



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 15, 2015
Jurisdiction: City of Beaverton
Local file no.: CPA2015-0001 / ZMA2015-0001
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/07/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 47 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-15 {23616}

Received: 5/7/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Beaverton

Local file no.: **CPA2015-0001 / ZMA2015-0001**

Date of adoption: 5/6/2015

Date sent: 5/8/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 02/12/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Cassera Phipps

Phone: 503-526-2247

E-mail: cphipp@beavertonoregon.gov

Street address: 12725 SW Millikan Way

City: Beaverton

Zip: 97005

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from County IND to SC 28 acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 1S109DC00700; 1S109CB00100; 1S109CD; Tax Lots 100 & 200

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from County IND	to SC-E Sub Area 1	Acres: 28
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 1S109DC00700; 1S109CB00100; 1S109CD; Tax Lots 100 & 200

List affected state or federal agencies, local governments and special districts: Metro, Washington County, ODOT

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 4656

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED IN THE GENERAL VICINITY OF THE LRT LINE, SOUTH OF SW TERMAN ROAD, EAST OF SW MURRAY BOULEVARD AND WEST OF SW HOCKEN AVENUE; CPA 2015-0001/ ZMA 2015-0001

WHEREAS, the intent of the proposed amendment to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City land use and zoning designations to parcels that have been annexed to the City through a different process; and

WHEREAS, on April 1, 2015, the Planning Commission conducted a public hearing to consider a City-initiated application to assign a Comprehensive Plan Land Use Map designation and Zoning Map designation to four (4) parcels that were annexed to the City in 2005. The proposal assigns the Station Community (SC) land use designation and the Station Community – Employment (SC-E) Sub Area 1 zoning designation; and

WHEREAS, the Planning Commission voted to recommend approval of the proposed amendment on April 1, 2015; and

WHEREAS, no appeal of the Planning Commission's recommendation was filed; and

WHEREAS, the City Council adopts and incorporates herein the Planning Division staff report on CPA 2015-0001/ ZMA 2015-0001, dated March 25, 2015, and the Planning Commission Land Use Order No. 2393 as the applicable criteria and findings which constitute an adequate factual basis for this ordinance. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located in the general vicinity of the LRT Line, South of SW Terman Road, East of SW Murray Boulevard and West of SW Hocken Avenue Station Community (SC) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA). The parcels are identified as Tax Lots 100 and 200 on the Washington County Tax Assessor's Map 1S109-CD; Tax Lot 700 on the Washington County Tax Assessor's Map 1S109-DC; and Tax Lot 100 on the Washington County Tax Assessor's Map 1S109-CB.

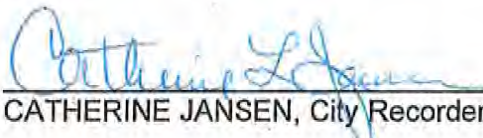
Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same properties specified in Section 1 Station Community – Employment (SC-E), Sub Area 1, as shown on Exhibit "A", in accordance with the UPAA.

First reading this 21st day of April, 2015.

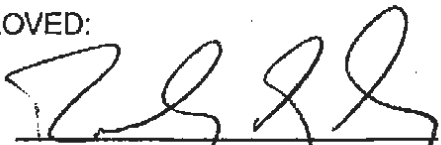
Passed by the Council this 5th day of May, 2015.

Approved by the Mayor this 6th day of May, 2015.

ATTEST:


CATHERINE JANSEN, City Recorder

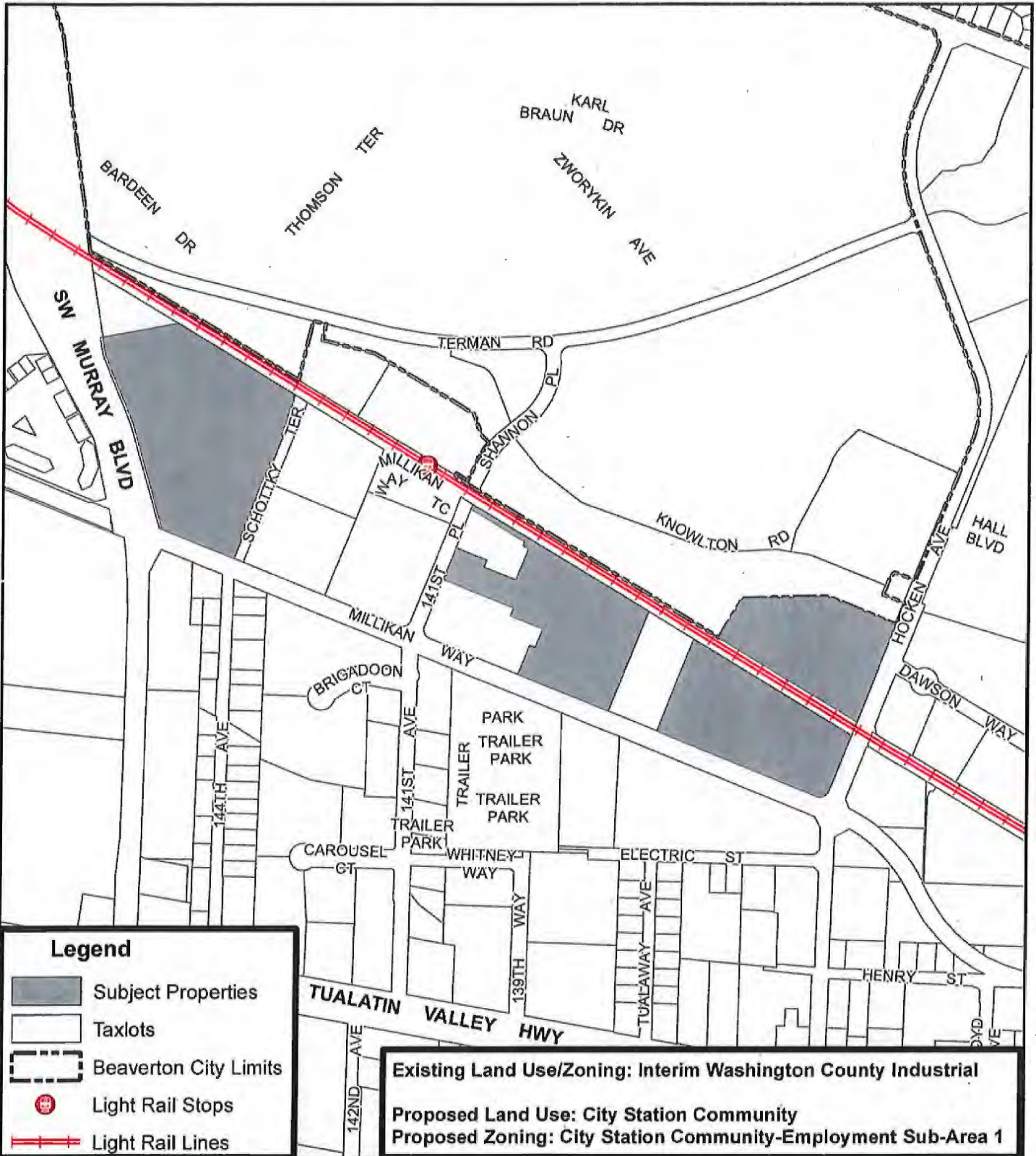
APPROVED:


DENNY DOYLE, Mayor
by Randy Ealy, Mayor Pro Tem

VICINITY MAP

EXHIBIT "A"

Ordinance No. 4656



Legend

- Subject Properties
- Taxlots
- Beaverton City Limits
- Light Rail Stops
- Light Rail Lines

Existing Land Use/Zoning: Interim Washington County Industrial
 Proposed Land Use: City Station Community
 Proposed Zoning: City Station Community-Employment Sub-Area 1



Millikan/Hocken Annexation Related Zoning Map and Comprehensive Map Amendments

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division

2/6/2015
 Tax Map & Lot #
 Various
 Application #
 2 CPA2015-0001
 ZMA2015-0001



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

IN THE MATTER OF CPA2015-0001 AND ZMA2015-0001)	
REQUESTS TO AMEND THE COMPREHENSIVE PLAN LAND USE)	ORDER NO. 2393
MAP AND THE ZONING MAP APPLICABLE TO THE PARCELS)	APPROVING REQUESTS
LOCATED ADJACENT TO THE LIGHT RAIL LINE, SOUTH OF SW)	
TERMAN ROAD, EAST OF SW MURRAY BOULEVARD AND)	
WEST OF SW HOCKEN AVENUE (MILLIKAN / HOCKEN LAND)	
USE AND ZONING MAP AMENDMENTS.)	

The matter came before the Planning Commission on April 1, 2015, on requests for amendments to the City's Comprehensive Plan Land Use Map and Zoning Map to apply City land use and zoning designations for four (4) parcels annexed in March 2005. The properties retain the Interim Washington County Industrial designation. The subject parcels are within a station community, as identified on the County's "Station Community Boundaries" map under *Policy 40, Regional Planning Implementation* of the County's Comprehensive Framework Plan for the Urban Area.

The proposal implements the City's Station Community (SC) land use designation and the City's Station Community – Employment (SC-E) zoning district for the four (4) subject parcels. The SC-E zoning district has two sub areas; this proposal recommends SC-E zoning district Sub Area 1. The proposal implements Beaverton's most similar land use designation to the County's *Policy 40* and implements Beaverton's most closely matched zoning district to the existing uses of the parcels under the SC land use designation. The subject parcels are located adjacent to the light rail line, south of SW Terman Road, east of SW Murray Boulevard and west of SW Hocken Avenue. The

subject parcels total approximately 28 acres in size are identified as Tax Lots 100 and 200 on Washington County Tax Assessor's Map 1S109-CD; Tax Lot 700 on Washington County Tax Assessor's Map 1S109-DC; and Tax Lot 100 on Washington County Tax Assessor's Map 1S109-CB.

Pursuant to Ordinance 4187 (Comprehensive Plan), and Ordinance 2050 (Development Code), the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated March 25, 2015, as to the applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and Section 40.97.15.4.C of the Development Code and findings thereon; now, therefore:

IT IS HEREBY ORDERED that **CPA2015-0001** is **APPROVED** based on the facts and findings of the Planning Commission on April 1, 2015.

