticipation that the market in the Peterkort area is capable of sustaining a similar number of establishments.

- No modal trip reduction or mixed use trip reduction has been assumed in this analysis as the level of development specificity is unavailable for this high-level comparison.

Table 2, attached at the end of this letter, summarizes potential worst-case trip generation potential for the two commercially zoned parcels located adjacent to Cedar Hills Boulevard and between US-26 and Barnes Road. These parcels are referred to as Peterkort Centre I (the existing retail facility) and Peterkort Centre II (the vacant site previously considered for a WalMart). Under either County TO:RC zoning or City CC zoning, gross PM Peak hour trips could theoretically reach approximately 24,378 vehicles per hour with net trips totaling 22,150 trips per hour. As such, No Significant Effect on the transportation system is expected from the application of the proposed CC zoning designation. By comparison, past Peterkort transportation master plan studies considered actual development proposals, or conceivable "reasonable" worst-case development, on these two sites totaling approximately 1100 net PM Peak Hour vehicular trips. This reinforces the previous assertion that this TPR compliance comparison of theoretical maximum worst-case trip generation for purposes of matching zoning requirements is an exercise which yields very little insight to how specific future development will be delivered. That remains to be determined through subsequent transportation master plan and traffic impact analysis studies.

Table 3 at the end of this letter provides a summary of potential worst-case trip generation for Parcels 1, 6, 10, 11, and the Open Space tract. While development has already occurred on the northern portion of Parcel 1 and the full area of Parcels 6, 10, and 11, the worst-case trip generation assumptions presented in Table 3 are based upon zoning capacity under current County zoning and proposed Beaverton R1 zoning, and are not based on actual built product. As described on pages 4 and 5, the Beaverton R1 zoning would allow slightly more residential dwelling units compared with current County zoning. The County zoning however allows for some development of supportive commercial/retail space. Table 3 summarizes theoretical worst-case trip generation potential under County and City zoning and finds that potentially the County zoning could generate 335 more PM Peak Hour trips than could be generated under City R1 zoning. Theoretically, County zoning could generate 1164 PM Peak Hour net trips cumulatively on all of these parcels. By comparison, based upon recent traffic counts and prior Traffic Impact Analyses, actual built development under County zoning on the developed parcels is generating approximately 233 trips in the PM Peak Hour compared with the theoretical maximum under County zoning of 475 trips for these same developed parcels. No Significant Effect on the transportation system is thus anticipated through the application of the R1 zoning on the parcels being considered in this application.

Table 4, attached at the end of this letter, provides a summary of theoretical worst-case trip generation for Parcels 7, 12/17, the Hillside Parcel, and the Parcels which comprise the Station site. Under current County zoning, these parcels could theoretically generate 37,311 net PM Peak Hour trips. With the SC-S zoning as it currently exists, 111,948 net PM Peak Hour trips could theoretically be generated. Because of this disparity, the SC-S zoning text is being amended to restrict the amount of residential density and non-residential floor area development in order to ensure theoretical trip generating capacity is reduced below that which could theoretically be developed under the existing County zoning. Table 5 at the end of this letter reflects trip



generation with cumulatively capped non-residential development at 10,960,500 square feet for all SC-S zoned parcels, limited as follows:

Residential	5,115 du (attached housing)
Office/Commercial	7,200,000 sf
Retail	3,500,000 sf
Hi-Turnover Sit-Down Restaurants	65,900 sf (13 maximum)
Quality Restaurants	194,600 sf (16 maximum)

The resulting theoretical cumulative PM Peak Hour net trip generation with SC-S land use caps in place is 37,305 trips, approximately 6 trips below that which could theoretically be developed under County zoning. By comparison, past Peterkort transportation master plan studies have proven the ability to service approximately 3,200 net PM Peak Hour trips on Parcels 7, 12, 17, Hillside, and Station site. With the SC-S zone capped as detailed above, maximum trip generating potential for these parcels will be slightly reduced from that which could theoretically be generated under County zoning. As such, No Significant Effect is anticipated from the rezoning of these parcels to the City SC-S zone designation.

## TRANSPORTATION PLANNING RULE COMPLIANCE

This section evaluates the compliance of the proposed land use actions with TPR. OAR Section 660-12-0060 of the TPR establishes the criteria for evaluating comprehensive plan and zoning amendments. Table 6 summarizes the criteria in Section 660-012-0060 and their applicability to the proposed rezoning of Peterkort parcels.

**Table 6**  
**Summary of OAR 660-012-0060 Criteria**

Criteria	Description	Applicable?
1	Describes how to determine if a proposed plan or zone change amendment results in a significant effect.	See response below
2	Describes measures for complying with Criteria #1 where a significant effect is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity, and performance standards of the transportation facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with appropriate road authority agencies. (ODOT, City, and County)	See response below
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Provides guidelines for mixed-use, pedestrian-friendly neighborhoods.	No

As noted in Table 6, there are eight criteria that apply to Comprehensive Plan and Zoning Amendments. Of these, Criteria #1 and Criteria #4 are applicable to the Peterkort proposed amendments. These criteria are provided below in italics with our response shown accordingly.

- (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 ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (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.*

**Response:** The transportation impacts of the proposed plan and zoning amendments, when accompanied by the concurrent text amendment to the SC-S zone, will be a net reduction in trip generation potential compared to that which could theoretically be generated under current County zoning. As such, the proposed land use actions do not have a Significant Effect on the transportation system for TPR purposes.

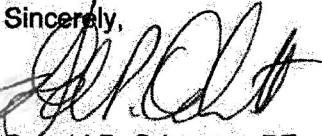
- (4) *Determinations under sections (1) – (3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

**Response:** The assessment of transportation impacts associated with this series of land use actions is being coordinated with ODOT, the City of Beaverton, and Washington County. Meetings have been held with agency representatives to discuss the methodology used in this analysis.



I trust this letter adequately addresses the comparative transportation impacts associated with the City of Beaverton and Peterkort's proposed plan and zone amendments on the subject parcels. If you have any questions or comments, please contact me at (503) 969-6255.

Sincerely,



Donald P. Odermott, PE  
Transportation Consulting Group

Figure 1	Existing County Zoning Map
Figure 2	Proposed Beaverton Zoning Map
Table 2	Maximum Worst-Case Trip Generation for Commercial Zoned Parcels
Table 3	Maximum Worst-Case Trip Generation for Residential Zoned Parcels
Table 4	Maximum Worst-Case Trip Generation for SC-S Zone Mixed-Use Parcels
Table 5	Maximum Worst-Case Trip Generation for Capped SC-S Zone Mixed-Use Parcels
Attachment A	Land Use Development Assumptions



*Expires 12-31-12*

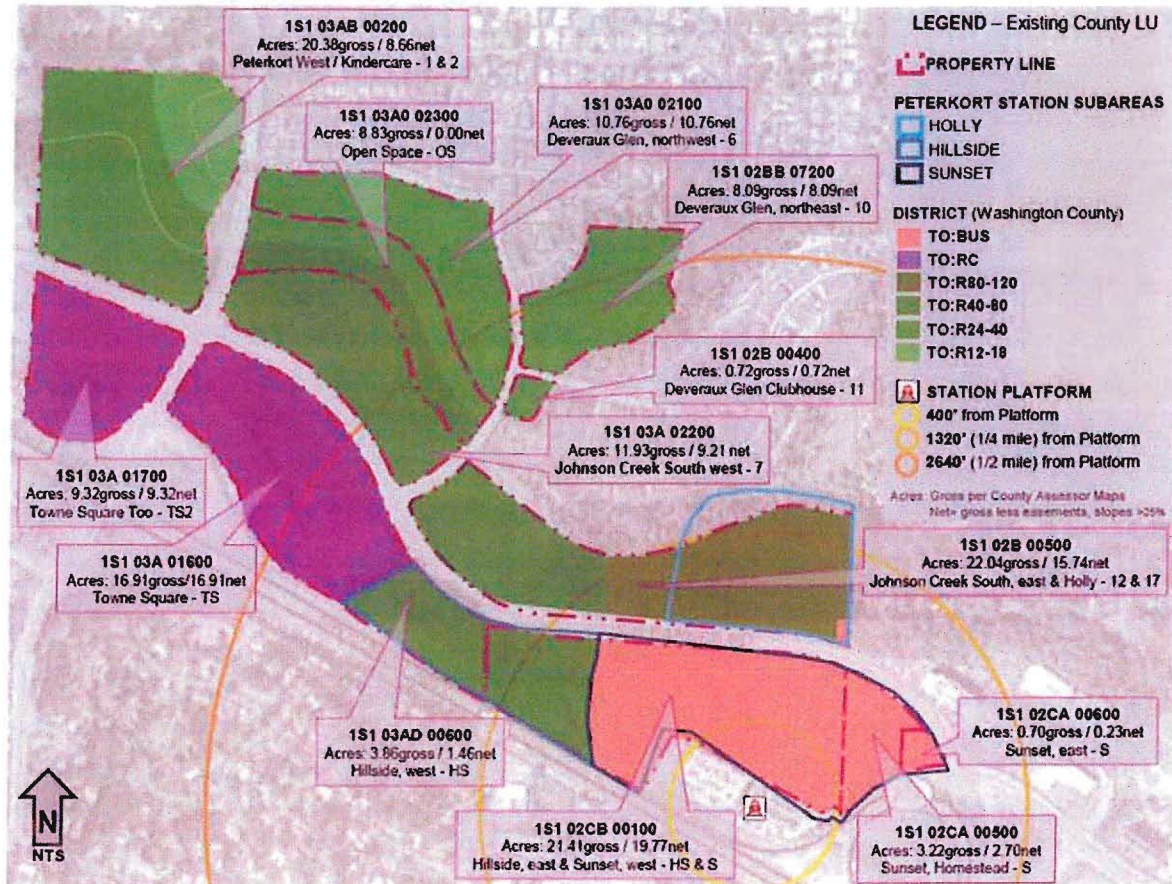


Figure 1

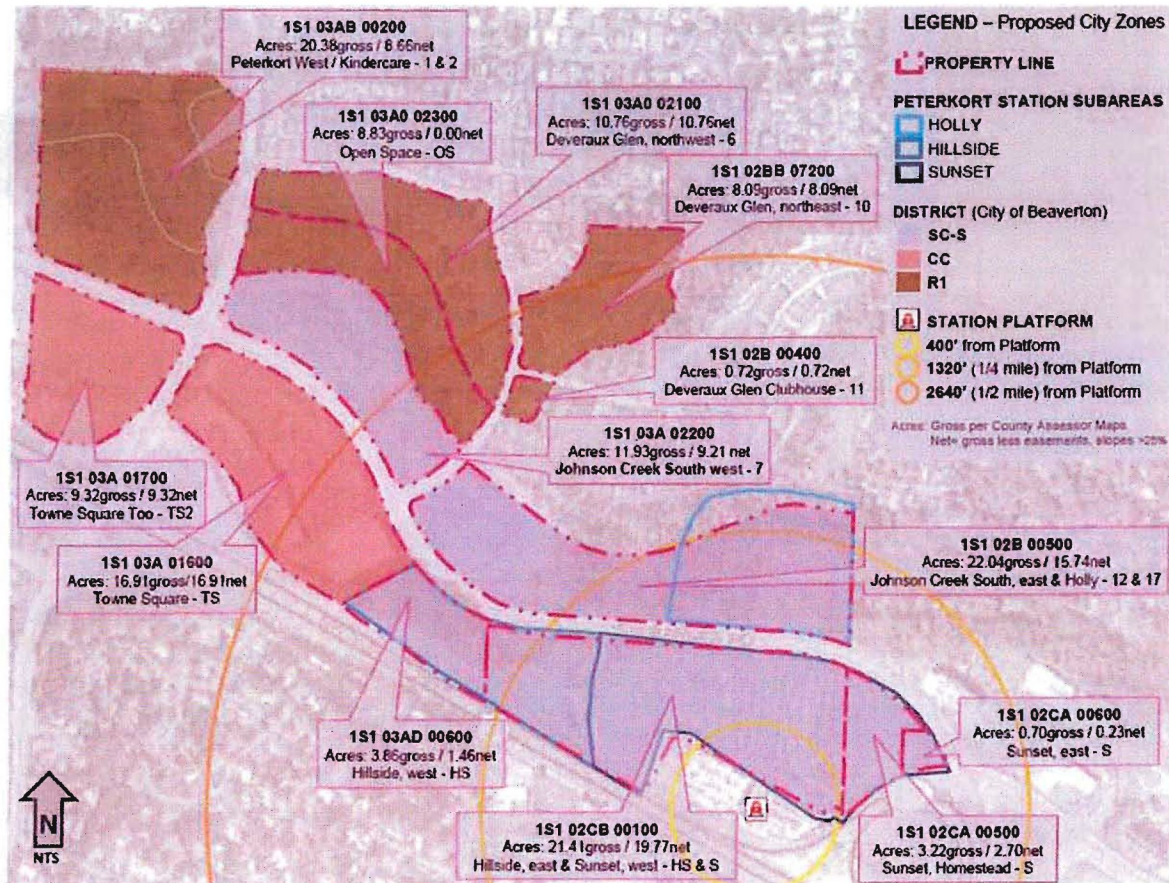


Figure 2



**Table 2**

**Transportation Planning Rule Compliance - Trip Comparison for Commercial Zoned Parcels**

Parcel	Existing County Zoning (Maximum Worst-Case)				PM Rate	PM Trips	Less Pass-By	Pass-By %	Parcel	Beaverton Proposed Zoning (Maximum Worst-Case)				PM Rate	PM Trips	Less Pass-By	Pass-By %	Net Trip Change
Towne Square II (TO-RC)	Shopping Center (LU 820)	598,969	sf	3.73	2,234	1,475	34%		Towne Square II (CC)	Shopping Center (LU 820)	598,969	sf	3.73	2,234	1,475	34%		0
	Medical Office (LU 720)	1,826,906	sf	3.46	6,321	6,321	0%			Medical Office (LU 720)	1,826,906	sf	3.46	6,321	6,321	0%		
	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%			Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%		
	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%			Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%		
						8,462	2,832									2,435,875 sf		
Towne Square I (TO-RC)	Shopping Center (LU 820)	1,082,304	sf	3.73	4,037	2,664	34%		Towne Square I (CC)	Shopping Center (LU 820)	1,082,304	sf	3.73	4,037	2,664	34%		0
	Medical Office (LU 720)	3,314,699	sf	3.46	11,469	11,469	0%			Medical Office (LU 720)	3,314,699	sf	3.46	11,469	11,469	0%		
	Hi-Turn SitDown Restaurant (LU 932) - 3 Each	5,000	sf	11.15	56	32	43%			Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%		
	Hi-Turn SitDown Restaurant (LU 932) - 3 Each	5,000	sf	11.15	56	32	43%			Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%		
	Quality Restaurant (LU 931)	12,596	sf	7.49	94	94	0%			Quality Restaurant (LU 931)	12,596	sf	7.49	94	94	0%		
						15,772	14,791									4,419,598 sf		

Total Gross Trips (8th Edition ITE) = 24,378  
Gross less Pass-By/Diverted Trips (8th Edition ITE) = 22,150

Total Gross Trips (8th Edition ITE) = 24,378  
Gross less Pass-By/Diverted Trips (8th Edition ITE) = 22,150

Proposed Zoning minus Existing Zoning (Net Maximum Worst-Case Trips in PM Peak Hour) = 0

