



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

January 12, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment  
DLCD File Number 016-06



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: January 26, 2007**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Paul Schaefer, Washington County

<paa> ya/

FORM 2

DEPT OF

JAN 08 2007

LAND CONSERVATION AND DEVELOPMENT

DLCD NOTICE OF ADOPTION

This form must be received by DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

Jurisdiction: Washington County

Local File No.: 06-398-PA (If no number, use none)

Date of Adoption: January 3, 2007 (Must be filled in)

Date Mailed: January 5, 2007

Date the Notice of Proposed Amendment was mailed to DLCD: August 18, 2006

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: (Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Plan Amendment to remove the Transit Oriented Residential, 12-18 units/acre (TO:R12-18) plan designation and designate the parcel Transit Oriented Retail Commercial (TO:RC).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the proposed amendment, write "N/A." SAME

Plan Map Changed from: TO:R12-18 to: TO:RC

Zone Map Changed from: N/A to: N/A

Location: Tax Map: 1S1 2AD, Tax Lot 800 Acres involved: 0.21 acres

Specified Change in Density: Previous: 18 dwelling units/acre New: N/A

Applicable Statewide Planning Goals: 1, 2, 9, 10, 11, 12, 14

Is an Exception Proposed? Yes: No: X

Was an Exception Adopted? Yes: No: X

DLCD No: 016-06(15481)

Did the Department of Land Conservation and Development receive a notice a Proposed Amendment FORTY-FIVE (45) days prior to the first evidentiary hearing?

Yes:  No:

If no, do the Statewide Planning Goals apply?

Yes:  No:

If no, did The Emergency Circumstances require immediate adoption?

Yes:  No:

Affected State and Federal Agencies, Local Governments or Special Districts:

Washington County Sheriff, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue, Tualatin Hills Park and Recreation District, Tri Met, Metro, Washington County Department of Land Use and Transportation, Washington County Urban Road Maintenance District.

Local Contact: Paul Schaefer, Senior Planner

Area Code + Phone Number: 503-846-8817

Address: Washington County DLUT, 155 N First Avenue Suite 350-14

City: Hillsboro

Zipcode + 4: 97124-3072

Email Address: Paul\_Schaefer@co.washington.or.us

#### ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and **TWO (2)** Copies of the Adopted Amendment to :

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

2. Submit **TWO (2) copies** of the adopted material, if copies are bound, please submit **TWO (2)** complete copies of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD no later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8½ x 11 inch green paper only; or call the DLCD Office at (503) 373-0050; or Fax you request to (503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) – ATTENTION: PLAN AMENDMENT SPECIALIST.



WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND TRANSPORTATION  
PLANNING DIVISION  
ROOM 350-14  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
(503) 846-3519 fax: (503) 846-4412  
www.co.washington.or.us

# NOTICE OF PLANNING COMMISSION DECISION (Plan Amendment)

PROCEDURE TYPE III

CPO: 1 - Cedar Hills/Cedar Mill

COMMUNITY PLAN: Cedar Hills/Cedar Mill

EXISTING LAND USE DISTRICT(S):  
Transit Oriented Residential 12-18 units/acre (TO:R12-18)

PROPOSED PLAN AMENDMENT:

Remove the TO: R12-18 plan designation and designate the property Transit Oriented Retail Commercial (TO: RC)

CASE FILE NO.: 06-398-PA

APPLICANT:

Scott Fairbairn  
9501 SW Westhaven Drive  
Portland, OR 97225

APPLICANT'S REPRESENTATIVE:

Angelo Planning Group  
620 SW Main, Suite 201  
Portland, OR 97205

CONTACT PERSON:

Frank Angelo/Shayna Rehberg

OWNER:

Applicant

PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 1S1 2AD

TAX LOT NO(S): 800

SITE SIZE: 0.21

ADDRESS: 8998 SW Leahy Road

## APPEAL PERIOD:

FROM: January 5, 2007 (Mailed Date)

TO: January 19, 2007 (Appeal Due Date) by 5:00 p.m.

A SUMMARY OF THE DECISION OF THE PLANNING COMMISSION IS ON THE ATTACHED SHEET.

THIS DECISION MAY BE APPEALED AND A PUBLIC HEARING HELD BY FILING A ASSIGNED PETITION FOR REVIEW (APPEAL), AS DESCRIBED ON THE ATTACHED SHEET, WITHIN 14 CALENDAR DAYS OF THE DATE THIS NOTICE WAS PROVIDED. A MOTION FOR RECONSIDERATION MAY BE FILED, AS PROVIDED IN SECTION 208 OF THE COMMUNITY DEVELOPMENT CODE, WITHIN 7 CALENDAR DAYS OF THE DATE THIS NOTICE WAS PROVIDED BUT DOES NOT STOP THE APPEAL PERIOD FROM RUNNING AND IS AVAILABLE ONLY AS AN EXTRAORDINARY REMEDY WHEN A MISTAKE OF LAW OR FACT HAS OCCURRED. ONLY THOSE PERSONS WHO MADE AN APPEARANCE OF RECORD (INCLUDING SUBMISSION OF WRITTEN COMMENTS OR TESTIMONY) ARE ENTITLED TO FILE A PETITION FOR REVIEW (APPEAL) OR MOTION FOR RECONSIDERATION OF THE DECISION.

THIS DECISION WILL BE FINAL IF NO APPEAL IS FILED BY THE DUE DATE AND A MOTION FOR RECONSIDERATION IS NOT GRANTED BY THE REVIEW AUTHORITY.