Motion **CARRIED** by the following vote:

AYES:	Wilson, Nye, Kiene, Kroger, Overhage, Winter and Doukas.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	None.

IT IS HEREBY ORDERED that **ZMA2015-0001** is **APPROVED** based on the facts and findings of the Planning Commission on April 1, 2015.

Motion **CARRIED** by the following vote:

AYES:	Wilson, Nye, Kiene, Kroger, Overhage, Winter and Doukas.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	None.

Dated this 9th day of April, 2015.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2393, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:00 p.m. on Monday, April 20, 2015.

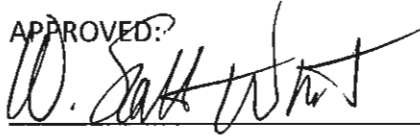
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:


CASSERA PHIPPS
Associate Planner


STEVEN A. SPARKS, AICP
Planning Division Manager

APPROVED:


MIMI DOUKAS
Chair

For



Community Development Department
Current Planning Division
12725 SW Millikan Way / PO Box 4755
Beaverton, OR 97076
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

STAFF REPORT

HEARING DATE: April 1, 2015

TO: Planning Commission

STAFF: Cassera Phipps, Associate Planner 

PROPOSAL: **Millikan / Hocken Land Use and Zoning Map Amendments
(CPA2015-0001 / ZMA2015-0001)**

LOCATION: The subject parcels are located adjacent to the light rail line, south of SW Terman Road, east of SW Murray Boulevard and west of SW Hocken Avenue.

The parcels are identified as Tax Lots 100 & 200 on Washington County Tax Assessor's Map 1S109-CD; Tax Lot 700 on Washington County Tax Assessor's Map 1S109-DC; and Tax Lot 100 on Washington County Tax Assessor's Map 1S109-CB.

SUMMARY: The City proposes to amend the Land Use Map and the Zoning Map to implement City land use and zoning designations for four (4) parcels. The properties were annexed in March 2005 and retain the Washington County Industrial designation. The subject parcels are within a station community, as identified on the County's "Station Community Boundaries" map under *Policy 40, Regional Planning Implementation* of the County's Comprehensive Framework Plan for the Urban Area.

The proposal implements the City's Station Community (SC) land use designation and the City's Station Community – Employment (SC-E) zoning district for the four (4) subject parcels. The SC-E zoning district has two sub areas; this proposal recommends SC-E zoning district Sub Area 1. The proposal implements Beaverton's most similar land use designation to the County's *Policy 40* and implements Beaverton's most closely matched zoning district to the existing uses of the parcels under the SC land use designation.

APPLICANT: City of Beaverton

PROPERTY OWNERS:

Millikan 73 Equities, LLC
By Felton Management Corp
166 Kings Highway North
Westport, CT 06880

Vanguard Manufacturing Properties LLC
7023 SW 54th Ave
Portland, OR 97219

Millikan Properties LLC
By CE John Co Inc
1701 SE Columbia River Dr
Vancouver, WA 98661

DECISION CRITERIA: Criteria for the Comprehensive Plan Map Amendment are listed in section 1.5.1 of the Comprehensive Plan. The specific criteria for the Zoning Map Amendment are contained in Development Code Section 40.97.15.4.C. *Discretionary Annexation Related Zoning Map Amendment*

RECOMMENDATION: Approval of CPA2015-0001/ ZMA2015-0001 (Millikan / Hocken Land Use and Zoning Map Amendments).

Vicinity Map



PROPOSAL

The city proposes to change the land use designation and zoning designation of four (4) parcels located on the north side of SW Millikan Way between SW Murray Boulevard and SW Hocken Avenue. Both amendments are requested in order to apply city land use and zoning designations for property annexed in 2005 under Ordinance 4340. Since the time of annexation the parcels have continued to carry the Washington County Industrial District designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan* map (Exhibit 4). The subject parcels total approximately 28 acres. No development is proposed with these applications.

EXISTING CONDITIONS

Development

The subject parcels are developed with a combination of single-story and two-story buildings with associated landscaping and parking areas.

Uses

The following table includes lot sizes, addresses, and existing uses for each parcel:

Map & Tax Lot	Acreage	Address	Use
1S109DC00700	5.14	3725 SW Hocken Ave	Manufacturing
1S109CD00100	6.05	13475/13515/13555 SW Millikan Way	Warehouse, Printing, Service
1S109CD00200	6.44	13955 SW Millikan Way	Printing, Manufacturing
1S109DB00100	10.73	14525/14523 SW Millikan Way	Recreation, Office, Warehouse

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

Attachment A: CPA2015-0001 (Millikan / Hocken Land Use and Zoning Map Amendments)	PAGE No. CPA1-CPA17
Attachment B: ZMA2015-0001 (Millikan / Hocken Land Use and Zoning Map Amendments)	ZMA1-ZMA3

EXHIBITS

- Exhibit 1. Vicinity Map (page SR-3 of this report)**
- Exhibit 2. Metro 2040 Growth Concept Map**
(modified to focus on subject area)
- Exhibit 3. Washington County Station Communities Boundaries map,**
- Exhibit 4. Washington County Cedar Hills – Cedar Mill Community Plan Land Use Districts map,**
(modified to focus on subject area)
- Exhibit 5. City of Beaverton South Tektronix Station Community Plan Area map**
- Exhibit 6. City of Beaverton Land Use Map**
- Exhibit 7. City of Beaverton Zoning Map**
- Exhibit 8. Inventory of Existing Uses**
- Exhibit 9. Comparison of Zoning Districts**
- Exhibit 10. Public Testimony**
 - 10.1 Letter from Jack Orchard, dated March 20, 2015

**ANALYSIS AND FINDINGS
COMPREHENSIVE PLAN AMENDMENT
CPA2015-0001**

1.5 Criteria for Amending the Comprehensive Plan

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

Section 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments:

A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;

Of the 19 Statewide Planning Goals, staff finds that Goals 1, 2, 5, 6, 7, 9, 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 Comprehensive Plan Section 1.4.2 as described in discussion of approval Criterion C, below. 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 Comprehensive Plan Section 1.4.2 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. These procedures have been followed; therefore, the proposed amendment is consistent with Statewide Planning Goal 1.

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 were 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.

Findings addressing the criteria listed in Section 1.5.1 Comprehensive Plan Amendments (CPA) explain why the proposed CPA has an adequate factual basis for the proposed change in land use designation. Therefore, the proposed amendment is consistent with Statewide Planning Goal 2.

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 City's Natural Resources Map shows riparian wildlife habitat in the vicinity of the subject parcels, specifically on Tax Lots 1S109CB00100 and 1S109DC00700, which are located south of Beaverton Creek. Additionally, Washington County's *Cedar Hills – Cedar Mill Community Plan* map depicts two types of significant natural resources in the area of the subject parcels, *Water Areas and Wetlands & Fish and Wildlife Habitat* and *Wildlife Habitat*. The proposed CPA is to change the land use designation of the four (4) subject parcels, which are currently developed with office / industrial buildings. No development is proposed as part of this amendment. The existing and proposed land use designations allow for development on the subject sites. Therefore, the proposed CPA will not have any impact on designated natural resources, scenic and historic areas or open spaces in the surrounding area. The proposed amendment is consistent with Statewide Planning Goal 5.

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 addresses stormwater and drainage, potable water, and sanitary services in Chapter 5 and air quality, water quality and solid and hazardous wastes in Chapter 8. The subject parcels are presently developed with office / industrial buildings and associated parking and landscape improvements. Since both the existing and proposed land use designations allow development of the subject parcels, the proposed CPA does not adversely impact the air, water, and land resource quality of the State nor City. Therefore, the proposed amendment is consistent with Statewide Planning Goal 6, and complies with the goals and policies of the City's Comprehensive Plan.

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 in the Comprehensive Plan, Chapter 8. As discussed in Goal 5, above, the parcels are located south of Beaverton Creek. The northern edge of Tax Lot 1S109DC00700 contains a floodplain. Any possible hazards arising out of future

development plans will be avoided through land use, site development, and building plan reviews. Staff finds that the proposed map amendment is consistent with Statewide Planning Goal 7 and complies with the goals and policies of the City's Comprehensive Plan.

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.

Goal 9 specifies that comprehensive plans for urban areas shall; "...[p]rovide 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". Goal 9 also specifies that comprehensive plans for urban areas shall "[l]imit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses."

As discussed under Criterion B, below, in establishing the Station Community designation, the County and the City fulfilled the intent of Metro's 2040 Concept. Given that both the County's and the City's Station Community concepts were established to maximize the economic potential of properties suitable for development with a mix of uses, staff regards the proposal to apply the City's Station Community land use designation to the subject properties as complying with the intentions expressed in Goal 9.

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 Urban Growth Boundary (UGB) for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and in doing so, works with local governments to determine the highest and best use of lands within the UGB in order to reduce the need for UGB expansion into rural lands. The establishment of light rail throughout the region and the location of higher intensity uses near light rail stations is an attempt to reduce UGB expansions and provide for, "a timely, orderly and efficient arrangement of public facilities and services," as stated in Goal 11. Planning and development of the west side line rail line with a light rail station in the subject area was the essential step toward Metro's 2040 Concept Station Community designation, the County's Policy 40 Station Community designation, and development of the City's Comprehensive Plan South Tektronix Station Community Plan. Therefore, Goal 11 is met.

Goal 12: Transportation

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

Oregon Administrative Rule (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 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.*”

The proposed amendment does not change the functional classification or change standards implementing a functional classification system. The subject parcels are developed and total approximately 28.4 acres. A reasonable worst case development scenario under the existing Interim Washington County Industrial zoning would allow for the following: a 10,000 square-foot Department of Motor Vehicles office, 102,000 square-feet of government offices, two park-and-ride facilities (totaling 12.5 acres), 20,000 square-feet of retail building materials and lumber store, and 214,000 square-feet of industrial business park. Under this scenario, shown as Table 1 Scenario A, the expected traffic generated by the four (4) subject properties is estimated at 9,900 average vehicle trip ends per weekday. Alternatively, all 28.4 acres could convert to park-and-ride facilities, shown as Table 1 Scenario B, which would generate an estimated 10,600 trips. Scenarios A and B are expected to generate a higher number of weekday trips than the estimated 7,500 trips generated by the existing uses on site.