**Table 3**  
**Transportation Planning Rule Compliance - Trip Comparison for Residential Zoned Parcels**

Parcel	Existing County Zoning (Maximum Worst-Case)							Parcel	Beaverton Proposed Zoning (Maximum Worst-Case)							Net Trip Change
			PM Rate	PM Trips	Less Pass-By	Pass-By %				PM Rate	PM Trips	Less Pass-By	Pass-By %			
Parcel 1 Kindercare Peterkort West Open Space (TO: R12-18) (TO: R24-40)	Mid-Rise Apartment (LU 223)	771	unit	0.39	301	301	0%	Parcel 1 Kindercare Peterkort West Open Space (R1)	Mid-Rise Apartment (LU 223)	888	unit	0.39	346	346	0%	
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%									
	Day Care Center (LU 565)	5,000	sf	12.48	62	22	65%									
	Shopping Center (LU 820)	71,556	sf	3.73	267	176	34%									
Tract "A" Open Space (TO: R24-40)	Mid-Rise Apartment (LU 223)	353	unit	0.39	138	138	0%	Tract "A" Open Space (R1)		Max = 5,326,517 sf						-184
	Coffee/Donut Shop with Drive Thru (LU 937)	2,000	sf	42.93	86	35	59%		Mid-Rise Apartment (LU 223)	385	unit	0.39	150	150	0%	
	Retail Shopping Center (LU 820)	3,000	sf	3.73	11	7	34%									
Parcel 6 Deveraux Glen West Site (TO: R24-40)	Mid-Rise Apartment (LU 223)	430	unit	0.39	168	168	0%	Parcel 6 Deveraux Glen West Site (R1)	Mid-Rise Apartment (LU 223)	469	unit	0.39	183	183	0%	
	Coffee/Donut Shop with Drive Thru (LU 937)	2,000	sf	42.93	86	35	59%									
	Convenience Market (LU 851)	3,000	sf	52.41	157	61	61%									
Parcel 10 Deveraux Glen NE Site (TO: R24-40)	Mid-Rise Apartment (LU 223)	324	unit	0.39	126	126	0%	Parcel 10 Deveraux Glen NE Site (R1)	Mid-Rise Apartment (LU 223)	352	unit	0.39	137	137	0%	
	Retail Shopping Center (LU820)	3,000	sf	3.73	11	7	34%									
	Coffee/Donut Shop with Drive Thru (LU 937)	2,000	sf	42.93	86	35	59%									
Parcel 11 Deveraux Glen SE Site (TO: R24-40)	Mid-Rise Apartment (LU 223)	29	unit	0.39	11	11	0%	Parcel 11 Deveraux Glen SE Site (R1)	Mid-Rise Apartment (LU 223)	31	unit	0.39	12	12	0%	
	Specialty Retail (LU 814)	5,000	sf	2.71	14	9	34%									

Total Gross Trips (8th Edition ITE) = 1,579  
Gross Less Pass-By/Diverted Trips (8th Edition ITE) = 1,164

Total Gross Trips (8th Edition ITE) = 829  
Gross Less Pass-By/Diverted Trips (8th Edition ITE) = 829

Proposed Zoning minus Existing Zoning (Net Maximum Worst-Case Trips in PM Peak Hour) = -335



Table 4

## Transportation Planning Rule Compliance - Trip Comparison for Mixed Use Zones with Existing SC-S Code

Parcel	Existing County Zoning (Maximum Worst-Case)	PM	PM	LCU	Pass By	Parcel	Beaumont Proposed Zoning (Maximum Worst-Case)	PM	PM	LCU	Pass By	Net Trip Change		
		Rate	Trips	Pass-By	%			Rate	Trips	Pass-By	%			
Station (West) (TO-BUS) Hillside (East) (R 40-80)	TO-BUS: Medical Office (LU 720)	3,653,129	sf	3.46	12,640	0%	Medical Office (LU 720)	10,768,235	sf	3.46	37,258	37,258	0%	
	Mid-Rise Apartment (LU 223)	123	unit	0.39	48	0%	Mid-Rise Apartment (LU 223)	321	unit	0.39	127	127	0%	
	Shopping Center (LU 820)	7,457,070	sf	3.73	9,185	34%	Hi-Turn SitDownRestaurant (LU 932)	3,000	sf	11.15	56	32	43%	
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%	
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%	
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%	
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%	
	TO R40-80: Medical Office (LU 720)	268,000	sf	3.46	927	927	0%	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%
	Mid-Rise Apartment (LU 223)	354	unit	0.39	105	105	0%	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%
	Shopping Center (LU 820)	5,938	sf	3.73	22	15	34%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%							
	Quality Restaurant (LU 931)	12,600	sf	7.49	90	90	0%							
Station Homestead (TO-BUS)	Medical Office (LU 720)	651,269	sf	3.46	2,253	2,253	0%	Medical Office (LU 720)	1,640,138	sf	3.46	5,675	5,675	0%
	Mid-Rise Apartment (LU 223)	72	unit	0.39	9	9	0%	Mid-Rise Apartment (LU 223)	41	unit	0.39	17	17	0%
	Shopping Center (LU 820)	413,642	sf	3.73	1,543	1,018	34%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%							
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%							
Station (East) (TO-BUS)	Medical Office (LU 720)	141,342	sf	3.46	489	489	0%	Medical Office (LU 720)	269,720	sf	3.46	919	919	0%
	Mid-Rise Apartment (LU 223)	3	unit	0.39	2	2	0%	Mid-Rise Apartment (LU 223)	6	unit	0.39	2	2	0%
	Shopping Center (LU 820)	65,174	sf	3.73	233	154	34%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%							
Hillside (R40-80)	Medical Office (LU 720)	309,000	sf	3.46	1,069	1,069	0%	Medical Office (LU 720)	1,995,099	sf	3.46	6,905	6,905	0%
	Mid-Rise Apartment (LU 223)	109	unit	0.39	121	121	0%	Mid-Rise Apartment (LU 223)	22	unit	0.39	9	9	0%
	Shopping Center (LU 820)	17,767	sf	3.73	141	93	34%							
	Quality Restaurant (LU 931)	10,000	sf	7.49	75	75	0%							
	Quality Restaurant (LU 931)	10,000	sf	7.49	75	75	0%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	37	43%							
Parcel 7 (R40-80)	Mid-Rise Apartment (LU 223)	714	unit	0.39	372	372	0%	Mid-Rise Apartment (LU 223)	177	unit	0.39	69	69	0%
	Medical Office (LU 720)	354,000	sf	3.46	3,301	3,301	0%	Medical Office (LU 720)	6,049,090	sf	3.46	20,930	20,930	0%
	Quality Restaurant (LU 931)	17,600	sf	7.49	94	94	0%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Shopping Center (LU 820)	189,470	sf	3.73	706	466	34%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
Parcel 12 Parcel 17 (TO: BUS) (TO: R40-80) (TO: R80-120)	Mid-Rise Apartment (LU 223)	7,111	unit	0.39	882	882	0%	Mid-Rise Apartment (LU 223)	607	unit	0.39	118	118	0%
	Medical Office (LU 720)	3,276,397	sf	3.46	4,427	4,427	0%	Medical Office (LU 720)	11,710,740	sf	3.46	38,817	38,817	0%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Quality Restaurant (LU 931)	12,600	sf	7.49	94	94	0%							
	Shopping Center (LU 820)	404,702	sf	3.73	1,510	996	34%							
Total Gross Trips (8th Edition ITE) =		42,155		37,331		Total Gross Trips (8th Edition ITE) =		112,145		111,948				
Gross less Pass-By/Diverted Trips (8th Edition ITE) =						Gross less Pass-By/Diverted Trips (8th Edition ITE) =								

Proposed Zoning minus Existing Zoning (Net Maximum Worst-Case Trips in PM Peak Hour) = 74,637

Maximum Square Footage by Type (SC-S Parcels):	
Residential	3,343
Commercial	7,236,151
Shopping Center Retail	1,570,801
Hi-Turn Sit-Down Restaurant Retail (13)	65,800
Quality Restaurant Retail (16)	194,600

Maximum Square Footage by Type (SC-S Parcels):	
Residential	873
Commercial	31,937,611
Shopping Center Retail	0
Hi-Turn Sit-Down Restaurant Retail (8)	40,000
Quality Restaurant Retail (9)	113,400



Table 4

Transportation Planning Rule Compliance - Trip Comparison for Mixed Use Zones with Amended SC-5 Code

Parcel	Existing County Zoning (Minimum Worst-Case)	PM	PM	Less	Pass-By	Parcel	Rezonation Proposed Zoning (Capitol SC-5 Worst-Case)	PM	PM	Less	Pass-By	Net Trip Change		
		Rate	Trips	Trips	%			Rate	Trips	Trips	%			
Station (West) (TO-BUS) Hillside (East) (R 40-80)	TO-BUS: Medical Office (LU 720)	1,853,329	sf	3.46	12,640	12,640	0%	Medical Office (LU 720)	1,910,000	sf	3.46	13,529	13,529	0%
	Mid-Rise Apartment (LU 223)	113	unit	0.39	48	48	0%	Mid-Rise Apartment (LU 223)	110	unit	0.39	195	195	0%
	Shopping Center (LU 820)	2,457,030	sf	3.73	9,165	6,049	34%	Shopping Center (LU 820)	2,450,000	sf	3.73	9,139	6,031	34%
	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%
	TO R40-80: Medical Office (LU 720)	268,000	sf	3.46	927	927	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%
	Mid-Rise Apartment (LU 223)	113	unit	0.39	105	105	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%
	Shopping Center (LU 820)	5,958	sf	3.73	22	15	34%	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%
	Hi-Turn SitDown Restaurant (LU 932)	5,000	sf	11.15	56	32	43%	Quality Restaurant (LU 931)	12,000	sf	7.49	90	90	0%
	Quality Restaurant (LU 931)	12,000	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	90	90	0%
Quality Restaurant (LU 931)	12,000	sf	7.49	90	90	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	90	90	0%	
Quality Restaurant (LU 931)	12,000	sf	7.49	90	90	0%	Quality Restaurant (LU 931)	12,000	sf	7.49	90	90	0%	
Quality Restaurant (LU 931)	12,000	sf	7.49	90	90	0%								

Total Gross Trips (8th Edition ITE) = 42,153  
Gross less Pass-By/Overlaid Trips (8th Edition ITE) = 47,311

Total Gross Trips (8th Edition ITE) = 42,062  
Gross less Pass-By/Overlaid Trips (8th Edition ITE) = 47,305

Proposed Zoning minus Existing Zoning (Net Maximum Worst-Case Trips in PM Peak Hour) = -6

Total Square Footage by Type (SC-5 Parcels):	
Residential	3,942
Commercial	7,256,151
Shopping Center Retail	3,270,801
Hi-Turn Sit-Down Restaurant Retail (13)	65,969
Quality Restaurant Retail (16)	794,620

Total Square Footage by Type (SC-5 Parcels):	
Residential	3,110
Commercial	7,200,000
Shopping Center Retail	3,500,000
Hi-Turn Sit-Down Restaurant Retail (13)	65,900
Quality Restaurant Retail (16)	194,600

## Appendix A

# 1S1 03A 01700 - Towne Square II - TSII

9.32 gross acres / 7.46 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:RC land use district	CC zoning use district		
Residential Requirements	minimum maximum	no dwelling unit requirement	81 dwelling units (not required) 406 dwelling units (not required)		
FAR Requirements	minimum maximum	101,495 square feet (0.25 FAR (CDC)) no maximum	no FAR requirement		
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low high	81,000 square feet to 406,000 square feet		0%	65,000
Office	low high	76,121 square feet to 1,826,906 square feet		79%	1,925,875
Commercial	low high	25,374 square feet to 608,969 square feet		21%	510,000
Total	low high	101,495 square feet 2,435,875 square feet	81,000 square feet 2,435,875 square feet	100%	2,435,875
High Development Potential - Calculation Narrative		maximum building mass (gross square feet of tax lot multiplied by the number of floors under the maximum building height of the district)			
Building Mass	maximum	324,958 sf (1 floor on net acreage) 1,949,746 sf (6 floors on net acreage) 2,435,875 sf (6 floors on gross acreage)	324,958 sf (1 floor on net acreage) 1,949,746 sf (6 floors on net acreage) 2,435,875 sf (6 floors on gross acreage)		



# 1S1 03A 01600 - Towne Square - TS

16.91 gross acres / 13.53 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:RC land use district	CC zoning use district		
Residential Requirements	minimum maximum	no dwelling unit requirement	147 dwelling units (not required) 737 dwelling units (not required)		
FAR Requirements	minimum maximum	202,576 square feet (0.25 FAR (CDC)) no maximum	no FAR requirement		
Development Potential		Development Potential		TPR Assumptions ratios	TPR Assumptions square feet
Residential	low high		147,000 gsf to 737,000 gsf	0%	-
Office	low high	151,932 square feet 3,314,699 square feet		79%	3,497,002
Commercial	low high	50,644 square feet 1,104,900 square feet		21%	922,596
Total	low high	202,576 square feet 4,419,599 square feet	147,000 square feet 4,419,598 square feet		4,419,598
High Development Potential - Calculation Narrative		maximum building mass (gross square feet of tax lot multiplied by the number of floors under the maximum building height of the district)	maximum building mass (gross square feet of tax lot multiplied by the number of floors under the maximum building height of the district)	100%	4,419,599
Building Mass	maximum	589,367 gsf (1 floor on net acreage) 3,536,201 gsf (6 floors on net acreage) 4,419,598 gsf (6 floors on gross acreage)	589,367 gsf (1 floor on net acreage) 3,536,201 gsf (6 floors on net acreage) 4,419,598 gsf (6 floors on gross acreage)		4,419,598

1S1 03AB 00200 - Kindercare, Open Space, Peterkort West - 1

20.38 gross acres / 9.73 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY		
District	TO:R12-18 land use district TO:R24-40 land use district	R1 zoning use district					
Residential Requirements	minimum maximum	267 dwelling units, minimum 771 dwelling units, maximum	302 dwelling units, minimum 888 dwelling units, maximum				
FAR Requirements	minimum maximum	563,666 gsf, minimum no maximum	no FAR				
Development Potential		Development Potential		TPR Assumptions	TPR Assumptions		
				ratios	square feet	ratios	square feet
Residential	low high	267,000 square feet to 771,000 square feet	302,000 square feet to 888,000 square feet	90%	771,000	100%	888,000
Office	low high			0%	-	0%	-
Commercial	low high	81,556 square feet (up to 10% commercial)		1%	10,000	0%	-
Total	low high	267,000 square feet 852,556 square feet	302,000 square feet 888,000 square feet		781,000		888,000
				92%	852,556	100%	888,000
High Development Potential - Calculation Narrative	The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit.				
Building Mass	maximum	423,839 gsf building mass (1 floor on net acreage) 2,401,027 gsf building mass (4 or 6 floors on net acreage) 5,148,792 gsf building mass (4 or 6 floors on gross acreage)	423,839 gsf building mass (1 floor on net acreage) 2,543,033 gsf building mass (6 floors on net acreage) 5,326,517 gsf building mass (6 floors on gross acreage)				

# 1S1 03A 02300 - Tract "A", Open Space - OS

8.83 gross acres / 0.00 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:R24-40 land use district	R1 zoning use district		
Residential Requirements	minimum	- dwelling units, minimum	- dwelling units, minimum		
	maximum	353 dwelling units, maximum	385 dwelling units, maximum		
FAR Requirements	minimum	- gsf, minimum (0.25 FAR (CDC))	no FAR		
	maximum	no maximum			
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low	- square feet	- square feet		
	high	353,000 square feet	385,000 square feet	99%	353,000
Office	low				
	high			0%	-
Commercial	low				
	high	< 5,000 square feet (WashCo CDC, 375-7(3))		1%	5,000
Total	low	- square feet	- square feet		
	high	358,000 square feet	385,000 square feet	100%	358,000
High Development Potential - Calculation Narrative		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit	
Building Mass		2,307,809 gsf (6 floors on gross acreage)	2,307,809 gsf (6 floors on gross acreage)		
	maximum				