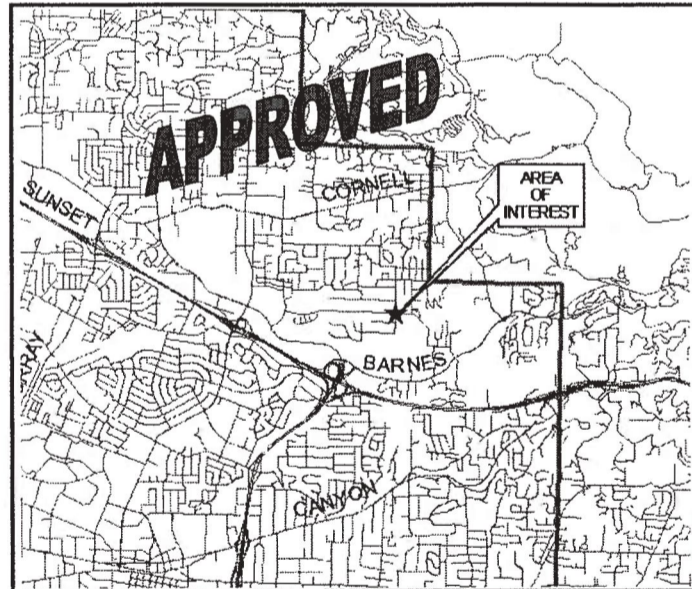
THE COMPLETE APPLICATION, REVIEW STANDARDS, RECORD OF PROCEEDINGS, FINDING FOR THE DECISION AND DECISION ARE AVAILABLE AT THE COUNTY FOR REVIEW.

FOR FURTHER INFORMATION, PLEASE CONTACT:

**Paul Schaefer, Senior Planner**

AT WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION. (503)846-3519.

AREA MAP



## NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

**SUMMARY OF DECISION**

At its meeting on November 1, 2006, the Washington County Planning Commission (Commission) met to hear a request for a plan amendment to the Comprehensive Framework Plan to change the plan map designation from Transit Oriented Residential 12-18 units per acre (TO:R12-18) to Transit Oriented Retail Commercial (TO:RC) for property described as Assessor Map Number 1S1 2AD / Tax Lot 800.

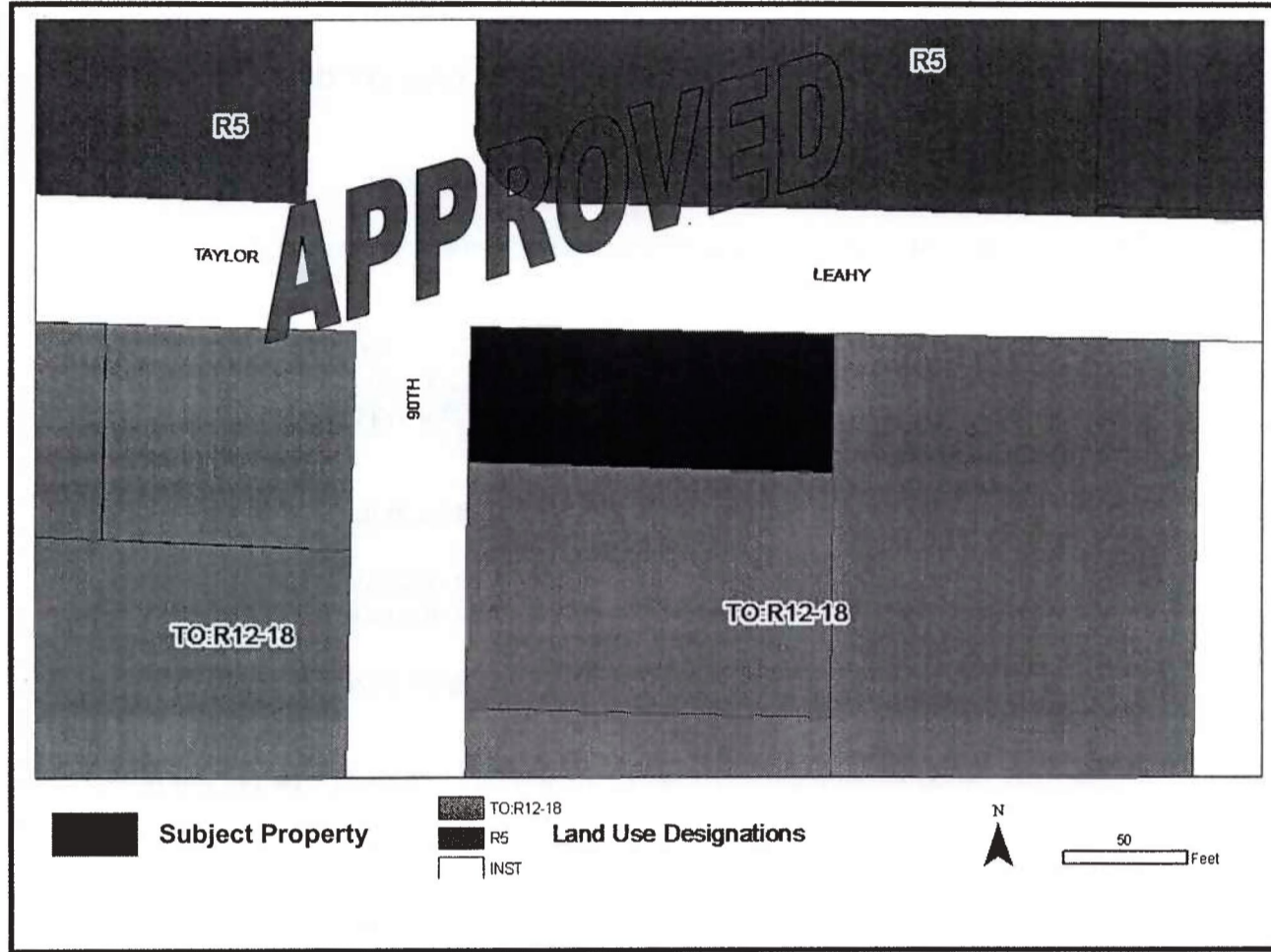
The Commission tentatively approved the requested Plan Amendment and directed that the applicant prepare findings in support of the request. On November 30, 2006 the applicant submitted draft findings for staff's review. After reviewing the findings, staff made some corrective changes. The revised findings were forwarded to the Commission for consideration and approval at the January 3, 2007 regular meeting.