A reasonable worst case scenario for these properties under the proposed Station Community Employment Sub Area 1 (SC-E1) zoning would allow for office development and two fast food restaurants without drive-thru. Under the proposed zoning, the subject properties could reasonably accommodate a total of 596,000 square-feet of office use and 5,000 square-feet of fast food restaurants. The projected traffic under this reasonable worst case development scenario is 10,100 trips. According to the data in the Institute of Transportation Engineers (ITE) manual, 9th Edition, fast food restaurants typically have 50% of their trips coming from drivers who are passing by the restaurant on their way to or from other destinations. Therefore, the ITE discounts the amount of traffic generated by these facilities by 50%. Factoring in this reduction for pass-by fast food trips, the expected total traffic demand created under the reasonable worst case scenario for the proposed zoning would be 8,300 trips. Estimated PM peak hour trips for each development scenario are provided below.

Table 1. Estimated vehicle trips under existing and proposed zoning

Zone	Wash Co IND	Wash Co IND	Wash Co IND	City SC-E1
Use	Existing Uses	Scenario A	Scenario B	Office/fast food
Weekday Trips	7,500	9,900	10,600	8,300
PM Peak Hour Trips	1,038	1,138	1,241	953

Because the projected number of trips under the reasonable worst case scenario for the proposed SC-E1 zoning is less than either of the reasonable worst case scenarios for the Interim Washington County Industrial zoning, staff finds that the change of land use will not "significantly affect" a transportation facility as defined by OAR 660-012-0060. Therefore, Goal 12 is met.

Goal 13: Energy Conservation
To conserve energy.

The location of these parcels encourages use of public transportation by employees and visitors due to the accessibility of the Millikan light rail station within one-half mile of the subject parcels. Also, the City's Station Community land use designation provides opportunities for higher intensity redevelopment of the parcels. Coupled together, proximity to the light rail station and the proposed SC land use designation provide opportunities for improved energy efficiency as redevelopment occurs. Therefore, Statewide Planning Goal 13 is met.

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.

The subject site is located within the city limits of Beaverton and the proposal is to change the land use designation of four (4) parcels from Interim Washington County Industrial to City Station Community (SC). The subject properties are developed and the proposed amendment provides a land use designation consistent with the existing use and development on the site. No development modifications are proposed at this time. Staff finds the proposal is consistent with the intent of Goal 14.

Remaining Goals

Goal 3: Agricultural Lands
Goal 4: Forest Lands

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

Goal 8: Recreation Needs

The subject parcels do not include areas planned to serve the recreational needs of the citizens. Generally, the recreational needs of the citizens are provided through Tualatin Hills Park and Recreation District (THPRD), which provides park facilities within the larger area.

Goal 10: Housing

The subject parcels currently do not provide housing. The Station Community land use designation does allow for housing in three of the four implementing zoning districts.

However, the Station Community – Employment zone, proposed for implementation, does not allow for construction of new housing. Therefore, there will be no net gain or loss of housing and Goal 10 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

Goals 16 through 19 apply to oceanic or coastal resources. The City of Beaverton is located more than 80 miles from oceanic or coastal resources. Therefore, these goals do not apply to the proposal.

Finding:

Staff finds that for the reasons identified above, the proposed amendment complies with Goals 1, 2, 5, 6, 7, 9, 11, 12, 13 and 14 and finds that Goals 3, 4, 8, 10, and 15 through 19 do not apply. Therefore, staff finds that Criterion 1.5.1.A. is satisfied.

B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;

Urban Growth Management Functional Plan

The City is required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...” The 2040 Growth Concept Plan map (Exhibit 2) designates the parcels included in this proposal under the Station Community design type. Section 3.07.130 of the UGMFP describes Station Communities as, “[n]odes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.” The parcels are located adjacent to a light rail station and are within the one-half mile radius requirement of Metro’s Station Community design type.

Washington County adopted the Station Community design type into *Policy 40* of their *Comprehensive Framework Plan for the Urban Area*. The City adopted the Station Community land use map designation and *South Tektronix Station Community Plan* within the City's *Comprehensive Plan* (Ordinance 4187). In so doing, both the County and the City achieved compliance with Urban Growth Management Functional Plan (UGMFP).

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

Title 1: Requirements of Housing and Employment Accommodation

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 proposed amendment will modify the land use designation of four (4) parcels totaling approximately 28.4 acres. Each of the subject parcels is currently developed with office / industrial buildings. The proposed SC land use designation will allow the City to adopt zoning that assigns higher densities to the parcels and thereby maintains or increases housing capacity. Staff finds that application of the SC land use designation is consistent with Title 1.

Title 2: Regional Parking Policy

(Repealed Ord. 10-1241B, § 6)

Title 3: Water Quality and Flood Management Conservation

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. Application of a City land use designation upon the subject properties does not modify compliance with Title 3. Future improvements to or redevelopment of the subject parcels will require bringing the properties into compliance with all applicable Clean Water Service regulations.

Title 4: Industrial and Other Employment Areas

The City and Metro established long-term Industrial and Employment Areas, which are depicted on the *Title 4, Employment and Industrial Areas Map*. The subject properties are not depicted within an Employment Area, Industrial Area or Regionally Significant Industrial Area on the Metro's *Title 4, Employment and Industrial Areas Map*. This title is not applicable to this application as it does not propose modification of Metro's *Title 4, Employment and Industrial Areas Map*.

Title 5: Neighbor Cities and Rural Reserves

(Repealed Ord. 10-1238A, § 4)

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Title 6 predominantly focuses on local government strategies to improve implementation of Centers, Corridors, Station Communities and Main Street Areas. The subject site is designated as a Station Community on the Metro 2040 Growth Concept Plan. In conformance with Metro's designation and with Washington County's Station Community design designation, staff recommends applying the Station Community land use designation to the four (4) parcels.

Title 7: Housing Choice

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 proposed amendment will allow the City to provide a land use designation that is consistent with the UGMFP, the Washington County *Comprehensive Framework Plan for the Urban Area*, and considers existing uses on the subject parcels. Staff finds that Title 7 is met.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on February 12, 2015, 48 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820. Therefore, Title 8 is met.

Title 9: Performance Measures

(Repealed Ord. 10-1244B, Sec. 8)

Title 10: Functional Plan Definitions

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.

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. The subject parcels are within the Urban Growth Boundary and are not considered a 'New Urban Area.' This Title does not apply to the proposed amendment.

Title 12: Protection of Residential Neighborhoods

Protection of residential neighborhoods is a key to success of the 2040 Growth Concept. Existing developments to the south of the subject properties include both multi-family and single-family residential uses. The subject parcels do not contain residential development. The proposed City land use designation is consistent with the uses for the subject properties and no modifications are proposed to the subject parcels. Therefore, this proposal results in little impacts to the surrounding residential neighborhoods. Staff finds the proposed amendment will not affect compliance with Title 12.

Title 13: Nature in Neighborhoods

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. The proposed amendment does not modify the City's compliance with Title 13.

Title 14: Urban Growth Boundary

Title 14 applies to adjustments and amendments to the Urban Growth Boundary. The subject properties are within the Urban Growth Boundary and within the corporate limits of the City of Beaverton. Therefore, Title 14 does not apply to the proposed amendment.

Regional Transportation Plan

Oregon Administrative Rules (OAR) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirement for public facilities planning required under Oregon Revised Statutes (ORS 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.

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. This section is cited as follows:

"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."*

The City's Comprehensive Plan designations are descriptive tools assigned to individual lots or parcels. These designations are in turn implemented through the specific zoning designations. While the role of the plan designation is perceived as qualitative, zoning provisions apply specific criteria applicable to new development. Section 3.14 of the Comprehensive Plan provides a matrix that correlates specific zoning designations with specific plan designations. However, zoning ultimately controls the allowed uses on the land. Zoning also controls the intensity of development by regulating maximum building area and height. These allowed uses and their intensity in turn influence the scale of the traffic generated that will affect local transportation facilities.

The intent of the proposed amendment is to replace the interim Washington County designations with the City designations that are the most similar, while recognizing the proximity to the light rail transit station. Currently the four (4) subject properties, totaling 28.4 acres, have interim Washington County Industrial land use and zoning designations. Station Community—Employment Sub-Area 1 (SC-E1) zoning would most appropriately balance the existing industrial nature of the existing buildings, the Community's long-term desire, as expressed through prior planning efforts, to place the land into land use and zoning designations that prioritize manufacturing, warehousing, research and development, and other employment uses over housing or commercial development, and the Community's desire to capitalize on the transit infrastructure through supportive land use and zoning policies.

One of the purposes of the TPR is to ensure that changes to the Comprehensive Plan are supported by adequate planned transportation facilities. As applied to the proposed change, this involves examining the allowed uses under the County IND zoning and the City SC-E1 zoning districts. If reasonable worst case traffic generation is higher under the existing zoning, then by definition, the proposed change will have no significant impact on the surrounding transportation infrastructure, as the TSP already factors in the potential traffic likely to be generated by the existing zoning. If the reasonable worst case situation results in more trips under the proposed zoning than the existing zoning, then City staff have to analyze the additional trips and see if the transportation system can safely and adequately accommodate the increased demand and stay within the established performance criteria.

As previously discussed under Criterion A and shown in Table 1, the reasonable worst case scenario under the proposed SC-E1 zoning designation is expected to generate 8,300 average weekday vehicle trips. Staff analyzed two reasonable worst case scenario developments under the existing Interim Washington County Industrial zoning. Scenario A is expected to generate 9,900 trips, while Scenario B is estimated to generate 10,600 trips. Because the expected trips generated under the reasonable worst case scenario for the proposed zoning is less than either of the reasonable worst case scenarios for the existing zoning, staff finds that the existing TSP already accounts for the expected level of traffic from these properties, and therefore, the proposed change will have no significant impact on the existing traffic system.