1S1 03A 02100 - Deveraux Glen, northwest - 6

10.76 gross acres / 8.61 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY			CITY OF BEAVERTON			COUNTY	CITY
District	TO:R24-40 land use district			R1 zoning use district			
Residential Requirements	minimum	258 dwelling units, minimum		375 dwelling units, minimum			
	maximum	430 dwelling units, maximum		469 dwelling units, maximum			
FAR Requirements	minimum	304,659 gsf, minimum 0.65 FAR (CDC)		no FAR			
	maximum	no maximum					
Development Potential			Development Potential			TPR Assumptions	
						ratios	square feet
Residential	low	258,000 square feet		375,000 square feet			
	to			to			
	high	430,000 square feet		469,000 square feet		99%	430,000
Office	low						
	high					0%	-
Commercial	low						
	high	< 5,000 square feet (WashCo CDC, 375-7(3))				1%	5,000
Total	low	258,000 square feet		375,000 square feet			
	high	435,000 square feet		469,000 square feet			
High Development Potential - Calculation Narrative			The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial				
Building Mass		375,052 square feet (1 floor on net acres)		375,052 square feet (1 floor on net acres)			
		2,250,310 square feet (6 floors on net acres)		2,250,310 square feet (6 floors on net acres)			
	maximum	2,812,234 square feet (6 floors on gross acres)		2,812,234 square feet (6 floors on gross acres)			
			The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit.				
</							

1S1 02BB 07200 - Deveraux Glen, northeast - 10

8.09 gross acres / 6.47 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:R24-40 land use district	R1 zoning use district		
Residential Requirements	minimum maximum	194 dwelling units, minimum 324 dwelling units, maximum	282 dwelling units, minimum 352 dwelling units, maximum		
FAR Requirements	minimum maximum	229,060 gsf, minimum (0.65 FAR (CDC)) no maximum	no FAR requirement		
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low high	194,000 square feet to 324,000 square feet	282,000 square feet to 352,000 square feet	98%	324,000
Office	low high			0%	-
Commercial	low high	< 5,000 square feet (WashCo CDC, 375-7(3))		2%	5,000
Total	low high	194,000 square feet 329,000 square feet	282,000 square feet 352,000 square feet		329,000 352,000
High Development Potential - Calculation Narrative	The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit.		100% 329,000 100% 352,000
Building Mass	maximum	281,833 square feet (1 floor on net acres) 1,690,999 square feet (6 floors on net acres) 2,114,402 square feet (6 floors on gross acres)	281,833 square feet (1 floor on net acres) 1,690,999 square feet (6 floors on net acres) 2,114,402 square feet (6 floors on gross acres)		

1S1 02B 00400 - Deveraux Glen, Clubhouse - 11

0.72 gross acres / 0.58 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:R24-40 land use district		R1 zoning use district	
Residential Requirements	minimum maximum	17 dwelling units, minimum 29 dwelling units, maximum		25 dwelling units, minimum 31 dwelling units, maximum	
FAR Requirements	minimum maximum	20,386 gsf, minimum (0.65 FAR (CDC)) no maximum		no FAR requirement	
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low to high	17,000 square feet to 29,000 square feet			
			25,000 square feet to 31,000 square feet	85%	29,000
Office	low high			0%	-
Commercial	low high	< 5,000 square feet (WashCo CDC, 375-7(3))		15%	5,000
Total	low high	17,000 square feet 34,000 square feet	11,520,749 square feet 31,000 square feet		34,000 31,000
High Development Potential - Calculation Narrative	The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit		100% 34,000 100% 31,000
Building Mass	maximum	25,265 square feet (1 floor on net acres) 151,589 square feet (6 floors on net acres) 188,179 square feet (6 floors on gross acres)		25,265 square feet (1 floor on net acres) 151,589 square feet (6 floors on net acres) 188,179 square feet (6 floors on gross acres)	



# 1S1 03A 02200 - Johnson Creek South, west portion - 7

11.93 gross acres / 7.37 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:R40-80 land use district		SC-S zoning use district	
Residential Requirements	minimum	477 dwelling units, minimum	177 dwelling units, minimum		
	maximum	954 dwelling units, maximum	no dwelling units, maximum		
FAR Requirements	minimum	519,671 gsf, minimum (1.00 FAR (CDC))	192,570 gsf, minimum (0.60 FAR)		
	maximum	no maximum	no maximum		
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low	477,000 square feet	177,000 square feet		
	high	954,000 square feet		45%	954,000
Office	low				
	high	954,000 square feet (up to 50% of all development)		45%	954,000
Commercial	low				
	high	212,000 square feet (up to 10% retail, <10,000sf)		9%	190,800
Total	low	477,000 square feet	177,000 square feet		
	high	2,120,000 square feet	6,236,050 square feet	99%	2,120,000
High Development Potential - Calculation Narrative		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + the maximum office allowance + the maximum commercial allowance		The maximum Building Mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)	
Building Mass		321,037 square feet (1 floor on net acres)	321,037 square feet (1 floor on net acres)		
		2,568,298 square feet (8 floors on net acres)	3,852,446 square feet (12 floors on net acres)		
	maximum	4,157,366 square feet (8 floors on gross acres)	6,236,050 square feet (12 floors on gross acres)	100%	6,236,050

1S1 02B 00500 - Holly & Johnson Creek South, east portion - 12 & 17

22.04 gross acres / 12.59 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY				CITY OF BEAVERTON				COUNTY		CITY	
District		TO:BUS land use district TO:R80-120 land use district TO:R40-80 land use district				SC-S zoning use district					
Residential Requirements	minimum	1,072 dwelling units				302 dwelling units					
	maximum	2,247+ dwelling units				no dwelling units					
FAR Requirements	minimum	960,062 square feet (1.00 FAR (CDC))				329,105 square feet (0.60 FAR)					
	maximum	no maximum				no maximum					
Development Potential				Development Potential				TPR Assumptions		TPR Assumptions	
		ratios		square feet		ratios		square feet			
Residential	low	1,072,000 square feet		302,000 square feet							
	high	2,261,000 square feet				57%		2,247,000		3% 302,000	
Office	low										
	high	1,279,397 square feet				31%		1,232,844		97% 11,208,749	
Commercial	low										
	high	427,302 sf (up to 10% R, 40% com BUS)				6%		228,771		0% 10,000	
Total	low	1,072,000 square feet		302,000 square feet							
	high	3,967,699 square feet		11,520,749 square feet		93%		3,967,699		100% 11,520,749	
High Development Potential - Calculation Narrative		TO:R = maximum dwelling units allowed by zone multiplied by 1,000 sf/du + maximum office allowance (up to 50% 40-80, 25% 80-120) + maximum commercial allowance of up to 10%  TO:BUS = maximum building mass (gross square feet of BUS zoned area multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office				The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)					
Building Mass		548,420 square feet (1 floor on net acres)		548,420 square feet (1 floor on net acres)							
		4,387,363 square feet (8 floors on net acres)		6,581,045 square feet (12 floors on net acres)							
	maximum	7,680,499 square feet (8 floors on gross acres)		11,520,749 square feet (12 floors on gross acres)							



# 1S1 03AD 00600 - Hillside, west portion - HS

3.86 gross acres / 1.17 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:R40-80 land use district		SC-S zoning use district	
Residential Requirements	minimum	107	dwelling units, minimum (CH-CM)	28	dwelling units, minimum
	maximum	309	dwelling units, maximum	no	dwelling units, maximum
FAR Requirements	minimum	168,142	gsf, minimum (1.00 FAR (CDC))	30,527	gsf, minimum (0.60 FAR)
	maximum	no	maximum	no	maximum
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low	110,000	square feet		
	high	309,000	square feet	45%	309,000
Office	low	-	square feet		
	high	309,000	square feet	45%	309,000
Commercial	low	-	square feet		
	high	68,667	square feet	4%	30,900
Total	low	110,000	square feet		
	high	686,667	square feet	94%	686,667
High Development Potential - Calculation Narrative		maximum dwelling units allowed by zone multiplied by 1,000 sf/du + maximum office allowance of up to 50% + maximum commercial allowance of up to 10%		The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)	
Building Mass		50,965	square feet (1 floor on net acres)		
		407,722	square feet (8 floors on net acres)		
	maximum	1,345,133	square feet (8 floors on gross acres)		
		50,965	square feet (1 floor on net acres)		
		611,582	square feet (12 floors on net acres)		
		2,017,699	square feet (12 floors on gross acres)		
				100%	2,017,699

# 1S1 02CB 00100 - Hillside, east portion & Sunset, west portion

21.41 gross acres / 15.82 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District		TO:BUS land use district TO:R40-80 land use district		SC-S zoning use district	
Residential Requirements	minimum	216 dwelling units, minimum (CH-CM)	406 dwelling units, minimum		
	maximum	268+ dwelling units, maximum	no dwelling units, maximum		
FAR Requirements	minimum	932,620 gsf, minimum (1.00 FAR (CDC))	413,367 gsf, minimum (0.60 FAR)		
	maximum	no maximum	no maximum		
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low	216,000 square feet	406,000 gsf		
	high	391,000 square feet		6%	392,000
Office	low	349,016 square feet			
	high	3,921,129 square feet		57%	3,920,129
Commercial	low	314,677 square feet			
	high	2,576,975 square feet		37%	2,571,020
Total	low	879,693 square feet	406,000 square feet		
	high	6,889,104 square feet	11,191,435 square feet	100%	6,889,104
High Development Potential - Calculation Narrative		TO:R = maximum dwelling units allowed by zone multiplied by 1,000 sf/du + maximum office allowance (up to 50% 40-80) + maximum commercial allowance of up to 10%		The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)	
		TO:BUS = maximum building mass (gross square feet of BUS zoned area multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office			
Building Mass		689,119 square feet (1 floor on net acres)	689,119 square feet (1 floor on net acres)		
	maximum	5,512,954 square feet (8 floors on net acres)	8,269,430 square feet (12 floors on net acres)		
		7,460,957 square feet (8 floors on gross acres)	11,191,435 square feet (12 floors on gross acres)		
none		no building height maximum (Table B (A)) in the Sunset District CH-CM Community Plan, ASC 11.9			

# 1S1 02CA 00500 - **Sunset**, Homestead portion - S

3.22 gross acres / 2.16 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District	TO:BUS land use district	SC-S zoning use district			
Residential Requirements	22 dwelling units, minimum (CH-CM) no dwelling units, maximum	53 dwelling units, minimum no dwelling units, maximum			
FAR Requirements	140,263 gsf, minimum (1.00 FAR (CDC)) no maximum	56,454 gsf, minimum (0.60 FAR) no maximum			
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential low	22,000 square feet	53,000 square feet			
Residential high	22,000 square feet			2%	21,000
Office low	62,158 square feet				
Office high	651,263 square feet			58%	652,264
Commercial low	56,105 square feet				
Commercial high	448,842 square feet			40%	448,842
Total low	140,263 square feet	53,000 square feet		100%	1,122,105
Total high	1,122,105 square feet	1,683,158 square feet		100%	1,683,158
High Development Potential - Calculation Narrative	<p>maximum building mass (gross square feet of BUS zoned area multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office</p> <p>The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)</p>				
Building Mass maximum	94,090 square feet (1 floor on net acres) 752,717 square feet (8 floors on net acres) 1,122,106 square feet (8 floors on gross acres)	94,090 square feet (1 floor on net acres) 1,129,075 square feet (12 floors on net acres) 1,683,158 square feet (12 floors on gross acres)			
	none	no building height maximum (Table B (A)) in the Sunset District CH-CM Community Plan, ASC 11, 9			



# 1S1 02CA 00600 - Sunset, east portion - S

0.70 gross acres / 0.18 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY	CITY
District	TO:BUS land use district		SC-S zoning use district		
Residential Requirements	5 dwelling units, minimum (CH-CM) no dwelling units, maximum		4 dwelling units, minimum no dwelling units, maximum		
FAR Requirements	30,492 gsf, minimum (1.00 FAR (CDC)) no maximum		4,809 gsf, minimum (0.60 FAR) no maximum		
Development Potential		Development Potential		TPR Assumptions	
				ratios	square feet
Residential	low	5,000 square feet			
	high	5,000 square feet		2%	5,000
Office	low	13,295 square feet			
	high	141,362 square feet		58%	141,362
Commercial	low	12,197 square feet			
	high	97,574 square feet		40%	97,574
Total	low	30,492 square feet			
	high	243,936 square feet		100%	243,936
High Development Potential - Calculation Narrative		The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office			
Building Mass	8,015 square feet (1 floor on net acres)		8,015 square feet (1 floor on net acres)		
	64,120 square feet (8 floors on net acres)		80,150 square feet (12 floors on net acres)		
	243,936 square feet (8 floors on gross acres)		304,920 square feet (12 floors on gross acres)		
none		no building height maximum (Table B (A)) in the Sunset District CH-CM Community Plan, ASC 11, B			



## **MEMORANDUM**

### **Community and Economic Development Department**

To: Planning Commission  
From: Leigh M Crabtree  
Date: December 7, 2011  
Subject: TA2011-0003 Station Community – Sunset Text Amendment

---

Please find attached revisions to the proposed Text Amendment language, highlighted in yellow.



## TA2011-0003 Station Community – Sunset Text Amendment

Proposed modifications to the Development Code of the City of Beaverton are included, below.  
Proposed deletions are in ~~strike-out~~ form and proposed additions and replacements are underlined.  
Notes regarding proposed language changes provided in italic Arial font.

### 20.20.20 LAND USES

1. Dwellings
  - A. Attached  

*p<sup>66</sup>*
  - D. Planned Unit Development  

*C<sup>66</sup>*

*add superscript 66 within table, for the text of superscript 66, see 20.20.25.66, below.*

### 20.20.25 USE RESTRICTIONS

66. The requirements identified in Section 20.20.40 apply.

### 20.20.40 OTHER SC-S ZONING REQUIREMENTS

1. Within the SC-S zoning district, a Conditional Use Permit - PUD (Planned Unit Development), pursuant to Section 40.15.15.4 of the Development Code, shall be required for development of a parcel equal to or greater than 1/2 acre in size.
2. Within the SC-S zoning district, the following development targets shall be satisfied:
  - A. A minimum of 1,899 residential dwelling units.
  - B. A maximum of 5,115 residential dwelling units.
  - C. A maximum of 10,960,500 square feet of non-residential development.
3. All land use applications, with the exception of Sign Applications, submitted for development proposals within the SC-S zoning district shall demonstrate, through the submittal of a land use analysis, that the minimum and maximum development targets identified in Section 20.20.40.2 have been or will continue to be satisfied on the properties that comprise the SC-S zoning district.
4. No more than 80 percent of **approved** non-residential development approved through a **Conditional Use Permit - PUD (Planned Unit Development)** application may be constructed prior to construction of the minimum dwelling requirement for the

properties located within the SC-S zoning district. Once the minimum dwelling unit requirement for the properties located within the SC-S zoning district is constructed and has received receiving Certificate of Occupancy, construction of the remaining 2520 percent non-residential development may resume.

#### **40.15.        CONDITIONAL USE**

##### **40.15.05.     Purpose.**

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. A Planned Unit Development is a special kind of Conditional Use that permits the modification of the development standards in the underlying zoning district to achieve innovative design, preserve natural resources, reduce energy consumption and/or otherwise address unique site opportunities and constraints. Such approval allows the modification of such design standards without the necessity for separate Adjustment or Variance applications. Within the SC-S (Station Community-Sunset) zoning district, a Planned Unit Development is required to ensure that specific development requirements are satisfied. This Section is carried out by the approval criteria listed herein. [ORD 4473; February 2008]

##### **40.15.15.     Application.**

#### **4.        Planned Unit Development. [ORD 4432; March 2007]**

A.     Threshold. A Planned Unit Development is an application process which:

1.     May be chosen by the applicant when one or more of the following thresholds apply:

~~1.a.~~     The Planned Unit Development (PUD) may be applied to Commercial, Industrial, Multiple Use, and Residential properties that are 2 acres or greater in size within any City zoning district except Residential-Agricultural.

~~2.b.~~     When a land division of 2 acres or greater in size within any City zoning district except Residential-Agricultural requires collectively more than 3 of the following land use applications or combination thereof:

- ~~a.1)~~     Minor Adjustment;
- ~~b.2)~~     Major Adjustment;
- ~~c.3)~~     Flexible Setback; or
- ~~d.4)~~     Variance

2. Is required when development is proposed within the SC-S (Station Community – Sunset) zoning district on a land area greater than 1/2 acre in size.

- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for PUD approval. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a PUD application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a PUD application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless otherwise provided by Section 60.35.03.
  4. The proposal complies with the applicable policies of the Comprehensive Plan.
  5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
  6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
  7. The width of proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.
  8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.
  9. The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15:
    - a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.
    - b. The shape of the open space is such that the length is not more than three (3) times the width the purpose of which is to provide usable space for a variety of activities except where the Planning Commission determines a

greater proportioned length would be in the public interest and complement the overall site design.

- c. The dedicated land(s) is located to reasonably serve all lots for the development, for which the dedication is required.

10. For proposals within the SC-S (Station Community – Sunset) zoning district, the requirements identified in Section 20.20.40.2 and 20.20.40.3 are satisfied.

~~10.11.~~ If the application proposes to develop the PUD over multiple phases, the decision making authority may approve a time schedule of not more than five (5) years for the multiple development phases. If a phased PUD has been approved, development of the future phases of the PUD shall be filed within five (5) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code. However, all PUD phases must commence construction within five (5) years of the date of decision of the PUD. Refer to Section 50.90.

~~11.12.~~ Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a PUD shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The PUD application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a PUD application to ensure compliance with the approval criteria.
- F. If the application proposes to develop the PUD in a single phase, the decision shall expire two (2) years after the date of decision. Refer to Section 50.90.

Phasing of the development may be permitted with approval of the Planning Commission. A deed restriction for those areas of the parent parcel in which deferred development will occur shall limit the number of future units developed to an amount consistent with the minimum and maximum density or Floor Area Ratio (FAR) permitted for the overall development.

- G. Appeal of a Decision. Refer to Section 50.70.
- H. Expiration of a Decision. The PUD decision shall expire five (5) years after the date of decision. Refer to Section 50.90.
- I. Extension of a Decision. Refer to Section 50.93.



# PLANNING COMMISSION MINUTES

December 7, 2011

## CALL TO ORDER:

Chairman Ric Stephens called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Ric Stephens; Planning Commissioners, Mimi Doukas, Jennifer Nye, Kim Overhage, Eric Johansen, Dan Maks, and Scott Winter.

Principal Planner Steven Sparks, Associate Planner Leigh Crabtree, Senior Transportation Planner Don Gustafson, Senior Transportation Engineer Jabra Khasho, Consultant Sambo Kirkman, and Recording Secretary Sheila Martin represented staff.

The meeting was called to order by Chairman Stephens who presented the format for the meeting.

## VISITORS:

Observing that Commissioner Johansen is stepping down after serving on the Planning Commission since September 1997, Councilor Cathy Stanton expressed her appreciation to Commissioner Johansen for over 14 years of service to the City of Beaverton. She pointed out that he has also served the citizens of this city in many other capacities over the years, adding that the City Council has appreciated his consistent and thoughtful service and hopes that he enjoys the free time he will now have.

Expressing his opinion that he should have managed to retire long before his fellow Commissioner, Commissioner Maks mentioned several physical changes that he had noticed since Commissioner Johansen had started on the Commission. He noted that Commissioner Johansen had always been thoughtful in his questions and never changed his stripes, missed very few meetings, emphasizing that he had never seen anyone row a one-man boat upstream so well. Pointing out that independent voices have always been one of the qualities of this Commission, he expressed his appreciation of Commissioner Johansen for the strength of his convictions, adding that it has been a pleasure to serve with him and that he will miss him.

1 Commissioner Stephens noted that he will miss Commissioner Johansen  
2 and his *voice of reason* as well.

3  
4 **STAFF COMMUNICATION:**

5  
6 Principal Planner Steven Sparks announced that the Planning Department  
7 had won a million dollar grant award from HUD, adding that this  
8 sustainable communities planning grant will be used to fund the Creekside  
9 District Master Plan and that the Planning Commission will be very  
10 involved in this project.

11  
12 Observing that Senior Transportation Planner Don Gustafson has served  
13 the City of Beaverton for ten years, Mr. Sparks noted that he is now  
14 planning to retire. He congratulated him on his retirement, adding that  
15 staff is going to miss him and his expertise.

16  
17 **NEW BUSINESS:**

18  
19 Chairman Stephens opened the Public Hearing.

20  
21 Observing that there are five items on the agenda under new business,  
22 Mr. Sparks recommended that all five items be opened and heard  
23 concurrently and introduced and described the applications, and described  
24 applicable approval criteria for each application, as follows:

25  
26 **PUBLIC HEARINGS:**

27  
28 **I. TA 2011-0003 – STATION COMMUNITY – SUNSET (SC-S) TEXT**  
29 **AMENDMENT**

30 The City is proposing to modify Development Code Sections 20.20.20,  
31 20.20.25, and 20.20.40 to add requirements for development within the  
32 SC-S (Station Community - Sunset) zone. The City is also proposing to  
33 amend Development Code Sections 40.15.05 and 40.15.15.4 to require  
34 Conditional Use – Planned Unit Development, review of development  
35 proposal over ½ acre in size within the SC-S zoning district. The key  
36 elements of the proposed Development Code text amendment include, but  
37 are not limited to: 1) require Conditional Use – Planned Unit Development  
38 review of proposals over ½ acre in size; 2) require the development of a  
39 range of 1,899 to 5,115 residential dwelling units within the SC-S zoning  
40 district; 3) allow no more than 10,960,500 square feet of non-residential  
41 development within the SC-S zoning district; and 4) limit non-residential  
42 development to no more than 80 percent of the maximum approved  
43 square footage prior to the construction of the required minimum number  
44 of dwelling units. The purpose of the amendments is to ensure  
45 comparable minimum and maximum residential densities, non-residential

intensities, and uses as allowed by the applicable Washington County Community Plan and Development Code regulations.

**II. PETERKORT STATION COMMUNITY LAND USE AND PETERKORT STATION COMMUNITY SUNSET ZONING MAP AMENDMENTS**

**A. CPA 2011-0002 – COMPREHENSIVE PLAN MAP AMENDMENT**

**B. ZMA 2011-0002 – ZONING MAP AMENDMENT**

The City is initiating a Quasi-Judicial Comprehensive Plan Map Amendment (CPA) and a Discretionary Annexation-Related Zoning Map Amendment (ZMA) to replace Washington County TO:R40-80 (Transit Oriented: Residential 40-80 dwelling units per acre), TO:R80-120 (Transit Oriented: Residential 80-120 dwelling units per acre) and TO:BUS (Transit Oriented: Business) land use districts with the City of Beaverton SC (Station Community) land use designation and SC-S (Station Community – Sunset) zoning district over six (6) parcels.

**III. PETERKORT CORRIDOR & NR-HD LAND USE MAP & PETERKORT CORRIDOR COMMERCIAL & R1 ZONING MAP AMENDMENTS**

**A. CPA 2011-0003 – COMPREHENSIVE PLAN MAP AMENDMENT**

**B. ZMA 2011-0003 – ZONING MAP AMENDMENT**

The City is initiating a Quasi-Judicial Comprehensive Plan Map Amendment (CPA) and a Discretionary Annexation-Related Zoning Map Amendment (ZMA) to replace Washington County TO:RC (Transit Oriented: Retail Commercial), TO:R12-18 (Transit Oriented: Residential 12-18 dwelling units per acre), TO:R24-40 (Transit Oriented: Residential 24-40 dwelling units per acre) and TO:R40-80 (Transit Oriented: Residential 40-80 dwelling units per acre) land use districts with the City of Beaverton COR (Corridor) land use designation over three (3) parcels, NR-HD (Neighborhood Residential – High Density) land use designation over four (4) parcels, CC (Corridor Commercial) zoning district over two (2) parcels and R1 (Residential 1,000 square feet per dwelling unit) zoning district over five (5) parcels.

Mr. Sparks asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Observing that she does not believe that she has any conflict of interest or any biases with regard to these proposals, Commissioner Doukas disclosed that she does have some history with regard to the property involved and explained that while she had previously been employed with *Cardno WRG* she had done some consulting work with the Peterkort Homestead Group, which has an ownership interest in a small portion of the land. She pointed out that this is a legislative issue and that the analysis for conflict of interest is slightly different, adding that she is willing to participate in this hearing and decision unless it creates a problem.

1 Noting that she had received a telephone call from Bruce Bartlett,  
2 Chairman of CPO 1, Commissioner Doukas noted that she had advised  
3 him that she would prefer that any discussion with regard to these issue  
4 occur during the public hearing.

5  
6 Mr. Sparks questioned whether any member of the audience challenges  
7 the right of any Commissioner to hear any of the agenda items, to  
8 participate in the hearing or requested that the hearing be postponed to a  
9 later date. There was no response. He briefly described the hearing  
10 process and applicable approval criteria for these proposals.

11  
12 Associate Planner Leigh Crabtree and Consultant Sambo Kirkman  
13 introduced themselves.

14  
15 Ms. Crabtree presented the Staff Reports and briefly described the history  
16 of this site, which is a portion of the Peterkort holdings, and applications  
17 associated with these proposals. Observing that the properties involved  
18 had been annexed into the City of Beaverton, she discussed the 13  
19 properties which had been split into two different reviews for the staff  
20 reports.

21  
22 Observing that she is providing assistance with the review of seven  
23 parcels located north of Highway 26, Ms. Kirkman described the proposed  
24 land use designations and zoning districts and explained that all  
25 applicable approval criteria has been met.

26  
27 Ms. Crabtree explained that she is addressing the remaining six properties  
28 that are located along Barnes Road and pointed out that these parcels are  
29 current within the Transit-Oriented zoning districts of Washington County,  
30 adding that a portion of them are also located within the Area of Special  
31 Concern 11 in the Cedar Hills / Cedar Mill Community Plan.

32  
33 Noting that staff has been working with Washington County, Oregon  
34 Department of Transportation (ODOT), Metro and Department of Land  
35 Conservation (DLCD) in an attempt to propose specific zoning districts  
36 with which they feel comfortable, Ms. Crabtree explained that they had  
37 worked with County staff to determine what Washington County allows in  
38 order to determine which zones best match what is currently designated  
39 by Washington County, adding that all applicable approval criteria has  
40 been met. She described several attachments and exhibits that have  
41 been submitted and distributed including a memo with public comment  
42 exhibits and a memo with further amendments to the proposed language  
43 associated with the text amendment.

44  
45 Observing that there are two primary issues involved, Mr. Sparks  
46 explained that it is important to clarify that we are dealing with land that is



1 located in the City of Beaverton that still has Washington County zoning  
2 attached, in some cases since 2004. He pointed out that there was one  
3 landowner who was, until recently, half in and half out of the City, which  
4 could involve a myriad of different development review processes. Noting  
5 that the City is obligated under the Urban Planning Area Agreement with  
6 Washington County, to demonstrate what the City has determined to be  
7 the most similar City land use and zoning designation.

8  
9 Mr. Sparks explained that the second issue involves the technical review  
10 of traffic and transportation impacts, adding that at this stage of review,  
11 staff has a statutory obligation to review zoning impacts under the statute  
12 that is referred to as the Transportation Planning Rule (TPR), which  
13 includes a lot of information but basically means *do no harm* to the  
14 existing transportation system. He explained that this involves coming as  
15 close as possible to having the same minimum density in terms of  
16 residential and commercial already allowed by the existing County zoning  
17 designation. He pointed out that the City is not recommending additional  
18 capacity or development potential on these sites than already exists by the  
19 zoning placed on these parcels by Washington County in 1997 or 1998.  
20 Mr. Sparks explained that the transportation analysis in the packet  
21 involves a very high-level review of zoning capacity and the potential  
22 traffic impacts that could result from the rezoning. Emphasizing that no  
23 development is being proposed or reviewed at this time, he noted that the  
24 Commission will review at least one PUD application for the entirety of  
25 these properties and will consider specific traffic impacts that could  
26 potentially be created through any proposed development. This future  
27 development review is another opportunity for the Planning Commission,  
28 community, staff and others to review development of these properties.  
29 He mentioned that staff is available to respond to questions and  
30 comments as well as both Mr. Gustafson and Mr. Khasho with regard to  
31 transportation issues.

32  
33 Commissioner Winter expressed his opinion that staff had done a fantastic  
34 job of synthesizing the many details that would easily spring off of what  
35 the Commission is attempting to accomplish this evening.

36  
37 Commissioner Maks addressed the additional change in the text  
38 amendment and suggested that this situation is similar to what had been  
39 done with Progress Ridge, specifically that certain things can only be done  
40 under certain circumstances.

41  
42 In response to Mr. Maks' comments, Mr. Sparks replied that the school  
43 district had expressed concern with regard to the number of dwelling units  
44 and the impact to schools during the Murray Scholls Town Center  
45 planning process and that the City had put a cap on the number of

1 dwelling units in the Progress Ridge area. This is not the case in this  
2 proposed text amendment or rezoning.

3  
4 Commissioner Maks pointed out that he would need statistics with regard  
5 to AM peak periods with a PUD application in helping to determine  
6 intersection locations and other transportation improvements.

7  
8 Referring to the similarity of zoning, Commissioner Johansen discussed  
9 the issue of maximum allowable density.

10  
11 Ms. Crabtree noted that staff had needed to find a way to derive maximum  
12 development capacity, adding that the County has regulations that allow a  
13 developer to go beyond a maximum if it is demonstrated that it will not be  
14 detrimental to the transportation system. She explained why staff had  
15 decided to stick with the maximum height requirements of a zone and  
16 apply them to reach a maximum FAR number to derive a theoretical  
17 maximum development capacity for the TPR analysis.

18  
19 Commissioner Maks followed up with a question regarding review of a  
20 PUD application and his understanding that the City's traffic analysis  
21 standards are higher than those of Washington County; specifically the  
22 City has a higher volume to capacity ratio standard.

23  
24 City Transportation engineer, Mr. Khasho, responded that the City  
25 standards are more strict than Washington County. The County uses a  
26 .99 volume to capacity ratio over all intersections whereas the City looks  
27 at lane groups and the City uses a .98 volume to capacity ratio.

28  
29 Ms. Kirkman explained that staff has provided an exhibit illustrating the  
30 sum totals of the densities in the zoning districts and the rationale for  
31 choosing the R1 zoning district being that the other options would reduce  
32 the minimum density.

33  
34 Commissioner Johansen asked if there is a summary available regarding  
35 the impacts of density on transportation.

36  
37 Ms. Kirkman explained that an increase in dwellings with the proposed  
38 City R1 zoning does not include for limited commercial that may be  
39 constructed under the County zoning.

40  
41 Commissioner Maks noted the inclusion of the range of uses in the  
42 transportation analysis, specifically medical office which is a high  
43 transportation user.

44  
45 Commissioner Winter reminded the Commission that this hearing does not  
46 involve a site-specific development application and that the issue only

1 involves bringing land is in the City as close to the County's designation as  
2 the City allows.

3  
4 Chairman Stephens questioned whether staff is anticipating a PUD  
5 application with regard to this property any time soon.

6  
7 Observing that there is no application at this time, Ms. Kirkman advised  
8 Chairman Stephens that the property owners should be able to address  
9 this issue.

10  
11 Commissioner Nye expressed her concern that it appears that the City is  
12 not meeting both the minimum density and the minimum FAR.

13  
14 Ms. Crabtree explained that Exhibit 15, the Development Capacity  
15 Analysis, demonstrates the analysis prior to adding to minimum density for  
16 the Station Community-Sunset zone. She noted that Commissioner Nye  
17 is correct that the overall FAR is lower, partially due to the fact that the  
18 Corridor Commercial zoning district does not have a minimum FAR.  
19 Observing that this district has zero setbacks, she noted that staff is  
20 reasonably certain that it can accommodate a .25 FAR with development.  
21 She described that with the proposed text amendment and zoning map  
22 amendment this will now be the highest dwelling unit residentially zoned  
23 area in the City based upon matching the current requirements of the  
24 County zoning.