On January 3, 2007, the Commission approved the requested plan amendment based on certain evidence and supportive findings in the staff report (Exhibit "B"), in the Application (Exhibit "C"), in the applicant's supplemental response (Exhibits "D" and "E"), and in the applicant's findings (Exhibit "F").

Conditions of this approval are:

1. Any additional amount over and above the fee deposit submitted with this application which is determined to be owing the County shall be paid upon receipt of a statement of balance due, consistent with the agreement for payment of fees for quasi-judicial plan amendment application processing previously signed by the owner.

Tax Map/Lot Number: 1S1 2AD, Tax Lot 800  
 Case File Number: 06-398-PA



Applicable Land Use Districts:

- TO: R12-18 Transit Oriented Residential 12-18 units /acre
- TO: RC Transit Oriented Retail Commercial

Applicable Goals, Policies & Regulations:

- A. LCDC Statewide Planning Goals 1, 2, 9, 10, 11, 12 and 14
- B. Washington County Urban Plan Policies 1, 2, 14, 18, 21, 22, 30, 31, 32 and 40
- C. Washington County Cedar Hill-Cedar Mill Community Plan Design Elements 5, 9, 10, 12, and 13 and the Westhaven Subarea, including Area of Special Concern 3
- D. Washington County Community Development Code Article III, Section 375 Transit Oriented Districts
- E. OAR 660-012-060
- F. Washington County Transportation Plan Policies 1, 2, 3, 4, 5, 6, 8, 10, 12, 14, 15 and 19
- G. Urban Growth Management Functional Plan Titles 1, 2, 6 and 7

**APPEAL INFORMATION  
CASEFILE 06-398-PA**

**A PETITION FOR REVIEW (APPEAL) TO THE BOARD OF COUNTY COMMISSIONERS  
SHALL CONTAIN THE FOLLOWING:**

1. The name of the applicant and the County case file number;
2. The name and signature of each petitioner and statement of interest of each petitioner to determine party status.  
  
Multiple parties may join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this Contact Representative;
3. The date that notice of the decision was sent as specified in the notice (date mailed);
4. The nature of the decision and the specific grounds for appeal. Unless otherwise directed by the Board, the appeal shall be limited to the issue(s) raised in the petition;
5. If desired, a request for a partial or full de novo hearing as provided in Section 209-5.4 of the Community Development Code (CDC);
6. A statement listing the number of pages of the petition and that all pages are present.
7. A statement setting forth the appeal fee as specified in the notice of decision; and
8. The appeal fee adopted by the Board of County Commissioners of \$650, which is a deposit on the cost for processing the appeal. The appellant will be required to pay the actual cost, which may be more or less than \$650. A transcript will be prepared for all appeals pursuant to CDC Section 209-4. The appellant will be provided a written estimate of the cost for preparation of the transcript by the County after the petition is accepted. Within fourteen (14) days of notification of the estimated transcript fee, the appellant must either pay the estimated cost or notify the Director in writing that the appellant will prepare the transcript. The appellant must also reimburse the County for time and materials cost over eight hours.

Failure to file a signed original petition with the Department of Land Use and Transportation by 5:00 p.m. on the due date, with the proper fee, shall be a jurisdictional defect. Please call Planning Division staff at 503-846-3519 if you have any questions.

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IN THE PLANNING COMMISSION  
FOR WASHINGTON COUNTY, OREGON

In the Matter of a Proposed Plan                    )     RESOLUTION AND ORDER  
Amendment Casefile 06-398-PA                    )     NO. 2007-01

This matter came before the Washington County Planning Commission (Commission) at its meeting of November 1, 2006; and

It appearing to the Commission that the applicant applied to Washington County for a Plan Amendment to change the plan designation for certain real property described in the Notice of Public Hearing, (Exhibit "A"), attached hereto and by this reference made a part hereof, from TO:R12-18 (Transit Oriented Residential 12-18 units per acre) to TO:RC (Transit Oriented Retail Commercial); and

It appearing to the Commission that notice of the public hearing was sent to property owners of record on October 12, 2006, as required by Community Development Code Section 204; and

On November 1, 2006, the Commission opened the public hearing at which time staff summarized the basis for staff's recommendation that the plan amendment be denied and then invited the applicant to offer testimony in support of his request; and

On November 1, 2006, the Commission granted *tentative* approval of the request and directed the applicant to prepare findings in support of the request and continued the item to January 3, 2007; and