Finding: This amendment is consistent with the Urban Growth Management Functional Plan and Regional Transportation Plan. Therefore, Criterion 1.5.1.B. is met.

C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

The following Comprehensive Plan policies have been found by staff to be applicable to the proposed land use map amendment. Those policies which are not listed have been found by staff to be not applicable to this proposal.

Chapter 1 Comprehensive Plan Amendment Procedures Element

Chapter 2 Public Involvement Element

Chapter 1 and Chapter 2 of the Comprehensive Plan outline the noticing requirements, required approval criteria, hearing procedures, and how the City communicates with the community. There are no policies contained in either chapter. However, the proposed applications have fulfilled the requirements for noticing as follows:

1. The required inter-agency DLCD notice was mailed to DLCD, Metro, and Washington County on February 12, 2015, more than forty-five (45) calendar days prior to the initial hearing;
2. The required inter-agency DLCD notice was also mailed to the Chair of the Central Beaverton Neighborhood Association Committee (NAC), the Chair of Washington County CPO 1, and the Chair of the Beaverton Committee for Citizen Involvement (BCCI) on February 12, 2015, more than forty-five (45) calendar days prior to the initial hearing;
3. Legal notice was published in the Beaverton Valley Times on February 26, 2015.
4. Notice was posted in Beaverton City Hall and in Beaverton City Library on February 26, 2015.
5. Notice was mailed to property owners included in the proposed change area, and to the owners of property within 500 feet of the subject property for which the change is proposed on February 26, 2015.
6. Notice was placed on the City's web site on February 26, 2015.

Therefore, staff finds that the appropriate application thresholds and procedures identified in Chapters 1 and 2 of the Comprehensive Plan have been met.

Chapter 3 Land Use Element

Policy 3.5.1.a) Regulate new development in Regional Centers, Town Centers, Station Communities and Main Streets to ensure compact urban development.

Policy 3.5.1.b) Allow a mix of complementary land use types, which may include housing, retail, offices, small manufacturing or industry, and civic uses to encourage compact neighborhoods with pedestrian oriented streets in order to promote:

- ***Independence of movement, especially for the young an elderly to enable them to conveniently walk, cycle, or ride transit;***
- ***Safety in commercial areas, through round-the-clock presence of people;***
- ***Reduction in auto use, especially for shorter trips;***
- ***Support for those who work at home, through the nearby services and parks;***
- ***A range of housing choices so that people of varying cultural, demographic, and economic circumstances may find places to live.***

Section 3.5 requires mixed use areas to develop in a compact, urban form, allowing a mix of complementary land use types, with attractive and functional streets designed to attract and promote multi-modal transportation. No development is proposed as part of this amendment. Any future development will be subject to the City's development review process. Staff finds that policies 3.5.1.a and 3.5.1.b have been met with the existing development standards contained in the Development Code and that the proposed amendment will not modify those standards.

Policy 3.8.1.b) Apply the Station Community land use designation generally within one mile of light rail station platforms.

Each of the four (4) subject parcels are located within one mile of the Millikan light rail station platform.

Policy 3.8.1.c) Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

The Station Community – Employment Sub Area 1 (SC-E1) zone implements the Station Community land use designation, as shown in the Comprehensive Plan and Zoning District Matrix. The accompanying Zoning Map Amendment (ZMA2015-0001) proposes to assign the Station Community – Employment Sub Area 1 (SC-E1) zoning designation to the subject parcels, ensuring that Policy 3.8.1.c is implemented.

Policy 3.8.1.d) Adopt Community Plans identifying Comprehensive Plan policies applicable to Station Community Areas to provide community vision.

In 2000, the City implemented the *South Tektronix Station Community Plan* (South Tek). At the time of adoption, the geographical area around the Millikan light rail station that was within the boundaries of the City included the area south of Millikan Way, north of Tualatin-Valley Highway and between Cedar Hills Boulevard and Murray Boulevard. In 2005, prior to annexation of the subject parcels, the City expanded the South Tek area to include the light rail station and tracks and two properties between Millikan Way and the light rail track along

the east side of Schottky Terrace. The subject parcels are located north of Millikan Way, between Hocken Avenue and Murray Boulevard; this location is well within the South Tek Station Community Area.

Section 3.15 Urban Planning Area Agreement

This proposal is following a discretionary review due to the lack of UPAA acknowledgement of the Station Community land use designation. Analysis of the Industrial and Station Community designations are provided below.

Washington County Station Community design type

The subject parcels are within the station community design type as identified on the County's "Station Community Boundaries" map (Exhibit 3) under *Policy 40, Regional Planning Implementation of the Washington County Comprehensive Framework Plan for the Urban Area*. *Policy 40* states that, "It is the policy of Washington County to help formulate and locally implement Metro's regional growth management requirements in a manner that best serves existing and future residents and businesses." As part of the implementing strategies of *Policy 40* it is further stated that, "The County will: e. Require applicants proposing plan amendments to demonstrate that their proposal is consistent with the applicable 2040 Growth Concept Design Type." Metro's *2040 Regional Urban Growth Concept Map* depicts the area of the subject parcels as Station Community regional designation.

Both the County and City Station Community designations for this area are consistent with the intent of Metro's 2040 plan for development around light rail stations. The Urban Planning Area Agreement (UPAA) does not specify a County station community designation; therefore, no equivalent City designation is specified.

Washington County Industrial District designation

The subject parcels were annexed to the City in 2005 and have retained the Interim Industrial County land use/zoning designation. The County's Cedar Hills – Cedar Mill Community Plan depicts the Industrial designation of the subject area prior to annexation. Section 320-1 of the *Washington County Community Development Code* states that,

"The intent and purpose of this district is to provide sites for all types of industrial uses, to provide for the recognition and regulation of existing industrial sites and to provide the regulatory framework for future industrial development, as well as to allow some commercial, office and service uses as accessory uses through mixed use developments where all uses conform to the environmental performance standards of Section 423."

The UPAA excerpt, below, specifies that the County's Industrial designation is equivalent to the City's Industrial Park (IP), Campus Industrial (CI), and Light Industrial (LI) plan designations.

WASHINGTON COUNTY – BEAVERTON
URBAN PLANNING AREA AGREEMENT

EXHIBIT “B”
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS

<u>COUNTY</u>	<u>BEAVERTON</u>	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
Industrial	Industrial Park	IP
	Campus Industrial	CI
	Light Industrial	LI

Nevertheless, the subject parcels are not within the Industrial Areas design type as identified on the County’s “Industrial Area Boundaries” map under *Policy 40, Regional Planning Implementation of the Washington County Comprehensive Framework Plan for the Urban Area*. Therefore, it can be concluded that the County’s intended long term development of the subject parcels is within the Station Community design type.

City of Beaverton Industrial land use designation

In 2002 the City’s three Comprehensive Plan Industrial land use designations were collapsed into a single Industrial designation. Section 3.12 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* describes the City’s Industrial Area land use designation. The policies of Section 3.12 include application of, “the Industrial Area land use designation consistent with the 2040 Regional Urban Growth Concept Map.” Metro’s *2040 Regional Urban Growth Concept Map* does not depict Industrial Areas within the area of the subject parcels.

Analysis of Washington County’s *Policy 40* Station Community boundaries map, the City’s South Tektronix Station Community Plan, and Metro’s 2040 Growth Concept Map, along with the prevailing characteristics of the subject parcels, lead staff to determine that the most appropriate City land use designation for the subject parcels is Station Community. Staff provides analysis in the ZMA section of this report to determine which zoning designation is most appropriate for the subject properties, taking into consideration various amendments that have been made to the County’s and City’s plan and zone designations since the UPA was adopted.

Chapter 4 Housing Element

In January of 2002, pursuant to a periodic review work program approved by the Oregon Department of Land Conservation and Development (DLCD), the City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187). That process included development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Title 1 of Metro’s UGMFP was cited as a compliance element in satisfying the requirements of Goal 10. Based upon this process, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. These policies were then acknowledged to comply with Goal 10.

The Housing Element does not contain policies that are directly applicable to the proposed amendment; rather, the policies are implemented through the Development Code. The proposed land use amendment will increase the density potential on the site and provide for development types compatible with existing housing in the surrounding neighborhood.

Chapter 5 Public Facilities and Services Element

The subject properties are located within a network of improved roadways, utilities, and open spaces. Applying City land use designations will not alter 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. This application is an amendment to the Comprehensive Plan Map, which does not involve the application of the Development Code to a specific proposal. When such a proposal is received, the City will address any impacts to public facilities. Staff finds the proposed amendment will not adversely affect the Comprehensive Plan policies state in Chapter 5.

Chapter 6 Transportation Element

A crucial motivation in establishing the Station Community designation was to maximize the public infrastructure investment in light rail. This concept allows for application of the Station Community land use designation within one mile of a light rail station in order to allow for development, "with sufficient intensities to generate light rail ridership and around-the-clock activity," as stated in Section 3.8 of the City's Comprehensive Plan. Similarly, Washington County established standards for their Station Community design including areas that are generally, "adjacent to, or within easy walking distance of light rail stations," and that, "these areas are designated for higher density, transit supportive uses," per Policy 40 of the *Washington County Comprehensive Framework Plan for the Urban Area*.

The proposed Comprehensive Plan Map Amendment and associated Zoning Map Amendment do not involve physical development. Any future redevelopment of the subject parcels will be required to show compliance with the mobility and performance standards set forth by the City. As noted previously, the projected increase in vehicle trips associated with the proposed SC-E1 zoning designation, assuming worst case scenario development, will not reduce the performance standard identified in the TSP, or worsen the performance of an existing or planned transportation facility. Therefore, staff finds that the proposal is consistent with Chapter 6.

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

Staff reviewed the policies contained in Chapter 7 of the City's Comprehensive Plan and concluded that because the proposal does not affect any significant *Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources*, the proposed amendment does not affect the City's ability to implement the provisions in this chapter. Therefore, staff finds the policies found in Chapter 7 are met.