25  
26 Mr. Sparks noted that he would like to compare theoretical zoning capacity  
27 to reality, observing that a .25 FAR is a very low intensity and noted that  
28 the City is seeing commercial developments in the neighborhood of .35 to  
29 .40 FAR. Mr. Sparks noted that once a development goes beyond .40  
30 FAR, structured parking is typically involved, which is very expensive. The  
31 City will address development capacity at the development review process  
32 which will identify specific issues, specific floor area, traffic generation and  
33 the City will identify appropriate mitigation at that time. He discussed the  
34 development reality in the Regional Center, noting that the Development  
35 Code allows building heights of 200 feet and floor areas that are a  
36 minimum of .60 FAR, and explained that while he has not calculated the  
37 numbers, the amount of non-residential floor area that we could potentially  
38 accommodate in the Regional Center zoning district is probably  
39 approximately 50 million square feet. The reality is that the square  
40 footage needs to be parked and there are transportation impacts to  
41 consider. Development of that size is not likely to occur for those reasons.

42  
43 Commissioner Nye requested clarification with regard to the origin of the  
44 80% non-residential number.

45

1 Mr. Sparks explained that this is a number developed by staff based upon  
2 expectation of the type of development they anticipate will be developed in  
3 an area over time. He noted that due to the current financial market, a 30-  
4 unit to the acre type of density is highly unlikely at this time, adding that  
5 there is currently a rather large supply of housing available. He mentioned  
6 that staff had decided to reflect the County code section in one area of the  
7 Peterkort parcels (the northeast corner of Barnes Road and Cedar Hills  
8 Boulevard) where residential is required, adding that if you reach a certain  
9 point, commercial may be allowed. He pointed out that staff is not  
10 ignoring the need to provide housing and a complete community, adding  
11 that they are attempting to create an environment that is attractive for  
12 housing.

13  
14 Commissioner Nye noted that she did not notice open space integrated in  
15 the proposed Text Amendment.

16  
17 Mr. Sparks advised that the PUD code includes open space requirements.

18  
19 **PUBLIC TESTIMONY**

20  
21 Expressing his opinion that the 80% threshold for commencing residential  
22 development is far too lenient, **LARRY BATES** observed that he believes  
23 that a more appropriate threshold would be in the range of 25% to 50%.  
24 Emphasizing that historically, the Peterkort property has developed at a  
25 very slow pace, he noted that he is also concerned with implementing  
26 residential development as a more appropriate use for a Station  
27 Community area.

28  
29 Observing that he is the rookie on the Peterkort team, **SCOTT EATON**  
30 and introduced other members of the Peterkort team. Mr. Eaton explained  
31 that Mr. Sparks has done an excellent job of trying to present these  
32 materials with regard to the TPR and zone change and the reality that the  
33 applicant will face when they proceed with the PUD after this phase is  
34 complete. He explained that it is difficult to attempt to simultaneously deal  
35 with the theoretical and the reality of this particular situation, adding that  
36 the Peterkort team has worked closely with all jurisdictions involved in  
37 order to address all of the issues. Concluding, he noted that the property  
38 owner does intend to go through the PUD process and noted that there is  
39 some urgency with getting this through in a timely manner and they would  
40 like to see the proposals adopted.

41  
42 **JIMMY BELLOMY**, representing *WH Pacific*, explained that he has been  
43 consulting with J Peterkort and Company for over 15 years. He has  
44 worked on the Master Plans through Washington County, annexations  
45 with the City of Beaverton and development of the SC-S zone  
46



1 Observing that he has served as the Peterkort's transportation  
2 professional for the past 19 years, DON ODERMOTT explained that he  
3 has had extensive experience in zoning issues as well. He discussed the  
4 Transportation Planning Rule and explained how this exercise represents  
5 the City's attempt to create a match of zonings from translating County  
6 zoning to City zoning while remaining neutral using theoretical trip  
7 generating potential. He pointed out that it is important to consider  
8 whether a land use change creates a significant effect on the  
9 transportation system and if so, it is incumbent on the applicant to  
10 determine what it would take to mitigate that change either through  
11 transportation improvements or choking back the level of development so  
12 that there is no net effect. This proposal is striving to strike a balance in  
13 the land use where theoretically the trips generated under a County  
14 zoning matches the theoretical trips generated under City zoning. Noting  
15 that Commissioner Johansen had questioned whether this would create  
16 an increase in trip generation, he explained that while there would be an  
17 increase in trips on a residential basis, as Ms. Kirkman mentioned, in the  
18 County code, there is an allowance for a small amount of  
19 commercial/retail that supports the residential. So, in the trip comparisons  
20 when you add trips from commercial/retail allowed under County zoning  
21 there is a reduction with the City R1 zoning. He further describe that by  
22 using the theoretical maximum provided by staff he translated that into  
23 trips and that in the CC zoning there was no net effect, thus no significant  
24 impact, noting that with the residential, while there is an uptick in housing  
25 it translates into a theoretical reduction in trip generating potential.  
26 Specific to the SC-S zone, with a goal to match the blend in the County  
27 zones, in the analysis it was identified that theoretically the County zoning  
28 could deliver 11,000,000 square feet of development and theoretically the  
29 SC-S zone could deliver 32,000,000 square feet of development which  
30 meant that there was a need to mitigate the theoretical effect as proposed  
31 in the text amendment to cap the use to bring balance. Noting that  
32 11,000,000 square feet of development generates 37,000 trips in the PM  
33 peak hour, Mr. Odermott further discussed that in the context of the size of  
34 roads that are generally acceptable in this community they are able to  
35 deliver development that generates 4,000 trips a day which will be  
36 discussed through the PUD and specifics of development including mixed  
37 use trip reduction. Following up on Mr. Khasho's statements, he noted  
38 that within the County table the footnote for transportation capacity is in  
39 the zoning code and the County development standards they use  
40 Resolution 8695 to write safety-driven conditions for safety improvements  
41 relying on transportation capacity and safety measured at zoning; in the  
42 City and other jurisdictions the cross check is made at the development  
43 review stage through a Traffic Impact Analysis and the City's standards  
44 are more stringent than the County's standards.  
45

1       **JAKE MINTZ** explained that his property is in the Westhaven  
2 neighborhood located just north of the Peterkort property and mentioned  
3 that he had been involved in the station area planning with Washington  
4 County which gives him some experience with this type of comparison.  
5 He pointed out that while he is speaking on his own behalf this evening,  
6 residents of CPO 1 are unfamiliar with the process and what is happening  
7 and would like to become involved on some level, possibly in the City  
8 Council hearings. He stated that he is speaking for himself. He stated  
9 that Washington County had specific standards for the station site and that  
10 he believes the urban planning area agreement wasn't worked out for  
11 consistency between the two agencies and explained that certain things  
12 need to occur in transit centers with Barnes Road being an obstacle and is  
13 concerned that the neighborhood doesn't have any certainty prior to  
14 review of a development proposal. Mr. Mintz relayed that he agrees with  
15 Brent Curtis's points regarding the prior public process and the body of  
16 work. He concluded with concerns over Goal 1 relative to the PUD issue  
17 and Goal 2 regarding zone to zone analysis.

18  
19       Observing that his family had moved onto their property immediately west  
20 of the Peterkort line in 1921, **GEORGE CHOBAN** explained that they have  
21 been good neighbors with the Peterkorts since they purchased their own  
22 property 66 years ago. Noting that there is a limited number of vehicular  
23 trips allowed in the area and that this could limit further development, he  
24 pointed out that his major concern is that he does not want to be  
25 precluded from doing any further development on his property because  
26 the Peterkorts had taken advantage of all opportunities that would be  
27 allowed in that area.

28  
29       Commissioner Doukas assured Mr. Choban that she understands his  
30 concern with vehicular trips as it relates to potential development of his  
31 property and explained how this might affect Mr. Choban's property. She  
32 advised him that although this is a legitimate concern, the process does  
33 not provide any means for the Commission to prevent this from  
34 happening, emphasizing that once the zone has been established, there  
35 will be a race to claim the trips and capacity allowed in the area and that  
36 property owners will need to be ready to protect their own interests as  
37 there is a long term risk.

38  
39       Mr. Choban observed that it is his understanding that Commissioner  
40 Doukas just informed him that he will not have the ability to develop his  
41 property if the Peterkorts develop their property and don't leave any room  
42 for additional capacity on Barnes Road.

43  
44       Commissioner Doukas advised Mr. Choban that he is correct in his  
45 understanding of the situation and that there is a very real long-term risk  
46 that the area will reach its maximum capacity through development of this

1 area. She further advised that in order to change that scenario another  
2 mass transit or transportation solution will need to be constructed.

3  
4 Mr. Choban expressed his appreciation of Commissioner Doukas'  
5 honesty.

6  
7 Commissioner Maks further pointed out that Metro could change the  
8 transportation standards and there could be no impact on trips for Mr.  
9 Choban.

10  
11 Expressing her appreciation of Commissioner Johansen and Mr.  
12 Gustafson, **KIRSTEN VAN LOO** explained that she has represented the  
13 Choban family since 1989 when she worked on an Access Management  
14 Plan, adding that she agrees with Mr. Odermott with regard to the TPR  
15 analysis. She observed that she believes the analysis in the reports  
16 shows consistency in County zoning to City zoning. She noted that she  
17 has several questions she would like staff to provide answers to prior by  
18 the City Council hearing, as follows:

- 19  
20 1. Observing that the Choban family is not interested in changing from  
21 County to City zoning, how will the City process an application  
22 concerning 12 acres (9 acres of Peterkort property and 3 acres of  
23 Choban property) if it involves one application that includes both  
24 County and City zoning?  
25 2. Who manages Barnes Road, and if it is the County, will it continue  
26 to be managed by the County including access management or  
27 how will it be managed through the City?  
28 3. The question of a potential moratorium on development in the area.

29  
30 Commissioner Doukas pointed out that when capacity is reached, while  
31 this does not exactly mean a moratorium on development, it does mean  
32 any development would be an extremely expensive endeavor.

33  
34 Responding to a clarifying question from Commissioner Overhage, Ms.  
35 Van Loo noted that the Choban family does support these applications for  
36 the Comprehensive Plan Amendments and Zoning Map Amendments.

37  
38 **ERIK MACE** identified that he lives in the Westhaven neighborhood  
39 northeast of the subject parcels. He explained that he had been made  
40 aware of the proposals by Mr. Mintz and another neighbor which led him  
41 to start looking into the proposal one week ago as the staff report was  
42 being released. Initially he viewed the proposal as housekeeping changes  
43 to the zoning, but now feels that there are some significant differences  
44 between the County plans and the City proposed plans; specifically the  
45 maximum allowances and allowances for commercial development along  
46 the north side of Barnes Road. Observing that, while the neighborhood is

1 not anti-development, it appears the community would like to have been  
2 more involved in the process. Mr. Mace requested that a decision be  
3 delayed to give the community some time and to establish an inclusive  
4 process whereby the community is involved, following that he is not  
5 necessarily opposed.

6  
7 8:00 p.m. through 8:05 p.m. – recess.  
8

9 Advising Ms. Van Loo that Barnes Road is and will continue to be under  
10 the jurisdiction of Washington County, Mr. Sparks noted that because the  
11 road is located within the city, the City of Beaverton does have some  
12 underground responsibilities with regard to utilities.

13  
14 Mr. Sparks discussed the process that would be involved if the City  
15 process an application concerning 12 acres (9 acres of Peterkort property  
16 and 3 acres of Choban property) if it involves one application that includes  
17 both County and City zoning, emphasizing that although this is  
18 complicated, it can be and has been done.

19  
20 Mr. Sparks pointed out that the present hearing is the public hearing,  
21 adding that the City Council will only become involved in a public hearing if  
22 there is an appeal of a recommendation by the Planning Commission.  
23

24 Referring to Mr. Choban's concerns with claiming trips in an area, Mr.  
25 Sparks explained that there are currently valid land use approvals for both  
26 St. Vincent's Hospital, which is a major traffic generator, and the  
27 Peterkorts through a master plan approved by Washington County,  
28 emphasizing that at any time the Peterkorts may choose to use those  
29 trips. He further explained that the City is required to respect prior valid  
30 land use approvals and generally speaking the City and the County will  
31 look at broad impact to traffic during the development review process.  
32

33 Mr. Sparks discussed Mr. Mintz's and Mr. Mace's concerns that the public  
34 has not had adequate involvement and explained what type of  
35 involvement will be available to the public through a PUD application  
36 process. He pointed out that there are both requirements and  
37 expectations of a developer with regard to community engagement,  
38 emphasizing that the expectations are not requirements. He followed up  
39 on comment by Mr. Mintz regarding Barnes Road as a barrier and noted  
40 that while there has been some mention of a bridge over Barnes Road,  
41 this is not a matter that can be addressed at this time and would be  
42 specific to a particular development and mentioned that this had been an  
43 issue with a former development application at the corner of Cedar Hills  
44 Boulevard and Barnes Road.  
45

1 Observing that she would like to discuss Master Plan requirements, Ms.  
2 Crabtree noted that Washington County required a Master Plan with  
3 development in this area that includes specific design review requirements  
4 related to these properties and that the City of Beaverton also has design  
5 review requirements. She explained that staff has provided a crosswalk of  
6 those standards between what is required by both jurisdictions, adding  
7 that the City's approach to design review is citywide and is not limited to  
8 transit-oriented zones. Noting that there are specific requirements for  
9 design review, generally, for multiple-use zoned properties there is an  
10 added level of expectation and for properties on Major Pedestrian Routes  
11 there is a greater level of expectation, all of which have been built into  
12 Chapter 60 continuing with a description of the Major Pedestrian Routes in  
13 the subject area.  
14

15 Continuing, Ms. Crabtree discussed the noticing protocols that were  
16 followed for the proposal, including notice 45 days prior to the hearing to  
17 the Department of Land Conservation and Development, Washington  
18 County, Metro, and the chairs of the local citizen involvement groups on  
19 October 20<sup>th</sup>, she further explained that notice was mailed 20 days prior to  
20 the hearing to owners of property within 500 feet of the subject parcels  
21 with the addition of the chairs of the local citizen involvement groups.  
22

23 Referring to Mr. Mace's comments, Ms. Crabtree clarified that Washington  
24 County zoning does allow for commercial development along the north  
25 side of Barnes Road stating that Washington County requires residential  
26 development along the north side of Barnes Road, but under certain  
27 circumstances does allow for up to 50% of the development to be office  
28 use and does also allow for limited retail use. She further explained that  
29 the Washington County retail allowance is 10% or 10,000 square feet  
30 whichever is less, but that it wasn't clear from the County how the  
31 restriction is applied with a development application.  
32

33 Recommending approval of all five applications and forward the  
34 recommendation to City Council, Mr. Sparks noted that staff is available to  
35 respond to questions at this time.  
36

37 The public portion of the Public Hearing was closed.  
38

39 Observing that a phenomenal amount of work has gone into these  
40 applications, Commissioner Winter noted that all involved jurisdictions are  
41 working together and are in support of the proposal and that staff had  
42 clearly demonstrated that all statutory noticing requirements with regard to  
43 the public have been met adding that he is in support of all five  
44 applications.  
45



1 Commissioner Nye noted that while she agrees that staff has done a good  
2 job on these applications, she still has some reservations with regard to  
3 the 80% and density issues, adding that she is in support of all five  
4 applications. She further encouraged community members to be actively  
5 involved and engaged in the PUD process.

6  
7 Commissioner Overhage expressed her appreciation of the tremendous  
8 amount of efforts that had been done with regard to these applications and  
9 planning efforts over the years, adding that all jurisdictions have extended  
10 their support. She was impressed with the work done in the TPR analysis  
11 and that the results of that analysis were reflected back into the text  
12 amendment. She suggested that staff or the developers consider  
13 attending the next NAC and / or CPO meetings, adding that she is in  
14 support of all five applications.