It appearing to the Commission from certain evidence and supportive findings in the staff report (Exhibit "B"), in the Application (Exhibit "C"), in the applicant's supplemental response (Exhibits "D" and "E"), and in the applicant's findings (Exhibit "F"), attached hereto and by this reference made a part hereof, that the aforementioned application does meet the requirements of the Comprehensive Plan for such a Plan Amendment; and therefore, that the aforesaid application should be approved; and it is therefore

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RESOLVED AND ORDERED that Casefile No. 06-398-PA for a Plan Amendment for property described in Exhibit "A" is hereby **APPROVED**, based on certain evidence and supportive findings in the staff report (Exhibit "B") and the findings in the Application (Exhibit "C"), in the applicant's supplemental response (Exhibits "D" and "E"), and in the applicant's findings (Exhibit "F"). A summary of the Commission's decision is set forth in the Summary of Decision, (Exhibit "G").

9 votes Aye, 0 votes Nay.

PLANNING COMMISSION FOR  
WASHINGTON COUNTY, OREGON  
  
Chairman

  
Recording Secretary

Date Signed: January 3, 2007

Resolution and Order Approved as to form:

  
Assistant County Counsel for  
Washington County, Oregon



WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND TRANSPORTATION  
PLANNING DIVISION  
ROOM 350-14  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
(503) 846-3519 fax: (503) 846-4412  
www.co.washington.or.us

## NOTICE OF PUBLIC HEARING

### PROCEDURE TYPE III

CPO: 1 - Cedar Hills / Cedar Mill

COMMUNITY PLAN: Cedar Hills/Cedar Mill

EXISTING LAND USE DISTRICT(S):  
Transit Oriented Residential 12 - 18 units/acre (TO: R12-18)

### PROPOSED PLAN AMENDMENT:

Remove the TO: R12-18 plan designation and designate the property Transit Oriented Retail Commercial (TO: RC)

Notice is hereby given that the Planning Commission will review the request for the above stated proposed plan amendment at a meeting on: **November 1, 2006 at 1:30 PM** in the auditorium of Washington County Public Services Building, 155 North First, Hillsboro, Oregon.

All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to a hearing). Only those making an appearance of record shall be entitled to appeal. The public hearings will be conducted in accordance with the rules of procedure as adopted by the Board of County Commissioners. Reasonable time limits will be imposed.

Assistive Listening Devices are available for persons with impaired hearing and can be scheduled for this meeting by calling (503) 846-8611 (voice) or (503) 846-4598 (TDD-Telecommunications Devices for the Deaf) no later than 5:00 p.m. on the day before the meeting. The County will also upon request endeavor to arrange for the following services to be provided: qualified sign language interpreters for persons with speech or hearing impairments, and qualified bilingual interpreters. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the County of your need by 5:00 p.m. on the Monday preceding the meeting date.

FOR FURTHER INFORMATION, PLEASE CONTACT:

**Paul Schaefer, Senior Planner**

AT THE WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION, (503) 846-3519.

CASE FILE NO.: 06-398-PA

### APPLICANT:

Scott Fairbairn  
9501 SW Westhaven Drive  
Portland, OR 97225

### APPLICANT'S REPRESENTATIVE:

Angelo Planning Group  
620 SW Main, Suite 201  
Portland, OR 97205  
CONTACT PERSON: Frank Angelo/Shayna Rehberg

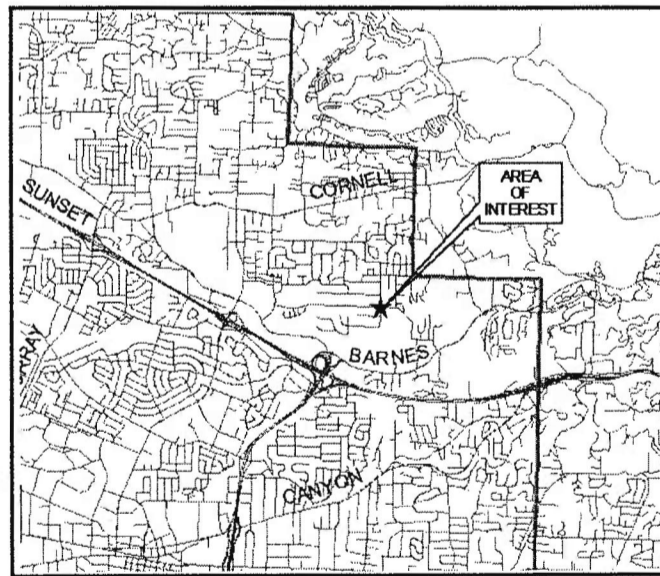
### OWNER:

Applicant

### PROPERTY DESCRIPTION:

ASSESSOR MAP NO(S): 1S1 2AD  
TAX LOT NO(S): 800  
SITE SIZE: 0.21 acres  
ADDRESS: 8998 SW Leahy Road  
LOCATION: At the southeast corner of the intersection of SW Leahy Road and SW 90th Avenue

### AREA MAP



### NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to the hearing but not after the conclusion of the hearing). Only those making an appearance of record (those presenting oral or written testimony) shall be entitled to appeal. Failure to raise an issue in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Review Authority (Planning Commission and/or Board of County Commissioners) an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on the issue.

The public hearing will be conducted in accordance with the following rules of procedure as adopted by the Board of County Commissioners. Reasonable time limits may be imposed.