Chapter 8 Environmental Quality and Safety Element

Staff reviewed the policies contained in the Chapter 8 of the City's Comprehensive Plan and concluded that this proposed amendment does not affect Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, or 8.8 Solid and Hazardous Wastes. Therefore, staff finds the policies found in Chapter 8 are met.

Chapter 9 Economy Element.

Policy 9.2.2.1.a) Assist in the conservation of energy by promoting more efficient transportation modes and land use patterns.

Policy 9.2.2.1.b) Encourage higher density development where appropriate.

The proposed amendment builds on the transportation system efficiencies inherent in compact, mixed use development typical of Station Communities. As an area adjacent to the light rail station, staff finds that application of the Station Community land use designation is consistent with Policies 9.2.2.1.a and 9.2.2.1.b.

Cedar Hill – Cedar Mill Community Plan

The UPAA requires the City to review the appropriate County Community Plan, which in this case is the Cedar Hills – Cedar Mill Community Plan. The subject properties are not located in an Area of Special Concern. Other features identified in the Plan were addressed earlier in this report and the proposed amendment is determined to have no impact upon these features.

Finding: The proposed amendment is consistent with the Urban Planning Area Agreement, Comprehensive Plan and Zoning District Matrix, Mixed Use Areas policies, and Station Community Development policies, and the Washington County Cedar Hill – Cedar Mill Community Plan. Therefore, Criterion 1.5.1.C. is met.

D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

This amendment does not request the replacement of one City land use designation for another City land use designation. This amendment requests the replacement of a County land use designation for a City land use designation as the result of an annexation that added the subject parcels to the City. Annexation amendments are governed by the UPAA, which stipulates that the City designation most similar to the County designation will be applied.

Finding: Criterion 1.5.1.D. does not apply to annexation related Comprehensive Plan Map or Zoning Map amendments.

SUMMARY

For the reasons identified above, staff finds that the Comprehensive Plan Map Amendment satisfies the approval criteria for a quasi-judicial Comprehensive Plan Amendment pursuant to Section 1.5.1 of the Comprehensive Plan.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **CPA2015-0001 (Millikan / Hocken Land Use Map Amendment)** with no recommended conditions of approval.

**ANALYSIS AND FINDINGS
ZONING MAP AMENDMENT
ZMA2015-0001**

Section 40.97.15.4.C Approval Criteria

In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority 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 Discretionary Annexation Related Zoning Map Amendment application.*

Section 40.97.15.4.A. Threshold, states, "The change in zoning to a city zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation."

The subject properties were annexed to the City in 2005 and retain the Washington County land use/zoning designation. The parcels are shown on the County's *Cedar Hills – Cedar Mill Community Plan* map as Industrial, which, in a non-discretionary process, would require implementation of the City's Industrial land use designation under the *Urban Planning Area Agreement* (UPAA). However, the location of the subject parcels in relation to the Millikan light rail station, Metro's *2040 Regional Urban Growth Concept Map* Station Community designation, designation on the County's "Station Community Boundaries" map, and the City's inclusion of the parcels in the South Tektronix Station Community plan (Exhibit 5) leads staff to determine that the Station Community land use designation is appropriate for the subject parcels.

The UPAA does not specify Station Community designations for either the County or the City. Therefore, discretion is required in determining the appropriate zoning designation.

Finding: Staff finds that the request satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

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

The city, as the applicant, is not required to submit fees for the subject Zoning Map Amendment.

Finding: Staff finds that this criterion is not applicable.

3. The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.

The County does not outline development standards for Station Communities in their Development Code, but rather relies on Transit Oriented Districts for implementation of the Station Community design type. As the County has not assigned a Transit Oriented District to the subject parcels, City staff based their comparison and identification of the most similar zoning district to the existing uses upon the subject parcels. Exhibit 8 shows an inventory of existing uses on site including manufacturing, printing, warehouse, office, and service.

The implementing zoning districts for the City's Station Community (SC) land use designation are: Station Community – High Density Residential (SC-HDR), Station Community – Multiple Use (SC-MU), Station Community – Employment (SC-E), and Station Community – Sunset (SC-S). The SC-HDR zone prohibits manufacturing, printing, and warehousing. Similarly, the SC-MU zone prohibits warehousing. Therefore, the SC-HDR and SC-MU zones were removed from consideration as they would create non-conforming uses. The SC-S zoning district is intended to be applied within one-half mile of the Sunset Transit Center. Given that the subject parcels are located nearly two miles from the Sunset Station, the SC-S zone was not considered for the subject parcels.

Exhibit 9 compares the SC-E1, SC-E3, and Washington County IND zoning districts. Overall, the uses located upon the subject parcels reflect uses allowed within the SC-E zoning district, either conditionally, or outright. Staff notes that there is an existing recreational facility on Tax Lot 1S109CB00100. Recreational uses are prohibited under the proposed SC-E zoning district. The Washington County Industrial zone permits recreational facilities as an accessory use, intended for use by employees of an allowed use.

The SC-E zoning designation carries two Sub Area designations, as follows,

“The sub areas are located so the most intense development will occur adjacent to a light rail station or along a Major Pedestrian Route and is generally located within one-half mile of a light rail station. Sub Area 3 generally applies to land that is not adjacent to a LRT station and is currently developed with uses that are generally industrial, institutional, or are currently low intensity campus industrial park in character which could have redevelopment potential.”

The subject parcels are located adjacent to a light rail and are within one-quarter mile of the Millikan light rail station. Three of the four parcels are located along SW Millikan Way, which is a designated Major Pedestrian Route. Staff finds that Sub Area 1 is appropriate given that the properties are located adjacent to light rail or a Major Pedestrian Route.

Finding: Staff finds that the Station Community – Employment zoning designation and the proposed Sub Area 1 application most closely reflect the existing uses on site that were permitted under the Washington County Industrial zone.

4. *The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

The UPAA does not provide guidance for the County's Station Community design type or the City's Station Community land use designation. Staff examined possible impacts that might be incurred upon the subject parcels from restrictions associated with the four implementing zones for the Station Community land use designation and the City's two Station Community – Employment Sub Areas. Staff also assessed the County's areas of Special Concern, design elements, and significant natural and cultural resource designations to ensure that where restrictions associated with special plan provisions apply to the subject properties, they were properly addressed.

Finding: The Station Community - Employment zoning designation is consistent with existing uses in the absence of guidance from the UPAA.

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

The City has submitted the subject Zoning Map Amendment and associated Comprehensive Plan Amendment to change the land use and zoning designations for four (4) parcels. No development or redevelopment is currently proposed and, accordingly, no additional applications are related to the request.

Finding: Staff finds that this criterion is not applicable.

SUMMARY

In the findings provided above, staff finds that the Zoning Map Amendment satisfies the approval criteria for a Discretionary Annexation Related Zoning Map Amendment pursuant to Section 40.97.15.4.C of the City's Development Code.

RECOMMENDATION

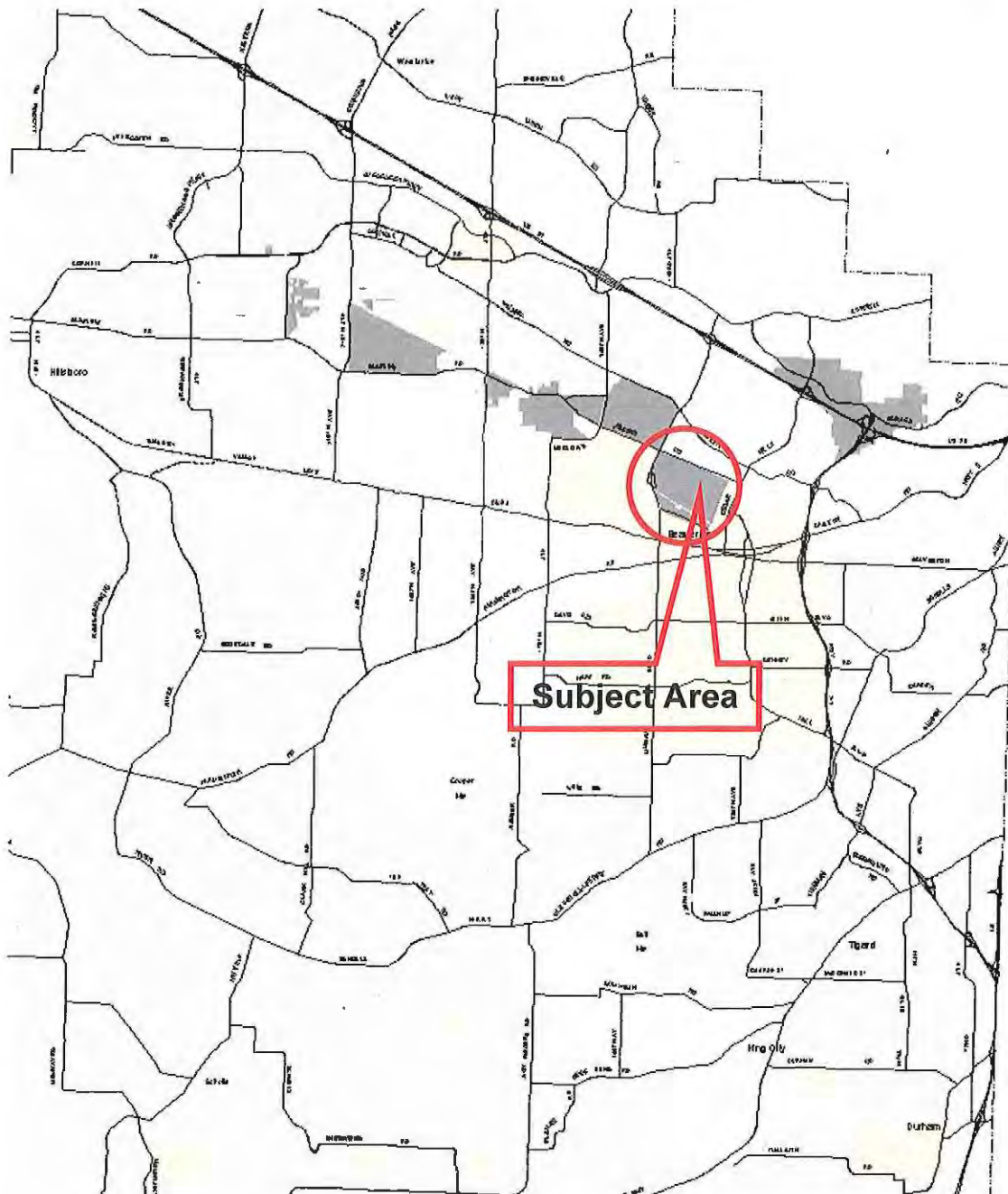
Therefore, based on the facts and findings presented, staff recommend **APPROVAL** of **ZMA2015-0001 (Millikan / Hocken Zoning Map Amendment)**.