15  
16 Commissioner Maks explained that he agrees with this process for  
17 matching up the zones when annexing property into the City and urged  
18 the public to pay close attention to the PUD process and attend the  
19 hearings, adding that he supports all five applications as they meet the  
20 City's criteria.

21  
22 Emphasizing that these applications involve a complex transit oriented  
23 district with amazing potential, Commissioner Doukas noted that the  
24 housekeeping is very complex for such an area. She clarified that the City  
25 is trying to take the same concept for the Peterkort Center and what it was  
26 expected to be and equate it to a City of Beaverton bundle of tools. She  
27 discussed the difficulty involved in trying to work with the requirements of  
28 two different jurisdictions. Emphasizing that the transportation  
29 infrastructure will be what controls the intensity of this district. Noting that  
30 this PUD will involve a big public process she encouraged community  
31 involvement. She expressed her support of all five applications.

32  
33 Commissioner Johansen expressed his general agreement with the  
34 statements of his fellow Commissioners and pointed out that this process  
35 is long overdue. He commended staff for achieving what he considers the  
36 best possible scenario for this situation, adding that while it is not perfect,  
37 it is the best possible solution. He expressed some concern for the 80  
38 percent threshold. He stated that he feels that all five applications meet  
39 the approval criteria and will support a move to approve.

40  
41 Expressing his appreciation to staff for their efforts on this proposal and  
42 the content of the testimony provided, Chairman Stephens emphasized  
43 that extensive efforts had been made to notify the public and that he would  
44 like to see the community involved in the PUD. He then asked for motions  
45 to approve or deny the applications.  
46

1 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**  
2 a motion to **APPROVE** TA 2011-0003 – Station Community --- Sunset  
3 (SC-S) Text Amendment, based on the facts and findings in the Staff  
4 Report dated November 30, 2011, and additional Memorandum dated  
5 December 7, 2011.

6  
7 Motion **CARRIED** 7:0.

8  
9 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,  
10 and Stephens.

11 **NAYS:** None.

12 **ABSTAIN:** None.

13 **ABSENT:** None.

14 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**  
15 a motion to **APPROVE** CPA 2011-0002 – Peterkort Station Community  
16 Land Use & Peterkort Station Community Sunset Comprehensive Plan  
17 Amendment, based on the facts and findings in the Staff Report dated  
18 November 30, 2011.

19  
20 Motion **CARRIED** 7:0.

21  
22 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,  
23 and Stephens.

24 **NAYS:** None.

25 **ABSTAIN:** None.

26 **ABSENT:** None.

27  
28 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**  
29 a motion to **APPROVE** ZMA 2011-0002 – Peterkort Station Community  
30 Land Use & Peterkort Station Community Sunset Zoning Map  
31 Amendment, based on the facts and findings in the Staff Report dated  
32 November 30, 2011.

33  
34 Motion **CARRIED** 7:0.

35  
36 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,  
37 and Stephens.

38 **NAYS:** None.

39 **ABSTAIN:** None.

40 **ABSENT:** None.

41  
42 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**  
43 a motion to **APPROVE** CPA 2011-0003 – Peterkort Corridor & NR-HD  
44 Land Use Map & Peterkort Corridor Commercial & R1 Comprehensive  
45 Plan Amendment, based on the facts and findings in the Staff Report  
46 dated November 30, 2011.

1  
2 Motion **CARRIED** 7:0.

3  
4 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,  
5 and Stephens.

6 **NAYS:** None.

7 **ABSTAIN:** None.

8 **ABSENT:** None.  
9

10 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**  
11 a motion to **APPROVE** ZMA 2011-0003 – Peterkort Corridor & NR-HD  
12 Land Use Map & Peterkort Corridor Commercial & R1 Zoning Map  
13 Amendment, based on the facts and findings in the Staff Report dated  
14 November 30, 2011.

15  
16 Motion **CARRIED** 7:0.

17  
18 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,  
19 and Stephens.

20 **NAYS:** None.

21 **ABSTAIN:** None.

22 **ABSENT:** None.  
23

24 **MISCELLANEOUS BUSINESS:**

25  
26 **ELECTIONS FOR CHAIR AND VICE-CHAIR – 2012**

27  
28 Expressing his appreciation for the outstanding service and  
29 accomplishments of Chairman Stephens during the year 2011,  
30 Commissioner Maks **MOVED** and Commissioner Doukas **SECONDED** a  
31 motion that Commissioner Stephens serve as Chairman of the Planning  
32 Commission for the year 2012.

33  
34 Motion **CARRIED**, unanimously.

35  
36 Commissioner Maks **MOVED** and Commissioner Doukas **SECONDED** a  
37 motion that Commissioner Overhage serve as Vice-Chairman of the  
38 Planning Commission for the year 2012.

39  
40 Motion **CARRIED**, unanimously.

41  
42 The meeting adjourned at 8:45 p.m.

**BEFORE THE PLANNING COMMISSION FOR  
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST TO  
AMEND PORTIONS OF THE  
DEVELOPMENT CODE RELATED TO THE  
SC-S (STATION COMMUNITY – SUNSET)  
ZONING DISTRICT, CITY OF BEAVERTON,  
APPLICANT.

) ORDER NO. 2273  
) RECOMMENDING APPROVAL OF TA2011-0003  
) STATION COMMUNITY – SUNSET TEXT  
) AMENDMENT.

The matter came before the Planning Commission on December 7, 2011, on a request to amend portions of the Development Code of the City of Beaverton with regard to the Station Community – Sunset zoning district. Specific changes include § 20.20.20.1.A and 20.20.20.1.D (add superscript 66, refers to new § 20.20.25.66), § 20.20.25.66 (new), § 20.20.40 (new), § 40.15.05 (language added), § 40.15.15.A.2 (threshold added), § 40.15.15.C.10 (criterion added). These amendments include provisions to maintain minimum density requirements established through Washington County planning efforts, establish maximum densities to maintain transportation capacities for the planning area, require construction of the minimum residential components prior to completion of greater than 80 percent of the non-residential components, and required Planned Unit Development review of proposals over one-half acre in size within the SC-S zoning district. TA 2011-0003 (Station Community – Sunset Text Amendment) was initiated by the City of Beaverton. No new development is proposed with this application.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4542, Section 50.50 and Sections 50.55 through 50.58, the Planning Commission conducted a public hearing on December 7, 2011, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code. The Planning Commission adopts the following supplemental findings in support of the final actions in response to issues of concern, as identified herein.

*Transportation Impacts.* Concerns were raised regarding traffic impacts associated with the proposal, with emphasis to the subject amendment to apply a fixed maximum for non-residential development at 10,960,500 square feet over the parcels proposed for SC-S zoning, and effects on the surrounding area. Staff explained that the proposed maximum square footage was established through Transportation Planning Rule (TPR) analysis of the development capacity of the subject zone (Exhibit 17) by calculating the development potential of the County's TO (Transit-Oriented) (TO) land use districts to which the SC-S zoning designation would be applied. Staff explained that the application does not propose development at this size, but instead provides a land use cap for the proposed SC-S parcels derived from existing County regulated fixed maximums. Furthermore, staff explained how other limitations were established where clear fixed maximums were not identified in the County's TO zones. This derived development capacity analysis proved that the existing County zoning allowed for up to 10,960,500 square feet of non-residential development. The City's TPR analysis for an associated



Comprehensive Plan Map Amendment and Zoning Map Amendment to apply the SC-S zone to an area adjacent to the Sunset Station area could allow for up to three times as much non-residential development anticipated by the County land use designations. The proposed Text Amendment corrects that zoning capacity difference and brings the City's SC-S zone in to substantial conformity to the County's zoning for the same geographic area. Amending the Development Code with the proposed fixed non-residential maximum ensures that the applications reviewed concurrently do not have a significant effect on the transportation system as compared to that which is allowed under the current County scenario. The required TPR analysis is an "academic" exercise to understand the worst case scenario as related to transportation impacts and does not evaluate whether or not the worst case is "realistic" for development. The "realistic" development capacity of the Peterkort area will be determined with submittal of a development application. This application proposes that development of the parcels proposed for SC-S zoning will require submittal of a Conditional Use Permit - Planned Unit Development application. Staff reiterated that a TIA (Traffic Impact Analysis) is required once a specific proposal is submitted. The TIA will address the specific impacts a development will have to the surrounding area and identify the necessary mitigation measures needed. The Commission concurred with staff's findings.

*Delay of Needed Housing:* Concerns were raised that the SC-S zone does not require residential development as the County requires in the TO:R40-80 and TO:R80-120 zones. As stated in the City's concurrent ZMA2011-0002 staff report,

the City does not regulate development in the same way the County regulates development. The *Development Code of the City of Beaverton* provides a list of permitted, conditional, and prohibited uses for each zoning district. For all City multiple-use zoning districts both residential and non-residential uses may be permitted outright or with certain restrictions and none of the City's multiple-use zones require residential development on a specific site. This application is proposed concurrent with the Comprehensive Plan Map and Zoning Map amendments to require a fixed minimum number of dwelling units to be built within the SC-S zoning district as established through County regulations.

An additional concern raised was the timing of residential development and that the proposal to allow the development of up to 80 percent of the non-residential development capacity in the SC-S zone before constructing any residential development is too lenient and does not promote the development of a complete community. Staff explained that in multiple use zones the City's Development Code does not require residential development and that the combined amendments for the SC-S zoning district result in a minimum residential requirement and non-residential limitation not required from other similar City zoning districts. Further, submittal of a PUD (Conditional Use - Planned Unit Development) application provides opportunities for public notice, review and involvement regarding how a developer plans to incorporate land use components through final build-out which may include additional assurances regarding the timing of residential development in relation to commercial components. The PUD does

address phasing and the timeline of construction for a master plan in which the hearing body can place additional conditions of approval regarding the timing of construction if it is deemed necessary. The Commission concurred that the residential build-out requirement along with the PUD requirement will allow the development of an appropriate timeline of development that balances the commercial and residential construction.

The Planning Commission adopts by reference the November 30, 2011, Staff Report, Staff Memorandum dated November 30, 2011, Staff Memorandum dated December 5, 2011, two Staff Memoranda dated December 7, 2011, and the supplemental findings contained herein as evidence and findings demonstrating the application satisfies all Text Amendment approval criteria as stated under Section 40.85.15.1.C of the Development Code and therefore:

**IT IS HEREBY ORDERED** that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of TA 2011-0003 to amend portions of the Development Code related to the SC-S (Station Community -- Sunset) zoning district. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria contained in Ordinance 2050, effective through Ordinance 4542, Section 40.85.15.1.C are satisfied for the specific changes including § 20.20.20.1.A and 20.20.20.1.D (add superscript 66, refers to new § 20.20.25.66), § 20.20.25.66 (new), § 20.20.40 (new), § 40.15.05 (language

added), § 40.15.15.A.2 (threshold added), § 40.15.15.C.10 (criterion added) of the Development Code.

Motion **CARRIED** by the following vote:

**AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter, and Stephens.

**NAYS:** None.

**ABSTAIN:** None.

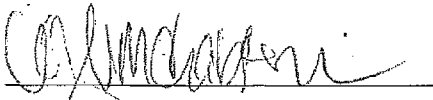
**ABSENT:** None.

Dated this 15<sup>th</sup> day of December, 2011.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2273 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community and Economic Development Department's office by no later than 5:00 p.m. on Tuesday, December 27, 2011.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

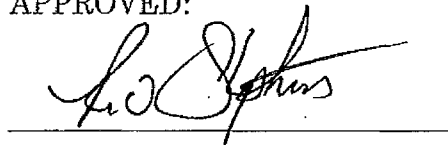


LEIGH CRABTREE  
Associate Planner



STEVEN A. SPARKS, AICP  
Principle Planner

APPROVED:



RIC STEPHENS  
Chairman



## STAFF REPORT

HEARING DATE: February 7, 2012

TO: City Council

STAFF: Leigh M Crabtree, Associate Planner

PROPOSAL: **APP2011-0002** Appeal of Station Community - Sunset Requirements (TA2011-0003)

SUMMARY: An appeal of the Planning Commission's Recommendation to Approve TA2011-0003 has been filed contending that the proposal did not satisfy Comprehensive Plan Chapter 3, Chapter 5, Chapter 6, and Chapter 9 and did not satisfy Development Code Section 40.97.15.4.C.3 regarding Title 1, Title 6, Title 7, and Title 12.

APPELLANTS: Jake Mintz, Richard Battaglia, Gail Murphy, Robert Douglas, Eric J. Thompson, and Susan Chow.

APPLICANT: City of Beaverton

DECISION CRITERIA: Appeal of the Text Amendment will be reviewed per the provisions of Development Code Sections 50.75 and 50.85 through 50.88. Approval Criteria for the TA is listed in Section 40.85.15.1.C of the Development Code.

RECOMMENDATION: **DENIAL of APP2011-0002 (Appeal of Station Community Sunset Requirements)**, uphold the Planning Commission's recommendation to approve TA2011-0003.



**APP2011-0002 Appeal of Station Community - Sunset Requirements**  
(TA2011-0003)

The City of Beaverton submitted a set of five applications in October of 2011. The proposals were related to application of City land use designations and zoning districts for 13 parcels with an associated text amendment. The five applications were organized into three packages for noticing and staff report writing, as follows: TA2011-0003 Station Community – Sunset Text Amendment, CPA2011-0002 Peterkort Station Community Land Use Map Amendment with ZMA2011-0002 Peterkort Station Community – Sunset Zoning Map Amendment, and CPA2011-0003 Peterkort Corridor and Neighborhood Residential – High Density Land Use Map Amendment with ZMA2011-0002 Peterkort Corridor Commercial and R1 Zoning Map Amendment.

Standard noticing procedures of the *Comprehensive Plan for the City of Beaverton* and the *Development Code of the City of Beaverton* were followed and included:

1. The required inter-agency DLCD notice was mailed to DLCD, Metro and Washington County on October 20, 2011 - forty-five (45) calendar days prior to the initial hearing;
2. The required inter-agency DLCD notice was also mailed to the Chair of Citizen Participation Organization (CPO) 1, the Chair of the Central Beaverton Neighborhood Association Committee (NAC) whose boundaries include the properties for which the change is contemplated, and the Chair of the Committee for Citizen Involvement on October 20, 2011, at least forty-five (45) calendar days prior to the initial hearing;
3. Legal notice was published in the Beaverton Valley Times on November 17, 2011.
4. Notice was posted in Beaverton City Hall and in Beaverton City Library on November 17, 2011.
5. Notice was mailed to property owners included in the proposed change area, by certified mail, on November 17, 2011.
6. Notice was mailed to owners of property within 500 feet of the subject parcels for which the change is proposed on November 17, 2011.
7. Notice was placed on the City's web site on November 16, 2011.

On November 30, 2011 the staff reports were made available to the public and were distributed to the Planning Commission. Staff provided a revised Transportation Planning Rule report to the Planning Commission via email on December 5, 2011 with a cover memo. Staff started to receive written testimony within the week prior to the Planning Commission hearing. On December 6, 2011, upon the request of Paul Schaefer, staff forwarded his written testimony to the Planning Commission via email. Additional written testimony submitted to the Planning Division prior to 5:00 p.m. on December 7, 2011 was submitted with a cover memo to the Planning Commission at the hearing. Also on December 7, 2011, staff submitted revisions to the proposed Development Code text modifications with a memo. Jake Mintz presented his written testimony to the Planning Commission with his oral testimony.

The Planning Commission commenced with the Public Hearing on December 7, 2011. At the hearing the Planning Commission voted unanimously to recommend approval of all five applications to the City Council. Land Use Order No. 2273 summarized the Commission's

## BACKGROUND

recommendation to approve the proposed text amendment. Each of the Land Use Orders was signed December 14, 2011 and were mailed with the Notice of Decision on December 15, 2011.