**RULES OF PROCEDURE**

1. The staff will summarize the applicable substantive review criteria
2. A summary of the staff report is presented.
3. The applicant's presentation is given.
4. Testimony of others in favor of the application is given.
5. Testimony of those opposed to the application is given.
6. Applicant's rebuttal testimony is given.

Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall be subject to the limitations of ORS 215.428 or 227.178.

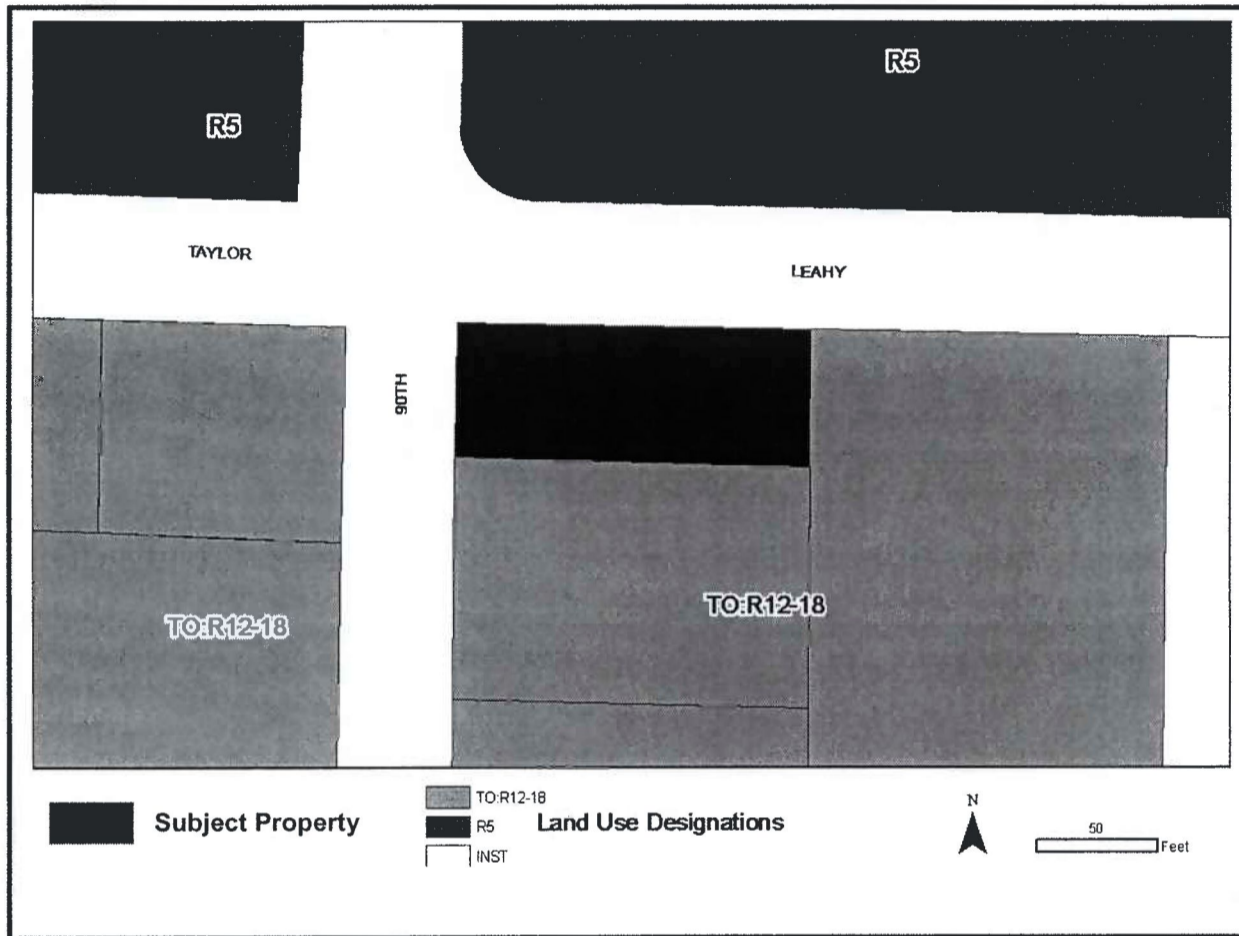
When the Review Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost at the Department of Land Use and Transportation. A copy of this material will be provided at reasonable cost.

A copy of the staff report will be available for inspection at no cost at the Department of Land Use and Transportation at least seven days prior to the hearing. A copy of the staff report will be provided at reasonable cost.

For further information, please contact Paul Schaefer, Senior Planner, Department of Land Use and Transportation, at (503) 846-3519.

Tax Map/Lot Number: 1S1 2AD, Tax Lot 800  
 Case File Number: 06-398-PA



Applicable Land Use Districts:

- TO: R12-18 Transit Oriented Residential 12-18 units /acre
- TO: RC Transit Oriented Retail Commercial

Applicable Goals, Policies & Regulations:

- A. LCDC Statewide Planning Goals 1, 2, 9, 10, 11, 12 and 14
- B. Washington County Urban Plan Policies 1, 2, 14, 18, 21, 22, 30, 31, 32 and 40
- C. Washington County Cedar Hill-Cedar Mill Community Plan Design Elements 5, 8, 9, 10, 11, 12 and 13 and the Westhaven Subarea, including Area of Special Concern 3
- D. Washington County Community Development Code Article III, Section 375 Transit Oriented Districts
- E. OAR 660-12-060
- F. Washington County Transportation Plan Policies 1, 2, 3, 4, 5, 6, 8, 10, 12, 14, 15 and 19
- G. Urban Growth Management Functional Plan Titles 1, 2, 6 and 7



**WASHINGTON COUNTY**  
**OREGON**

December 26, 2006

To: Washington County Planning Commission  
From: Brent Curtis, Planning Manager *ABC*  
Department of Land Use and Transportation  
Subject: **06-398-PA**

**ADDENDUM STAFF REPORT**

For the January 3, 2007, Planning Commission Meeting  
(*The meeting will begin no sooner than 1:30 p.m.*)

**I. RECOMMENDATION**

Approve the findings in support of the requested plan amendment (06-398-PA).