Metro 2040 Growth Concept Map

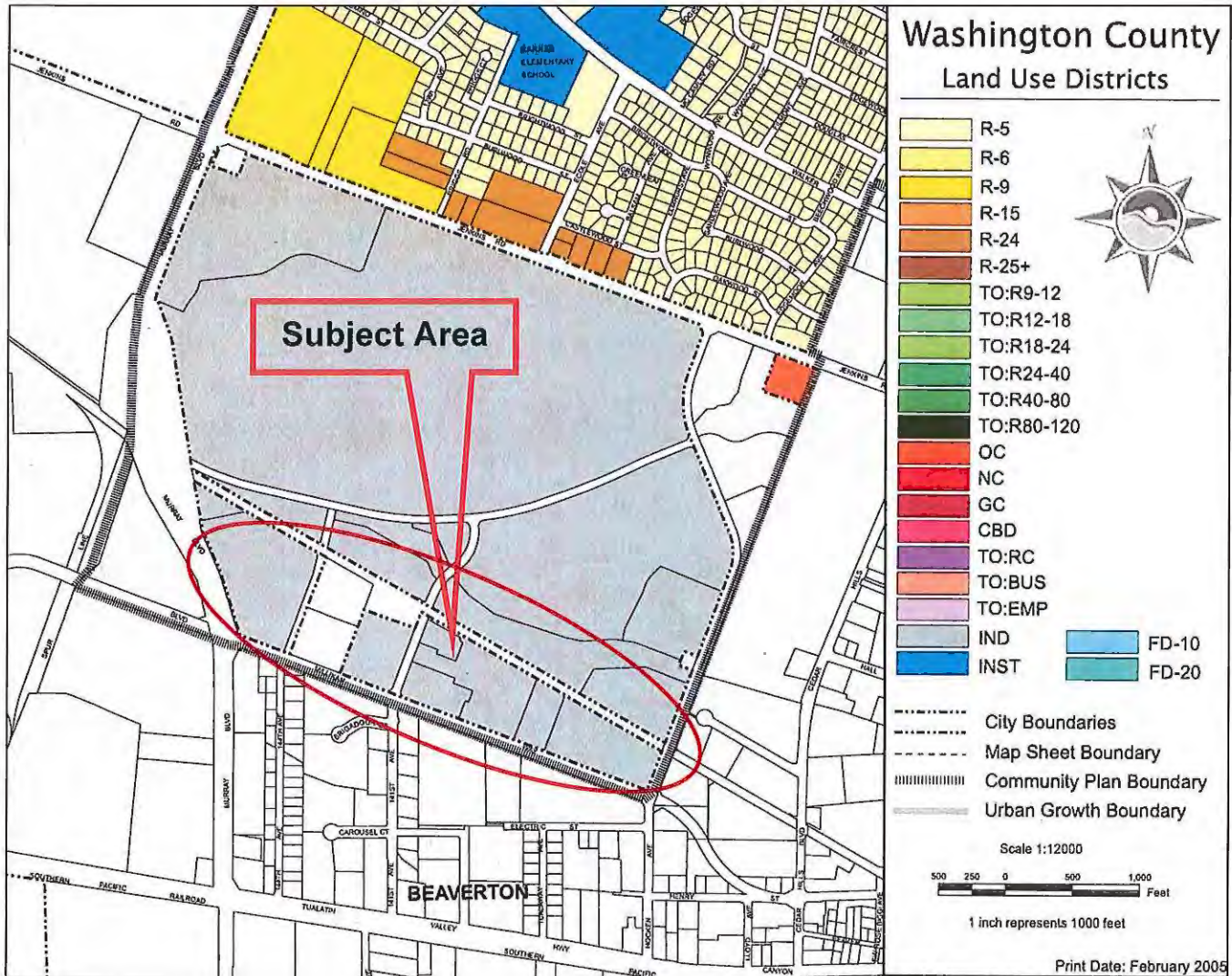


Station Communities Boundaries Map

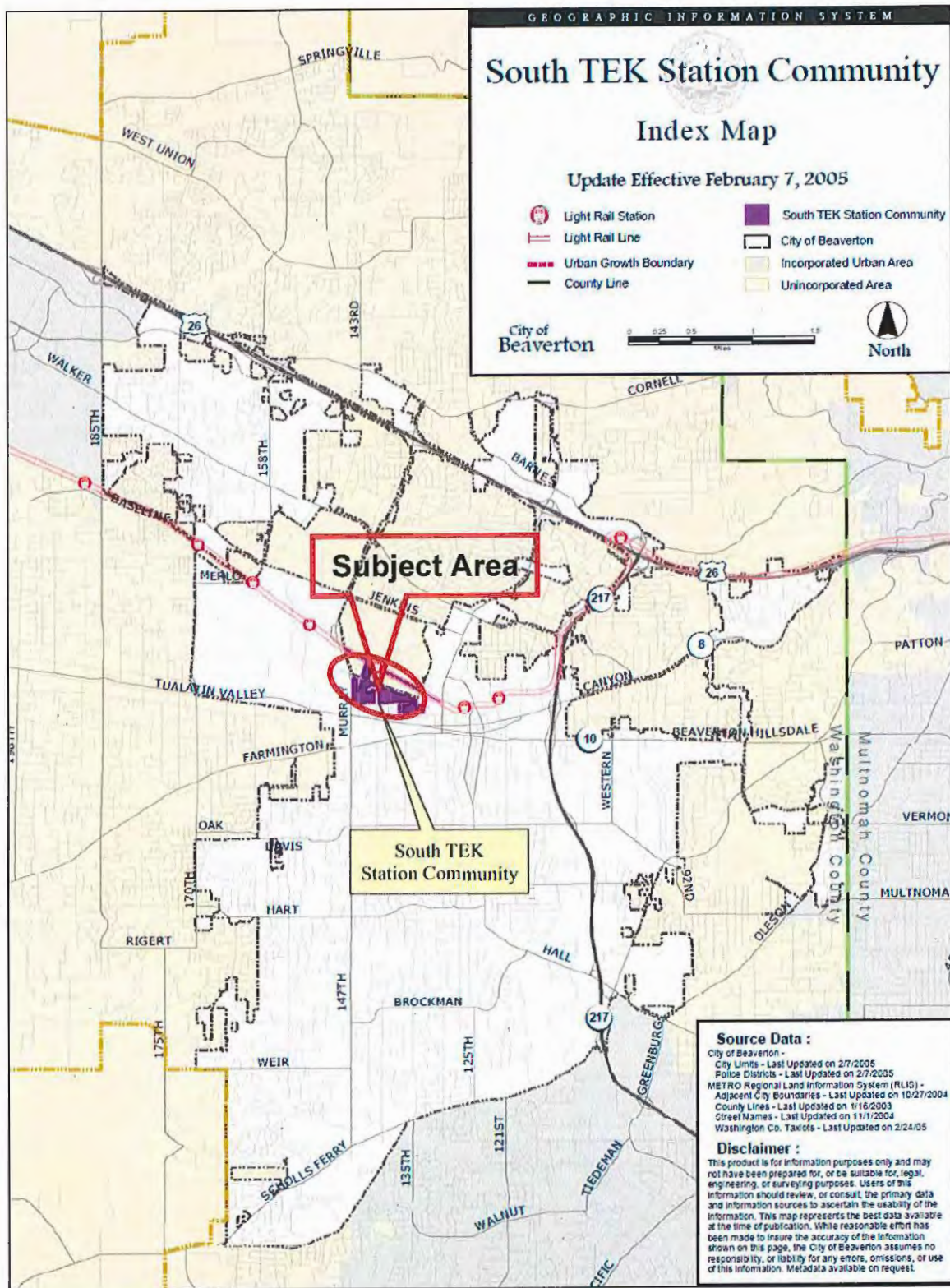
- Station Community
- Exempted Area (Rural or Incorporated as of 6-1-1996)