An appeal of the Commission's recommendation to approve the SC-S text amendment was filed on December 27, 2011 by Jake Mintz, Richard Battaglia, Gail Murphy, Robert Douglas, Eric J. Thompson, and Susan Chow. The Appeal Submittal is included as Exhibit F to the Agenda Bill for APP2011-0002. The appeal designated Jake Mintz as the contact representative for the appellants. The appellants contend that the proposal does not satisfy Titles 1, 6, 7 and 12 of Metro's *Urban Growth Management Functional Plan*, Chapters 3, 5, 6, and 9 of the *Comprehensive Plan for the City of Beaverton*.

On December 26, 2011 staff mailed a letter notifying the appellant that the appeal was accepted by the Community and Economic Development Department. Notice of Appeal was mailed on January 17, 2012 to the appellant, all other parties who participated in the Planning Commission's decision, and community members who provided their mailing addresses on the sign-in sheet at the CPO1 January 3, 2012 meeting.

The full Planning Commission record, including draft minutes of the Planning Commission hearing, has been provided to City Council members and the appellant. These materials are available for review at the Planning Division counter during regular business hours or online at the Planning Division's web page, <http://www.beavertonoregon.gov/index.aspx?nid=177>.

The analysis and findings provided in this report will discuss the specific criteria being appealed as identified by the appellant in response to the requirements of Section 1.7.2 of the *Comprehensive Plan for the City of Beaverton* and Section 50.75 of the *Development Code of the City of Beaverton*.

Pursuant to Section 1.7.5 of the Comprehensive Plan and Sections 50.70.4 and 50.75.4 of the Development Code, the appeal hearing shall be *de novo*, which means any new evidence and argument can be introduced in writing, orally or both. A *de novo* hearing does not limit participation; therefore, community members that did not participate in the Planning Commission process have the opportunity to participate in the appeal hearing.

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**ATTACHMENTS**

<b>A</b>	<b>Analysis and Findings related to Appeal of TA2011-0003 STATION Community – Sunset Text Amendment</b>	<b>TA1-TA15</b>
	Analysis and Findings	TA 1 - TA 14
	Summary	TA 15
	Conclusion	TA 15
	Recommendation	TA 15

**EXHIBITS**

<b>1</b>	<b>N/A</b>
<b>2</b>	<b>N/A</b>
<b>3</b>	<b>N/A</b>
<b>4</b>	<b>N/A</b>
<b>5</b>	<b>Zoned Development Capacity Table</b>
<b>6</b>	<b>City-County Coordination</b>
<b>7</b>	<b>Letter from Mr. Don Odermott, P.E., Transportation Consulting Group, Dated January 23, 2012</b>
<b>8</b>	<b>Written Testimony</b>
	8.1 Susan Rosenthal
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	8.7 Multiple Comment Cards Received

**ANALYSIS AND FINDINGS**  
**For APPEAL of TA2011-0003 Station Community –Sunset Text Amendment**

Section 40.85.15.1.C of the *Development Code of the City of Beaverton* states:

- C. **Approval Criteria.** In order to approve a Text Amendment application, the decision making authority shall make findings of fact based upon evidence provided by the applicant demonstrating that all the following criteria are satisfied:

\*\*\*\*\*

3. **The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.**

**Metro UGMFP Metro Code Chapter 3.07, the Urban Growth Management Functional Plan.**

**The following discussion addresses Metro UGMFP**

**Title 1: Requirements for Housing and Employment Accommodation, Code Sections 3.07.110 – 3.07.120. The following discussion relates to Title 1.**

**Appellant Contention**

The appellant contends that the City proposal does not meet the requirements of Metro's Title 1 regarding requirements for housing over the properties proposed for SC-S zoning. The appellant further alleges that, "The county's transit oriented residential districts require housing earlier in the development process, not later as would be allowed through the text amendment," and that the City will not have a requirement for residential construction until 80% of approved non-residential development is constructed. The appellant states that, "Absent the text amendment, there would be no housing."

**City Response**

The Text Amendment, TA2011-0003, revises that zoning district description so as to require a minimum of 1,899 dwelling units over the parcels proposed for Station Community – Sunset (SC-S) zoning. TA2011-0003 also includes a requirement that a Planned Unit Development (PUD) application be submitted and approved by the City of Beaverton for any proposed development of a parcel with SC-S zoning. A PUD and any subsequent land use application (except for a sign permit) requires a land use analysis to verify that the development targets of the entire SC-S zoning district, including the required number of minimum dwelling units, will continue to be met.

Without this text amendment approximately 970 dwelling units would be required by the SC-S zone over the subject parcels. The greater number of dwelling units prescribed by this text amendment matches the County's minimum 1,899 dwelling units as calculated by County staff. Thus this TA 2011-0003 requires that development of the six proposed SC-S parcels match the minimum residential density requirements of County zoning.

Washington County's *Comprehensive Framework Plan for the Urban Area and Community Development Code* include several requirements for development within the Peterkort Station

Area but does not include a timing requirement as the appellant alleges. The *Cedar Hills – Cedar Mill Community Plan* does include a discussion of timing for land uses within the Barnes Peterkort section under Design Element 6 as follows:

The Peterkort property is the largest undeveloped property in the subarea. **It is likely the property will be developed in stages over a number of years, responding to market demands.** Parts of the Peterkort property should be viewed as units in planning their development to assure that individual developments in each unit are complementary and viewed in context of an overall development plan for that unit. **Although the land and circulation plans for the Sunset Transit Center area provide relatively detailed guidance for the property's development, they are not at the level of detail specified for a master plan by the Community Development Code, nor do they provide details about the timing of development phasing, as required of phased master plans by the CDC.** Therefore, this design element requires approval of a master plan for each area of the Peterkort property shown on the Peterkort Property Master Plan Areas map before development can proceed in that area.

Thus the appellants' statement that "The County's transit oriented residential districts require housing earlier in the development process" is not found in county planning enactments. The County does require residential uses in the transit oriented zoning designations as a required component and given certain circumstances, office and retail uses may be allowed with the required residential use. This does not mean that the County's regulations require residential construction prior to non-residential construction.

It is standard throughout City multiple use zoning districts that an applicant may propose development of residential, commercial or both. The proposed text amendment resolves the minimum residential dwelling unit discrepancy between the County and the City for the six SC-S proposed parcels.

Specific to Title 1, Metro calls for a density of 45 persons per acre for the Station Community design type. Metro does not require a number of dwelling units nor a specific ratio or mixed uses. For each of the design types in the Metro Urban Growth Management Functional Plan, Metro relies on the planning jurisdiction to establish unique minimum densities consistent with the design type. Washington County established these minimum densities in 1997. The City is continuing to apply these minimum densities established by the County in the area designated by the County. The only Metro requirement in this current process has been to ensure that there be no loss in density in the City's mapping amendment process. By requiring a minimum of 1,899 dwelling units to match the density requirements of Washington County, the City is maintaining the residential density of the County and thereby satisfying Title 1.



**The following discussion addresses Metro UGMFP  
Title 6: Centers, Corridors, Station Communities and Main Streets, Metro  
Code Sections 3.07.610 – 3.07.650**

**Appellant Contentions**

*... The proposal if implemented would have the net result of allowing an extremely dense (in terms of non-residential floor area, not residential densities) Regional Center by allowing nearly 11 million square feet of non-residential uses to be constructed. The area was planned as and needs to be developed as a less dense Station community, as reflected in the vision for this area adopted in October, 1997...*

*...Amendments that allow Regional Center-type/style development on lands planned for...Station Community –type/style development are not consistent with Title 6.*

**City Response**

Metro defines the Station Community design type, as follows:

Station communities are areas of development centered around a light-rail or high-capacity-transit station that feature a variety of shops and services that will remain accessible to bicyclists, pedestrians and transit users as well as cars.

While the design type describes a mix of uses, it does not specify residential land use. The *Urban Growth Management Functional Plan* outlines “Activity Levels for Centers, Corridors, Station Communities and Main Streets,” with recommendations, **not requirements**, for the number of residents and workers per acre, mix of uses, and mix of housing types.

Were it not for the level of development accommodated in the County plans adopted in 1997, the City would not propose requiring the densities associated with the text amendment. However, the City cannot now change the trajectory of the regulations enacted by the County and approved by Metro and the State of Oregon over 14 years ago.

The introductory statement in the *Cedar Hills – Cedar Mill Community Plan* for the Barnes-Peterkort Area states:

This area includes the largest amount of vacant buildable land in the planning area. This land also is located close to two regional traffic ways (Highways 26 and 217) and two Arterials (SW Barnes and NW Cornell Roads). As a result, **the currently undeveloped area is proposed for intense urban development over time, including high density residential, retail, and office commercial uses.** For the most part, residential densities on the buildable land are “stepped down” next to existing single-family neighborhoods. Where this is not the case, new attached unit development will be required to include buffers which protect existing neighborhoods from possible impacts (including noise and lights) of increased densities.

Varied natural features in the subareas - streams, slopes, and wooded areas - provide a backdrop for development designs which accomplish a degree of protection while accommodating new residential and commercial uses. Satisfactory implementation of

the land use plan for this subarea will depend to a significant extent on development of the subarea's planned transportation system, including connection of new streets developed on the Peterkort property to streets in adjacent neighborhoods.

The density planned for the Peterkort Station Area is greater than any planned density that the City currently has available to ensure the minimum residential density required by the County for the Peterkort Station Area. Without the text amendment, the SC-S zone would require a minimum residential density of 970 dwelling unit, still high by City of Beaverton standards. Without the proposed higher density the city would not comply with Title 1.

In order to evaluate the transportation implications of the concurrently proposed Land Use Map and Zoning Map amendments, staff sought to understand the development capacity of the subject parcels. In order to calculate that development capacity, staff looked to the regulations provided by the County for floor area. However, the County *Community Development Code* does not prescribe a maximum floor area, as per Section 375, Table C, footnote (2):

If non-residential or mixed-use development is proposed in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.

Instead, the proposed 10,960,000 square feet floor area maximum is a development capacity derived from the County's Community Development Code Section 375, Table B regulations for maximum building height applied over gross acreage. Maximum Building Height was chosen for this exercise absent another objective standard. It should be noted that using the County's maximum building height standard for the calculation did not account for Area of Special Concern (ASC) 11 Section 9, which states:

Buildings in the Sunset District of the Peterkort Station Area shall have no height limit if (a) they are designed to meet the design standards of Section 431 of the Community Development Code, including standards regarding step backs at certain elevations and (b) the approved master plan for development of the area shows that at least 40% of the land in the Sunset District will be covered by buildings, exclusive of land covered by parking structures.

Staff chose gross acreage for all density calculations at county's instruction. Calculations toward zoned capacity for the parcels proposed for SC-S zoning are included as Exhibit E5 to this report. The results of the development capacity analysis were also included with Exhibit 15 and Exhibit 21 to the Planning Commission staff report of November 30, 2011.

The City's proposed amendments to the SC-S zone will allow flexibility in location of land uses over the subject parcels while ensuring that the minimum residential density will be accounted for in a development proposal. The flexibility regarding the location of the uses allows the project owner to address the successful development of sites that currently stand vacant. The requirements for the PUD and Design Review processes will ensure that common areas and connectivity for pedestrians, bicycle, and vehicles are adequately

addressed both at the master plan and development specific levels.

The Planning Commission staff report compared the County's Transit Oriented zoning designations to the SC-S zoning district to show the compatibility of the transfer while meeting the intent of Metro's Station Community urban design type.

**The following discussion addresses  
Metro UGMFP Title 7: Housing Choice.**

**Appellant Contentions**

*The text amendment in particular sets a minimum number of housing units yet does not require any housing units to be constructed until 80% of the non-residential uses are constructed. As such the proposal, in particular TA2011-0003, can not guarantee that any housing let alone affordable housing, will ever be provided.*

The Text Amendment requires a minimum of number residential dwellings in the area and that the dwellings will be completed before the project area is built-out. None of the multiple use zones within the City requires residential development be constructed on the subject site or specific parameters such as those found in this text amendment. These parameters were added to ensure that the spirit of mixed-use development from the Cedar Hills – Cedar Mills Community Plan was being met. Further, as stated in the Planning Commission staff report, the minimum density requirements in all the City's multiple use use zones are below the numbers required in the Cedar Hill/Cedar Mill Community Plan. Staff's proposal to include the minimum density requirement for the SC-S zone in TA2011-0003 not only requires residential development, but ensures the number expected with this Community Plan are being met. The proposed text amendment also requires build-out of the residential prior to completion of a master plan. The allowance for 80% of the non-residential commercial to be built was to provide some flexibility to allow the market to dictate how the project could be phased successfully. While there are no guarantees with regard to the needs of the housing market, this additional requirement, which is not found in any other City zoning district, provides additional assurances that the residential development will be built before the development of the area is completed.

As stated in the Planning Commission staff report, "The City continues to support affordable housing programs through the Community Development Block Grant and HOME programs, the Citywide Housing Rehabilitation Loan Program, and partnership with local non-profit service providers. Goal 4.2.3.2 states "Promote the production of new affordable housing units in the City." Participation in local non-profit efforts to develop affordable housing, providing an ombudsman to assist in the development review process, developing revolving loan funding, exploring land banking and employer sponsored affordable housing, supporting alternative funding for affordable housing, and continuing to explore tools and strategies to encourage affordable housing development are actions to implement Goal 4.2.3.2. These goals and actions comply with Title 7." This proposed amendment does not prevent the City from meeting the goals of affordable housing

**The following addresses Metro UGMFP  
Title 12: Protection of Residential Neighborhoods.**

**Appellant Contentions**

The appellant's contentions regarding Title 12 relate to transportation impacts of future development upon surrounding neighborhoods: *"The Text Amendment (TA2011-0003) allows nearly 11 million square feet of non-residential uses, which in turn would generate nearly 300,000 Average Daily Trips (ADT)—equal to the average daily trips generate by 30,000 detached single family homes. This much traffic (and trips) will severely impact the surrounding neighborhoods."*

**Facts**

As shown in Exhibits 17 and 21, Transportation Planning Rule Analysis (November 30, 2011 Staff Report), the maximum capacity of 10,960,500 square feet was established when evaluating the worst case scenario development potential under the existing Washington County's land use regulations. In order for the City to prove that the text amendment would result in no greater effect on the transportation system than currently allowed by the County, the City proposed the 10,960,500 square foot floor area maximum. Absent this maximum, the potential development capacity calculated for the parcels would have been up to three times the County maximum. The City has proposed a maximum floor area compared to no effective maximum floor area under the current County regulations.

The City is not reviewing a development proposal for any of the subject parcels at this time. Once a specific development proposal is submitted to the City, the impacts of traffic to the surrounding area will be reviewed through the submittal of a Traffic Impact Analysis (TIA). The TIA will demonstrate whether or not a proposal can be accommodated within the existing transportation system, the types of mitigation that may be required, if the intensity of a proposal will need to be reduced, or a combination of the three.

**Summary Finding**

**Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, the proposed amendment complies with applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.**

**Therefore, staff finds the proposed Text Amendment satisfies criterion 3.**

**Development Code 40.85.15.1.C.4 sets out the following criterion for a Text Amendment: The proposed amendment is consistent with the City's Comprehensive Plan.**

### **Comprehensive Plan Chapter 3, Land Use Element**

**The following addresses City Comprehensive Plan Section 3.5 Mixed-Use Element states:**

... Mixed use areas are conceived as urban neighborhoods containing a variety and intermixing of uses that complement the established surrounding communities. These areas generally integrate compatible land uses vertically, horizontally, or both. ...

#### **3.5.1 Goal:**

Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

### **Appellant Contentions**

The appellant contends that "the proposed amendments do not guarantee that the build-out of the area will be a dense, vibrant, urban mixed-use community, with housing and retail and a 24-hours a day livability." Further contentions relate to timing of housing construction, implementation of provisions of the *Cedar Hills – Cedar Mill Community Plan* that, the appellant states, "ensure that housing is located at/near the station," and prescriptive requirements of the County regulations for the station area, specifically "The Green."