**II. OVERVIEW**

The applicant is requesting that the current Transit Oriented Residential (12-18) (TO:R12-18) plan designation for 0.21 acres be changed to Transit Oriented Retail Commercial (TO:RC). The parcel is located at the southeast corner of SW Leahy Road and SW 90th Avenue in unincorporated Washington County. The property currently supports a commercial use (structure) and a single apartment unit above the commercial use.

**III. BACKGROUND**

On November 1, 2006, the Planning Commission opened the public hearing at which time staff summarized the basis for staff's recommendation that the plan amendment be denied and then invited the applicant to offer testimony in support of his request. At the conclusion of the deliberations, the Commission closed the public hearing portion of the meeting and voted to tentatively approve the request and directed the applicant to prepare findings in support of the request and continued the item to January 3, 2007.

On November 30, 2006, the applicant provided draft findings to staff for review. Upon reviewing the draft findings, some changes were made by staff. Copies of the findings will be provided to the Planning Commission prior to the January 3<sup>rd</sup> meeting.



WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND  
TRANSPORTATION  
PLANNING DIVISION, SUITE #350-14  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
(503) 846-3519

## STAFF REPORT

CASEFILE NO.: 06-398-PA

**APPLICANT:**

Scott Fairbairn  
9501 SW Westhaven Drive  
Portland, OR 97225

**APPLICANT'S REPRESENTATIVE:**

Angelo Planning Group  
620 SW Main, Suite 201  
Portland, OR 97205

**CONTACT PERSON:** Frank Angelo/Shayna Rehberg

PROCEDURE TYPE: III

**COMMUNITY**

CPO: 1 PLAN: Cedar Hills-Cedar Mill

**OWNER:**

Applicant

**ASSESSOR MAP NO.:** 1S1 2AD

**TAX LOT NO(S):** 800

**EXISTING LAND USE DISTRICT(S):**

Transit Oriented Residential (12-18) (TO:R12-18)

**SITE SIZE:** 0.21 acres

**ADDRESS:** 8998 SW Leahy Road

**LOCATION:** At the southeast corner of the intersection of SW Leahy Road and SW 90<sup>th</sup> Avenue

**REQUEST:** Remove the TO:R12-18 plan designation and designate the property Transit Oriented Retail Commercial (TO:RC)

**Casefile No. 06-398-PA Staff Report for the  
November 1, 2006 Planning Commission Hearing**

**I. APPLICABLE REGULATIONS:**

- A. LCDC Statewide Planning Goals 1, 2, 9, 10, 11, 12 and 14
- B. Transportation Planning Rule (OAR 66-012-0060)
- C. Urban Growth Management Functional Plan: Titles 1, 2, 6 and 7
- D. Washington County Comprehensive Framework Plan Policies (and Implementing Strategies): 1, 2, 14, 18, 21, 22, 30, 31, 32, and 40
- E. Washington County Transportation Plan Policies 1, 2, 3, 4, 5, 6, 8, 10, 12, 14, 15 and 19
- F. Cedar Hill-Cedar Mill Community Plan, General Design Elements 5, 9, 10, 12, and 13 and the Westhaven Subarea, including Area of Special Concern 3
- G. Washington County Community Development Code:
  1. Article III, Land Use Districts  
Section 375 Transit Oriented Districts

Casefile No. 06-398-PA  
Staff Report for the November 1, 2006 Planning Commission Hearing  
October 25, 2006  
Page 2 of 24

II. AFFECTED JURISDICTIONS AND AGENCIES:

Washington County Department of Public Safety  
Washington County Department of Land Use and Transportation  
Tualatin Valley Fire and Rescue (TVF&R)  
Tualatin Valley Water District (TVWD)  
Clean Water Services (CWS)  
Washington County Sheriff  
Beaverton School District #48J  
Tualatin Hills Park & Recreation (THPRD)  
Metro  
TriMet

III. FINDINGS

A. General

Applicant: See pages 2 through 5 of the applicant's revised narrative dated June 2006.

Staff: The applicant is requesting that the current Transit Oriented Residential (12-18) (TO:R12-18) plan designation for 0.21 acres be changed to Transit Oriented Retail Commercial (TO:RC).

**Land Use History:** Prior to the adoption of the Regional Urban Growth Boundary (UGB) the property was zoned R-10, single family residential. The Regional UGB was adopted in 1980. The property maintained a residential zoning of RU-3 until the zoning was changed to the land use designations in 1983, with the adoption of the Cedar Hills-Cedar Mill Community Plan. On the 1983 Cedar Hills-Cedar Mill Community Plan the property was designated Neighborhood Commercial (NC). The Cedar Hills-Cedar Mill Community Plan was implemented by D-Engrossed Ordinance 265, adopted June 28, 1983.