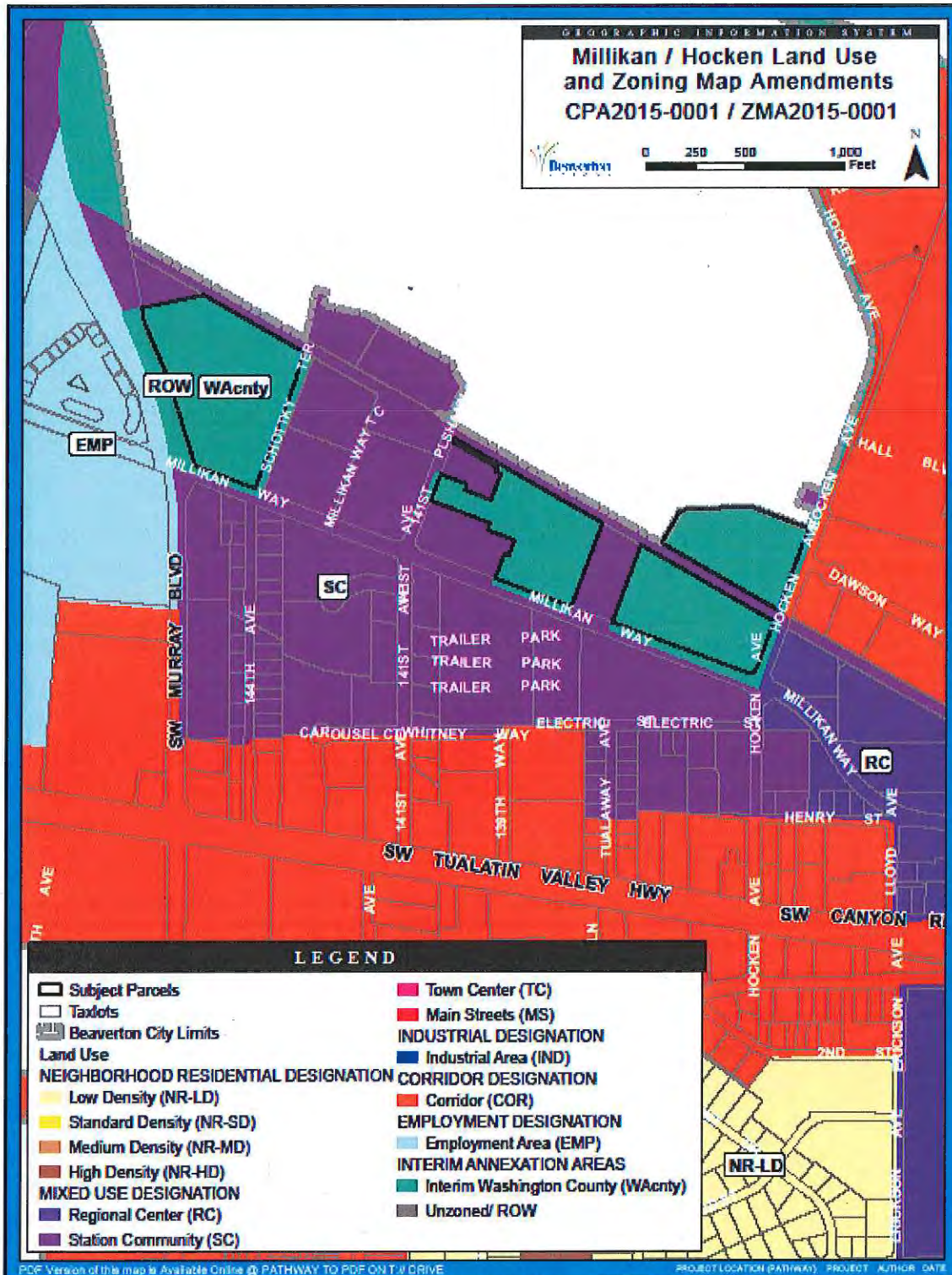
Cedar Hills – Cedar Mill Community Plan Land Use Map



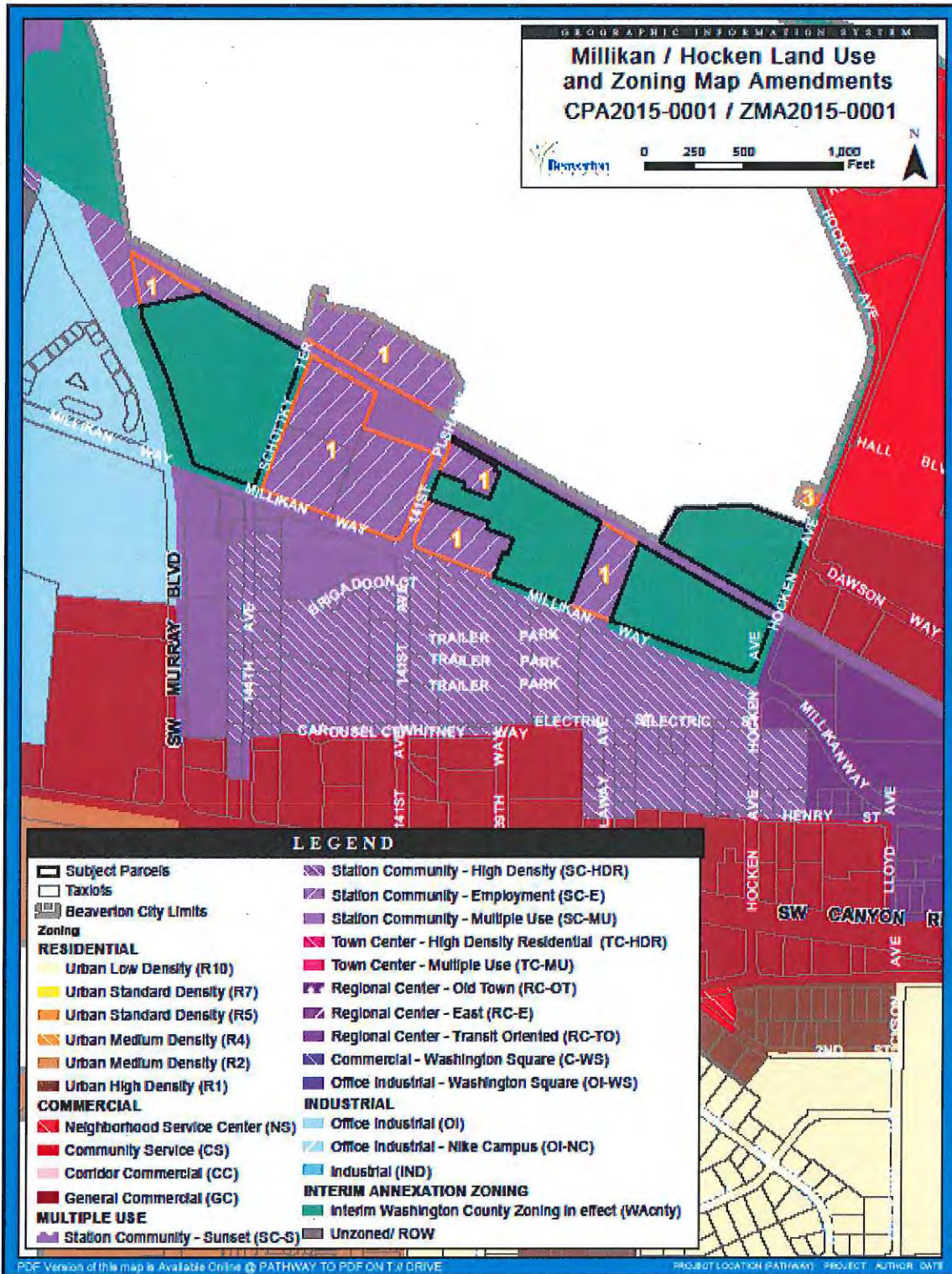
South Tektronix Station Community Area Map



Millikan / Hocken Land Use Map



Millikan / Hocken Zoning Map



MILLIKAN / HOCKEN SITE INVENTORY
2/18/2015

TAX LOT	ADDRESS	TENANT	USE
1S109DC00700	3725 SW Hocken Avenue	Vanguard EMS	Manufacturing
1S109CD00100	13475 SW Millikan Way	ReStore	Warehouse
"	13515 SW Millikan Way	CBM Systems	Facility Maintenance/Custodial Services
"	13555 SW Millikan Way	Photocraft	Graphics Printing
"	13505 SW Millikan Way	(vacant)	
1S109CD00200	13955 SW Millikan Way	Pod4print	Printing
"	13955 SW Millikan Way	Electrochem	Manufacturing
1S109CB00100	14523 SW Millikan Way	Seterus	Home Loan Servicing
"	14523 SW Millikan Way	The Courts	Recreational Facility
"	14523 SW Millikan Way	MQI Inc (no signage)	Document Storage/Management
"	14523 SW Millikan Way	Nike (no signage)	Office
	14525 SW Millikan Way		

Comparison of Zoning Districts

		City Station Community - Employment Sub Area 1 (SC-E1)	City Station Community - Employment Sub Area 3 (SC-E3)	Washington County Industrial (IND)
Residential				
Dwellings	Attached	N	N	N
	Detached	N (detached dwellings in existence as of 2002 are Permitted)	N (detached dwellings in existence as of 2002 are Permitted)	N
	Home Occupation	N	N	N (existing nonconforming residence allowed as a temporary use)
	PUD	C	C	
Commercial				
Animal	Animal Care, Major	N	N	II
	Animal Care, Minor	P	P	II
Care	Hospitals	N	N	
	Medical Clinics	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses)	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses)	
	Child Care Facilities	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development)	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development)	II (permitted if primarily for use by employees and their families)
	Residential Care Facilities	N	N	N
Commercial Amusement	N	N	III (Amusement Park; Race track; Stadiums, arenas and exhibition halls when developed through a PUD)	
Drive-up Window Facilities	N (drive-thru prohibited; walk-up uses permitted)	N (drive-thru prohibited; walk-up uses permitted)		
Eating and Drinking Establishments	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses)	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses)	II (cafeterias for employees allowed as accessory use)	
Financial Institutions	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses)	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses)	N	
Live/Work Uses	N	N	N	
Meeting Facilities	C; P (less than 20,000 sq. ft. is permitted; more than 20,000 sq. ft. is Conditional)	C; P (less than 20,000 sq. ft. is permitted; more than 20,000 sq. ft. is Conditional)		
Office	P	P	II (office and admin uses unrelated to a permitted use where not more than 10% floor area is used for the unrelated activity)	
Parking as the Principle Use	C (structured parking; surface parking as primary use is prohibited)	C (structured parking; surface parking as primary use is prohibited)		