### **City Response**

The County requirements for the Sunset Subarea of the Peterkort Station Area include provisions for 150 dwelling units. The Sunset Sub Area is roughly 23 acres in size and there are no provisions in the County regulations that state, specifically, within that 23 acres area where the residential components are to be placed or when they are to be constructed. Figure 12.1h, Required Phase One Buildings, Section 431 of Washington County's *Community Development Code* depicts facility improvements and building frontages. As discussed above, the Community Plan specifically states that the timing of development will depend on the market.

The City SC-S ratio requirements for residential density result in a minimum of 420 dwelling units over the net acreage of the Sunset Sub Area when a residential only product is proposed. This minimum density calculation is the result of the requirements of Development Code Section 20.20.15.B.1 and footnote 1 that require 30 dwelling units per acre within 400 feet of a Light Rail Transit station platform. For a development proposal that includes a mix of uses, this minimum density requirement may be reduced within the Sunset Sub Area. However, the text amendment also includes provisions for a minimum of 1,899 dwelling units over the entire SC-S zone to match County density requirements calculated from gross acreage. The 1,899 dwelling units may be spread over the larger 63 gross acres; however, the properties are constrained by steep slopes, easements, future right-of-way and expected other uses. The specific location of uses will be reviewed at the time of a development application, namely a Planned Unit Development application.



The City does regulate specific standards and guidelines for landscape, open space and natural areas within Chapter 60 of the Development Code. Additionally, the text amendment requires development review in the SC-S zone by a Planned Unit Development (PUD) application which in turn, per Section 60.35 of the Development Code, requires a minimum of 20 percent open space.

**The following addresses City Comprehensive Plan  
Section 3.8 Station Community Development**

**The following addresses 3.8.1 Goal:**

Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

**Appellant Contentions**

The appellant contends that the "text amendment makes a 'veiled' attempt at requiring residential densities needed to generate ridership" but that there is no requirement for locating high density housing at or near the station; and that to allow delay in constructing the minimum residential density until after constructing non-residential land uses on up to 80% of a site, is not comparable to the County's requirements.

**City Response**

County Sub Area density requirements for the Peterkort Station Area were the only requirement for any residential density at or near the station. County *Community Development Code* Section 375, Table C does not include requirements for residential uses within the Transit Oriented: Business (TO:BUS) zoning designation. Similar to the County's requirements, the City is not fully relying on the site development tables in Section 20.20.15 to determine the number of dwelling units required in the Sunset Sub Area.

The proposed minimum 1,899 dwelling units over the SC-S zoned lots is a higher density than the County technical requirements for minimum density. Although the County does allow for reductions to the minimum density prescribed in *Community Development Code*, Section 375, Table C through the provisions of Section 300-3.1 K, below, the County instructed City staff to calculate minimum density from gross acreage. Therefore, the calculations for minimum density resulted in a higher minimum than technically required by the County *Community Development Code*.

**300-3 Density Transfers for Unbuildable Lands**

**300-3.1 Applicability:**

Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within any of the following areas.

The provisions of Section 300-3 are not applicable in the North Bethany Subarea in the Bethany Community Plan.

- A. Flood Plain;
- B. Drainage Hazard;
- C. Jurisdictional Wetland;

- D. Slopes over twenty (20) percent;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for transitway, designated arterials and collectors;
- H. Water Quality Sensitive Areas;
- I. Vegetated Corridors;
- J. Regionally Significant Fish & Wildlife Habitat areas as designated on the current edition of Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map.
- K. In transit oriented districts, land within an area identified above, or land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-3.4.

As discussed previously in this report, the County does not specifically require where in 23 acres 150 dwelling units are to be built or when the residential dwellings are to be constructed.

**The following addresses City Comprehensive Plan  
Section 3.15 Urban Planning Area Agreement**

The Washington County Urban Planning Area Agreement (UPAA), including Exhibits A and B, which is dated October 25, 1998 and was signed by the City on May 15, 1989 and signed by the County on February 10, 1989 is hereby incorporated as section 3.15 of this Land Use Element.

**Appellant Contentions**

The appellant contends that, "the city's SC-S zone is not the most comparable zone to the underlying county transit oriented residential districts." Additionally, the appellant contends that the proposals do not implement design provisions required by ASC 11 for development of residential uses at or near the station, that the City provides a loophole to review of lands under one-half acre in size.

**City Response**

The appellant does not present a more comparable City zoning district. The City first developed the SC-S zoning district prior to annexation of the subject properties to allow future modifications to better represent the County policies as to the Barnes-Peterkort area of the *Cedar Hills – Cedar Mill Community Plan*. There is no zone within the City Development Code that requires as much density as the SC-S zone with its proposed modifications. As stated in the Land Use Order 2274:

"...the UPAA does not provide specific direction in determining the correlating City of Beaverton zoning district to the Washington County Transit-Oriented zoning district and the difficulty in finding a zoning district that was the "same" as the Transit Oriented land use districts. The analysis in the findings of the ZMA staff report show the SC-S as shown on the proposed map most closely approximates the Transit Oriented land use districts based on the density, uses, and standards of each district for the subject tax lots. The Commission addressed the difficulties in trying to match zoning districts and concur with staff that the finding provided show how the proposed

designations provided in the ZMA report closely approximates the County's Transit-Oriented districts for the subject tax lots.”

Regarding the ‘one-half acre loophole,’ it must be clarified that a one-half acre parcel within the proposed SC-S zoned parcels does not current exist. A one-half acre parcel may only be created through the review and approval of a Planned Unit Development (PUD) application and a Land Division application. Currently, the smallest parcel proposed for SC-S zoning is 0.70 acres and cannot feasibly be development without the 3.22 acre parcel to its west.

One of the purposes of the UPAA is to ensure that the City and County coordinate the transition of plans from County jurisdiction to City jurisdiction once annexation has taken place. City staff coordinated with County staff over a period of 16 months prior to the Planning Commission’s hearing on this matter. A table is attached as Exhibit E6 to this report outlining coordination efforts between City and County staff.

So, what is different? Below is an outline including descriptions of prescriptive development requirements for specific properties and transportation that compares Washington County regulations to City of Beaverton regulations.

### **Prescriptive development requirements for specific properties**

#### **Washington County**

Within the County’s *Community Development Code* Section 375 regulates Transit Oriented land uses, dimensional requirements, minimum and maximum density and level of process for development review.

Through the County’s *Community Development Code* Section 431, Washington County regulates design for Transit Oriented development through principles, standards and guidelines for circulation, streetscapes for pedestrians, parking areas, garages and parking structures, common open space, transitions in density, landscaping, water quantity/quality facilities, and signs.

Section 431-12 of the *Community Development Code* specifically regulates for design in the Peterkort Station Area and works in tandem with the requirements for Area of Special Concern (ASC) 11 of the *Cedar Hills – Cedar Mill Community Plan*. Together these two sets of regulations include regulations that dictate distribution of land uses, facility improvements and first phase development implementation for the Peterkort Station Area. Requirements for development of ASC 11, in part:

1. No more than one (1) hotel, not exceeding 500 rooms
2. No more than one (1) theatre, not exceeding 70,000 square feet, with no more than 3500 seats and 16 screens
3. Up to 150,000 square feet of retail space within mixed use buildings that are at least two stories high
4. 150 dwelling units minimum within the “Sunset District”
5. 200 minimum dwelling units within the “Hillside District”
6. 450 minimum dwelling units within the “Holly District”

7. The first phase of development shall include:
  - a. Plans for buildings along both sides of the "Main Street" through the Sunset District, as well as retail buildings at all four corners of the western intersection of Barnes Road and Main Street and fronting on both sides of the "Green" (see Figure 12.1h of Exhibit 11 of the Planning Commission staff report dated November 30, 2011)
  - b. Full improvement of the Main Street
  - c. Full construction of the "Green" (see Figure 12.1c of Exhibit 11 of the Planning Commission staff report dated November 30, 2011)

### City of Beaverton

Chapter 20 of the City's Development Code regulates site development standards, land uses, use restrictions, other zone specific requirements, and density calculations. Chapter 40 of the Development Code outlines the different applications that may be required for development; specific to the concurrent text amendment proposal, development within the SC-S zone would be required to first satisfy the requirements of a Planned Unit Development (PUD) application. Chapter 50 provides the procedures relative to each type of application; a PUD application would follow procedures relative to a type 3 application.

Chapter 60 of the Development Code outlines several special requirements that may apply to a development application dependent on the proposed improvement city-wide. Chapter 60 is a rough equivalent to Section 431 of the County's *Community Development Code*. Section 60.05 describes the design review principles, standards and guidelines requirements including building design and orientation, multiple use district building orientation and design, circulation and parking design, landscape open space and natural areas design, lighting design. Most development in the City of Beaverton is subject to standards or guidelines within Section 60.05 and depending on the zone or location along a major pedestrian route the standards become more prescriptive. Chapter 60 also includes regulations for signs, facility improvements, transportation, and multiple other facets related to development.

The City does not prescribe specific land use locations and distribution, facility improvements, building locations or phasing for specific property in the Development Code or other regulatory documents. The type of specification outlined by the County for ASC 11 and the Peterkort Station Area would be subject to review through a development application.

The text amendment, TA2011-0003, would result in requirements for a minimum of 1,899 dwelling units and a maximum of 5,115 dwelling units over the six parcels to receive the SC-S zoning designation. 1,899 dwelling units would have to be included in the PUD in order for the application to satisfy the requirements of the SC-S zone. The location of the proposed dwelling units would be reviewed and discussed along with the location and quantity of commercial uses at the PUD stage. All uses proposed with the PUD would be reviewed together with a required Traffic Impact Analysis that will

need to account for all transportation impacts for the residential, commercial and other uses combined.

The key difference between the County's zoning and the City's zoning is that the City's zoning does not proscribe the type and location of development on the parcels in close proximity to the Sunset station.

**The following addresses City Comprehensive Plan  
Chapter 5, Public Facilities and Services Element**

**Appellant Contentions**

The appellant takes exception to a statement in the Planning Commission staff report that "the proposal, ***"is not expected to affect..."*** the ability of urban services providers to serve the build out of this area." The appellant contends that more analysis would be required to, "understand the ramification of nearly 11 million square feet of non-residential uses..."

**City Response**

The context of the quote ***"is not expected to affect..."*** is as follows:

"This proposal is not expected to affect the City's projected provision of the Public Facilities Plan, Capital Improvement Plan, Urban Service Area, Storm Water and Drainage, Potable Water, Sanitary Sewer, Parks and Recreation, Police, or Fire and Emergency Medical Services. Additionally, because the density opportunities for the six parcels that are subject to SC-S zoning through ZMA2011-0002 would be similar with the proposed amendment to the existing Washington County land use districts upon the parcels, school district forecasts for capital improvement and service provision should not be significantly affected."

The City's projected provisions for public facilities and services would be the same under either the current County Transit Oriented zoning designations or the City's proposed SC-S zoning district. This conclusion is based upon the analysis and findings of the Planning Commission reports of November 30, 2011.

The proposed floor area maximum of 10,960,500 square feet is a **theoretical maximum** derived for the associate Transportation Planning Rule analysis. The derived development capacity was based upon a worst case scenario that was based upon current County regulations.

Neither the County nor the City prescribes Floor Area Ratio (FAR) maximums. Both jurisdictions rely on the submittal of a Traffic Impact Analysis (TIA) with a development application to determine how the level of development intensity proposed will affect the transportation system. Depending on the findings of the TIA an applicant may be required to reduce the level of intensity proposed or mitigate for the impacts. If the transportation standards of the regulating jurisdiction cannot be met, the decision making authority may deny the development application.



A Planned Unit Development (PUD) application is subject to discretionary review and application of conditions of approval by the Planning Commission at a Type 3 quasi-judicial public hearing that hears from multiple jurisdictions including Washington County, TriMet, Metro, ODOT, Tualatin Valley Water District, Tualatin Valley Fire and Rescue, Tualatin Hills Park and Recreation District, and Clean Water Services.

It is important to note that the minimum floor area that would be required with development of the SC-S zoning district is just over 1,025,000 square feet. The County's current requirement for minimum floor area over the same parcels is just over 2,750,000 square feet. Without a development application and associated TIA to review, there is no way of knowing how much non-residential floor area in combination with the required 1,899 dwelling units can be accommodated on the subject parcels.

**The following addresses City Comprehensive Plan  
Chapter 6, Transportation Element**

**Appellant Contentions**

The addition of almost 11,000,000 square feet of commercial retail and office uses, not including the required housing units (if built), and the resulting hundreds of thousands of estimated ADT's (nearly 300,000 ADT pursuant to ITE manual estimate calculations) will significantly impact the transportation system....."The resulting trips and heavily congested roads will also serve as a barrier for pedestrians crossing Barnes Road to get to and from the station."

**City Response**

As discussed previously in this report, the proposed floor area maximum of 10,960,500 square feet is a **theoretical worst case maximum** derived for the purposes of the TPR analysis. The proposed maximum floor area for the SC-S proposed parcels translates the maximum that was derived from County regulations for the existing Transit Oriented zoning designations.

The County *Community Development Code* does not state a maximum floor area. Instead, Section 375, Table C, footnote (2) states:

"If non-residential or mixed-use development is proposed in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard."

Again, without a specific development application and associated TIA to review, there is no way of knowing how much non-residential floor area in combination with the proposed required 1,899 dwelling units can be accommodated on the subject parcels. This condition does not change with the adoption of City zoning in place of County zoning. All development intensity is governed by the capacity of the transportation system. As noted at the bottom of page 2 of the letter from Transportation Planning Group, submitted on January 23, 2012, the City's requirements for assessing the transportation impacts of a proposed development are more stringent than the County's requirements.

Specific requirements for transportation improvements and mitigation measures are addressed with a specific development proposal. In fact, the better the integration of multiple uses in a development, the more credit to intensity the development can achieve. Since Washington County will continue to maintain jurisdiction over Barnes Road and Cedar Hills Boulevard, the specific issues related to crossing of Barnes Road will be reviewed by County staff along with other access management issues at the time of development review. This includes review for pedestrian and bicycle connections.

**The following addresses City Comprehensive Plan  
Chapter 9, Economy Element**

**Appellant Contentions**

"Allowance of almost 11,000,000 square feet of new commercial retail and office uses at this location will adversely impact existing nearby commercial ventures as well as future development in centers." The appellant states concerns about 'regional center' non-residential intensities in a Station Community dwarfing existing Regional Centers along with a delay in or loss of housing for the subject SC-S parcels.

**City Response**

The proposed amendments would result in a requirement to include and plan for 1,899 dwelling units. This discussion now ties back to transportation planning where by the capacity of the transportation system equates to a specific number of trips. Out of the specific number of available trips, the trips for the proposed residential dwelling units (minimum 1,899 dwelling units) will have to be accounted for in the development planning. The remaining trips can then be divided among non-residential uses. 10,960,500 square feet of floor area can only be built if the remaining available trips allow that level of intensity. In any recent study for the Barnes-Peterkort area there is not enough transportation capacity to serve that level of intensity. That level of intensity is a **theoretical worst case maximum** derived in lieu of no prescribed maximum.

Were it not for the level of development accommodated in the County plans adopted in 1997, the City would not propose requiring the densities associated with the text amendment. The City cannot now change the trajectory of the regulations enacted by the County and approved by Metro and the State of Oregon over 14 years ago.

**Summary Finding:** Staff finds that the proposed Text Amendment is consistent with the City's Comprehensive Plan.

**Therefore, staff finds the proposed Text Amendment satisfies criterion 4.**

## SUMMARY

For the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, staff finds that the Text Amendment satisfies the approval criteria for a Text Amendment pursuant to Section 40.85.15.1.C of the *Development Code of the City of Beaverton*.

## CONCLUSION

Based on the facts and findings presented to the Council and the Planning Commission, staff concludes that proposal, **TA2011-0003 (Station Community – Sunset Text Amendment)** meets all relevant criteria for approval.

## RECOMMENDATION

Based on the facts and findings presented, staff recommends **DENIAL** of **APP2011-0002 (Appeal of Station Community Sunset Requirements)**, upholding the Planning Commission's recommendation to approve TA2011-0003.



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