The size of the original adopted land use maps made it impractical to provide same-size copies to the public. Consequently, smaller fold-out tabloid versions of the adopted community plans were developed to implement the community plans, including the Cedar Hills-Cedar Mill Community Plan. Each of the adopted land use designations on the adopted larger size maps were duplicated on smaller, easier to update and reproduce tabloid versions. The community plan tabloids assigned a different color to each underlying land use designation.

On the Cedar Hills-Cedar Mill Community Plan tabloid the property was colored a medium-dark red (for NC), while surrounding properties were either colored a light yellow (for R-5 Residential) or blue (for Institutional uses). The fold-out tabloid version of the Cedar Hills-Cedar Mill Community Plan was updated and reprinted three subsequent times (1984, 1987 and 1990). The purpose of the updates was to reflect the adoption of other plan elements, quasi-judicial plan amendments and city annexations and to update background information. Such updates are not processed through a land use ordinance, though some land use ordinances processed result in changes to the community plan maps.

Though generally routine in nature, it is possible that due to the size of the community planning areas and relatively very small sizes of some parcels, such as the subject property, that mapping errors can occur. Both the 1984 and 1987 updates designated the property as NC, while the 1990 update erroneously designated the property as R-5 Residential. However, no plan amendments were requested or approved to change the property's NC designation to R-5

Casefile No. 06-398-PA  
Staff Report for the November 1, 2006 Planning Commission Hearing  
October 25, 2006  
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Residential. Consequently, staff concurred that a mistake occurred in the reprinting of the third tabloid version of the community plan with the designation of the property as R-5 Residential.

The property's designation was changed to Transit Oriented Residential District 12-18 units per acre (TO:R12-18) on November 28, 1997 with the adoption of A-Engrossed Ordinance 484 (see *Section III. E. of the staff report for specific findings addressing about the station community planning process under Policy 1*).

**Commercial Use History:** According to the application, the existing store is approximately 900 square feet in size and has been in operation since 1955. In 1960, the property owner at the time, Mr. Ben Pettit obtained approval (NC 9-60) from the County Court to expand the existing non-conforming use (i.e., grocery store), subject to a condition that the county staff review and approve plans for off-street parking. There are no records of the property owner following up with the expansion plans and there does not appear to be any visual evidence that the store was expanded as allowed under NC 9-60. Additionally, in 1984, Type I development review approval was granted to allow the construction of a deck on the east side of the store. This approval also never occurred. There are no other known development review applications regarding the use or expansion of the store on file with the County.

If the plan amendment is approved, the applicant proposes to continue the commercial use while minimally expanding and enhancing the existing store. The applicant also proposes to construct as many as three additional residential units above the store. Currently, one residential unit exists above the commercial use. The applicant can develop additional residential units under both the current land use designation and the proposed designation. In addition, the applicant can continue to operate the existing grocery store under the current land use designation provided that the commercial use is deemed to be an approved use in accord with Section 375-6 (see *Section III. H. of the staff report for specific findings about Section 375-6 relating to the commercial use*). In brief, the commercial use appears to constitute an approved use under Section 375-6 and is therefore allowed to continue and to expand (up to 20-percent in additional floor area). The commercial use would also be allowed to continue as an approved use in the proposed designation.

**Property Description:** The property is located at the southeast corner of SW Leahy Road and SW 90<sup>th</sup> Avenue in unincorporated Washington County and is further identified as tax map and lot number 1S1 2AD / 800 (see *location map on next page*). The property currently supports a commercial use (structure), commonly known as the 'The Little Red Store'. Above the store is a single apartment unit.

The property has a gentle downward slope (northeast to southwest) across its entirety. In addition to the existing structure, there are some large trees and other landscaping present on the property.

**Neighboring Properties:** The property abuts lands designated TO:R12-18 to the south, west, and east. Across the street to the north are lands designated R-5 (4-5 units per acre) Residential. Each of the adjacent parcels is developed with a detached single family residential unit. Other prevalent nearby land uses are West Tualatin View Elementary School (east), Catlin Gabel School (south) and St. Vincent Medical Center (southwest).