Comparison of Zoning Districts

		City Station Community - Employment Sub Area 1 (SC-E1)	City Station Community - Employment Sub Area 3 (SC-E3)	Washington County Industrial (IND)
Rental Business		P (activity conducted wholly in an enclosed structure)	N	II (rental service for heavy equipment, tools, non-passenger vehicles, cargo vehicles)
Rental of Equipment Only		N	N	II (rental service for heavy equipment, tools, non-passenger vehicles, cargo vehicles)
Retail	Retail Trade	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / must be wholly enclosed / no furniture and appliance stores / home improvement stores are allowed Conditionally)	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / must be wholly enclosed)	II (retail outlets for warehousing or manufacturing limited to 10% of total floor area)
	Bulk Retail	N	N	N
Service Business/Professional Services		P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses / must be wholly enclosed)	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development / no drive-thru uses / must be wholly enclosed)	
Marijuana Dispensaries		N	N	II
Storage	Self Storage	N	N	N
	Storage Yards	N	P (building or landscape materials, contractor's equipment, transit vehicles, and related maintenance activities)	II
Temporary Living Quarters		C (hotels and extended stay hotels)	C (hotels and extended stay hotels)	N
Vehicles	Automotive Service, Major	N	N	II (passenger and non-passenger vehicle repair)
	Automotive Service, Minor	N	N	II (passenger and non-passenger vehicle repair)
	Bulk Fuel Dealerships	N	N	
	Sales or Lease	N	N	II (heavy equipment and non-passenger vehicle sales)
	Rental	P	P	II (rental service for heavy equipment, tools, non-passenger vehicles, cargo vehicles)
Civic				
Education	Commercial Schools	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development)	C (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development)	P (Industrial schools, manufacturing institute and training centers)
	Educational Institutions	P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development)	C (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development)	II (permitted as an accessory use)

Comparison of Zoning Districts

		City Station Community - Employment Sub Area 1 (SC-E1)	City Station Community - Employment Sub Area 3 (SC-E3)	Washington County Industrial (IND)
Places of Worship		P (max size of single use is 10,000 sq. ft. or 25% square footage of multiple use development)	N	
Public Buildings, Services and Uses		C; P (Permitted if established by 2002, otherwise Conditional)	C; P (Permitted if established by 2002, otherwise Conditional)	P
Railroad Tracks and Facilities	Passenger	P	P	
	Freight	P (not within 200 ft of a residential zone)	P (not within 200 ft of a residential zone)	
Recreation	Public Parks, Parkways, Playgrounds, and Related Facilities	P (limited to 0.5 acres)	P (limited to 0.5 acres)	
	Recreational Facilities	N	N	II (recreational facilities for employees permitted as an accessory use)
Social Organizations		C	C	
Transit Centers		P	P	P
Utilities	Utility Substations and Related Facilities other than Transmission Lines	C	C	P
	Transmission Lines	P	P	
Industrial				
Manufacturing, Fabricating, Assembly, Processing, and Packing		P (activities must be entirely enclosed)	P (activities must be entirely enclosed)	II
Printing, Publishing and Book Binding		P	N	II
Warehousing		P (existing warehouses permitted); otherwise allowed as accessory use not to exceed 25% floor area	P (existing warehouses permitted); otherwise allowed as accessory use not to exceed 25% floor area	II



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EXHIBIT 10.1

March 20, 2015

Jack L. Orchard
jorchard@balljanik.com

City of Beaverton
Planning Commission
c/o Cassera Phipps
(cphipps@BeavertonOregon.gov)
City Hall
4755 S. W. Griffith Drive
PO Box 4755
Beaverton, OR 97076

Re: CPA 2015-0001/ZMA 2015-0001

Dear Planning Commission Members:

Felton Properties owns two of the four parcels (circled on the enclosed Vicinity Map) which are the subject of the above-referenced applications. These parcels were part of the original Tektronix holdings. Their planning and zoning history are complicated. Both parcels include buildings that pre-dated both the extension of Westside Light Rail and the Station Community planning and zoning concepts.

The current uses for these buildings include a printing operation, office and warehouse uses, Nike's Employee Store re-stocking facility, light manufacturing uses and The Courts, a volleyball and basketball instructional and training facility. All these uses were permitted by Washington County under the County TO-EMP District and Tektronix-County Development Agreement relating to Tektronix Park properties.

In reviewing the transition of these parcels to City zoning, it appears the existing uses can continue without being deemed non-conforming, although it is unclear as to The Courts' status. That facility is a mixed-use operation which includes a café, office space and hardwood courts. It has successfully operated for over seven years without incident or undue impact on public services or safety. The Courts' primary activity is its instructional offerings, although it is multi-use, as described above.

It is imprecise as to where The Courts fit into the land use matrix associated with the SC-E1 zone. In 2004, when the County applied the TO-EMP district zone and the provisions of the Tektronix Development Agreement, The Courts' operation was fully authorized by the County as being legally consistent with both documents. This outcome should continue in the City, as has occurred in the several years following the property's City annexation.

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City of Beaverton
Planning Commission
March 20, 2015
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As the Commission is aware, non-conforming uses create problems for both the City and property owner/user. The translation of the County-allowed uses to the City SC-E1 uses should recognize The Courts as an allowed carry-over use. This can be accomplished by including in the CPA/ZMA a statement that any specific use allowed by Washington County at the time of a property's City re-zoning shall be allowed with the SC-E1 zone area. This would be similar to SC-E1 Use Restrictions superscript Note 59 relating to lawfully established warehousing uses.

Generally, Felton Properties is comfortable with applying the SC-E1 area zone to the two parcels it owns and believes that its current and future users can be largely accommodated by that zone. The SC-E1 area industrial uses are somewhat more limited than the County Industrial use standards. Further discussion of how some of the SC-E1 manufacturing use standards are to operate (e.g., "activities are entirely enclosed;" "do not entail outdoor storage;" "do not entail movement of heavy equipment") is warranted, so that the intent of such limitations can account for the realities of manufacturing.

Crafting the standards in this way will permit continued vitality in leasing, maintaining and improving these parcels. By continuing existing business operations on these parcels, this reinforces the desirability of investing and using buildings at these types of earlier-developed sites. Their use will evolve over time as the market expectations change.

Thank you for this opportunity to comment. As Felton Properties more closely examines the SC-E1 development and use standards, it may have additional comments and/or requests for further clarification or modifications. Felton Properties appreciates Ms. Phipps' timely sharing of information.

Sincerely,

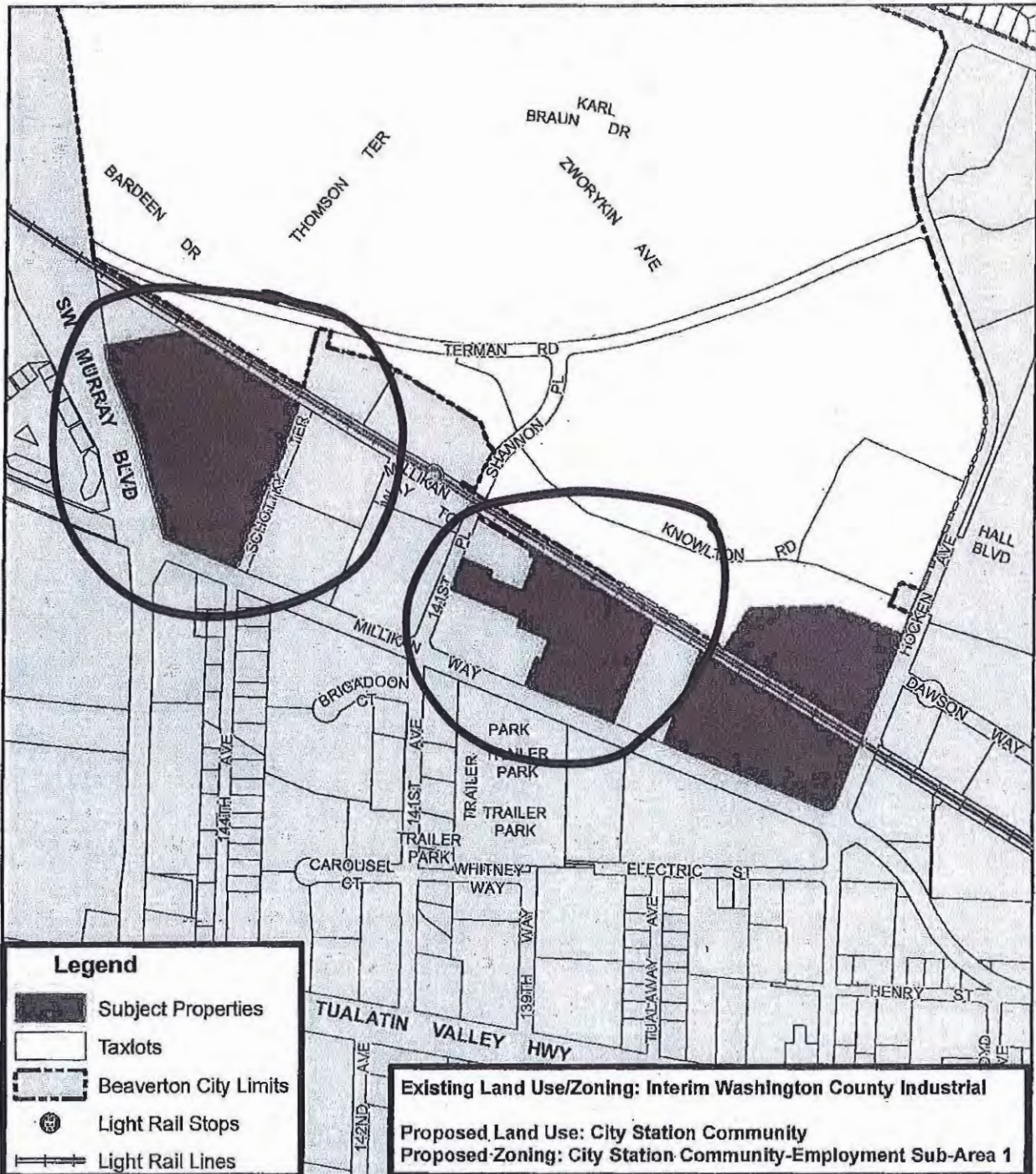
A handwritten signature in blue ink that reads "Jack L. Orchard". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jack L. Orchard

JLO:crs
Enclosure
cc w/encl: Matt Felton, Felton Properties
Jeff Borlaug, Felton Properties

VICINITY MAP

EXHIBIT "A"



Millikan/Hocken Annexation Related Zoning Map and Comprehensive Map Amendments

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

2/6/2015
Tax Map & Lot #
Various

Application #
CPA2015-0001
ZMA2015-0001