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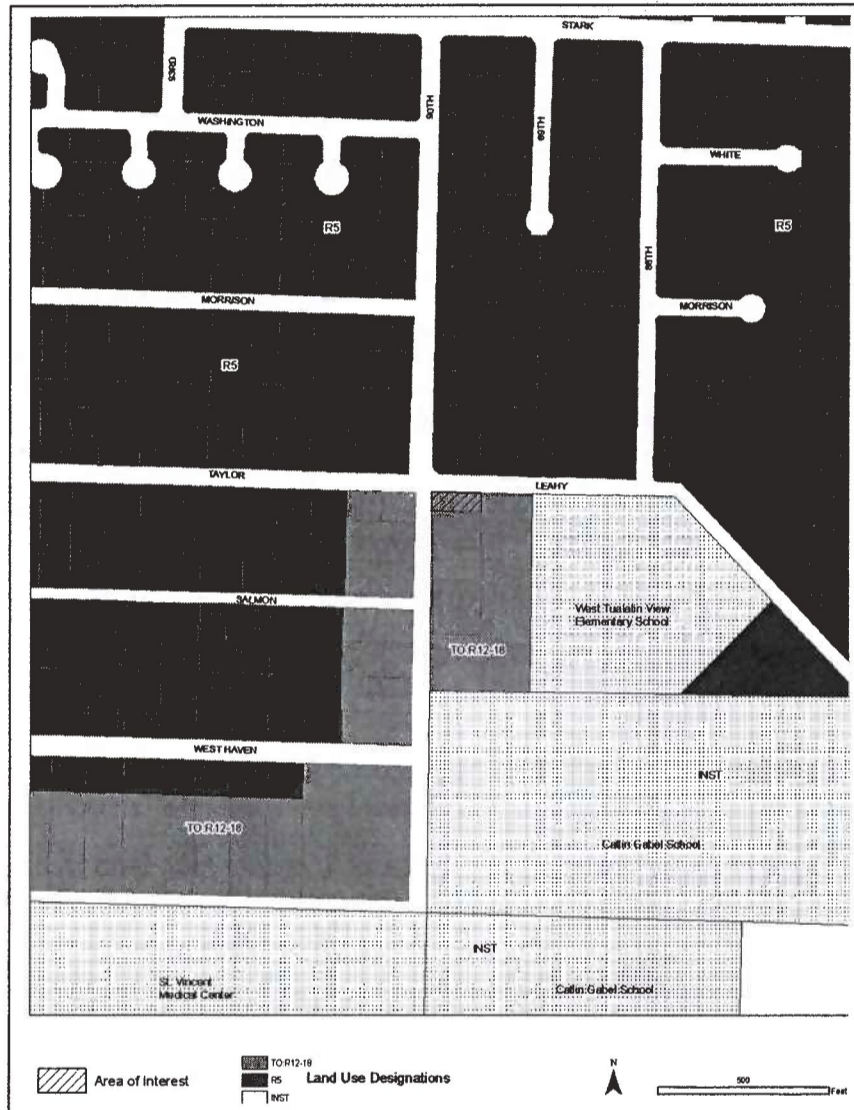
**Written Testimony:** No letters were received pertaining to the request prior to the completion of the Staff Report. Written testimony submitted to this office after the completion of the Report and preparation of the Planning Commission (Commission) packet will be presented to the Commission for review and inclusion in the casefile at the public hearing.

B. Statewide Planning Goals

Statewide Planning Goals applicable to this proposal are addressed under related policies from the Washington County *Comprehensive Framework Plan for the Urban Area*.

C. Transportation Planning Rule (OAR 660-0012-0060)

Applicant: See pages 34 and 35 of the applicant's revised narrative dated June 2006.



Staff: See Attachment "A". The findings in Attachment "A" also pertain to Statewide Planning Goals 11, Public Facilities and Services and 12, Transportation.

D. Urban Growth Management Functional Plan

Section 3.07.830.A. of Title 8 of Urban Growth Management Functional Plan (UGMFP) requires that all comprehensive plan changes submitted after February 19, 1997 "... shall be consistent with this functional plan."

1. Title 1, Requirements for Housing and Employment Accommodations, states:

**FUNCTIONAL PLAN POLICIES IN TITLE 1 SEEK WAYS TO INCREASE THE CAPACITY WITHIN THE URBAN GROWTH BOUNDARY, SUCH AS CHANGING LOCAL ZONING**

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**TO ACCOMMODATE DEVELOPMENT AT HIGHER DENSITIES IN LOCATIONS SUPPORTIVE OF THE TRANSPORTATION SYSTEM.**

Applicant: See pages 29 and 30 of the applicant's revised narrative dated June 2006.

Staff: Under the current designation, a maximum residential density of 18 units per acre is allowed and a minimum residential density of 12 units per acre is required. In accord with CDC Section 300-2 residential densities are based on the gross acreage of the development site, which in this case is 0.21 acres. Consequently, a minimum of 3 units would be required ( $0.21 \text{ acres} \times 12 = 2.52 = 3 \text{ units}$ ) and a maximum of 4 units per acre would be allowed ( $0.21 \text{ acres} \times 18 = 3.78 = 4 \text{ units}$ ) if the property were to develop under the current land use designation. No new retail commercial uses are allowed in the TO:R12-18 District; however the long-standing commercial use can remain in operation to the extent that the use complies with CDC Section 375-6 and all other applicable development regulations (see Section III. H. of the staff report for specific findings about Section 375-6). Additionally, the existing commercial use could be expanded to the extent allowed under Section 375-6, which is a 20-percent increase in floor area. Consequently, a change in designations from TO:R12-18 to TO:RC does not appear to be necessary in order to continue operating the commercial use provided that the existing use qualifies as an approved use under Section 375-6. As stated previously, the County Court in 1960 recognized the commercial use as a legally nonconforming use. So consequently, the commercial use is presumed to be an approved use, even though the applicant has not filed a request for a determination that the use is an approved use.

Residential uses are permitted in the TO:RC District provided that they are developed as part of a mixed-use development and located above the retail commercial use. Under the proposed designation, a minimum FAR of 0.25 would be required. As such a minimum of 2,287 square feet of retail commercial space ( $0.21 \text{ acres} \times 43,560 \text{ sq. ft.} \times 0.25 = 2,287 \text{ sq. ft.}$  of floor area) would be required. It is important to note that densities and floor area ratios are based upon the gross acreage of the site. Additionally, there is essentially no maximum FAR imposed on the property if developed under the TO:RC designation, provided that the transportation system serving the development has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.

Retaining the TO:R12-18 designation would result in a maximum of 4 residential units (and no new commercial uses) if the property was redeveloped and all existing uses removed; while a change to TO:RC would result in a minimum of almost 2,300 square feet of retail commercial uses (residential units are optional in the TO:RC District) under the same redevelopment scenario. Though the applicant proposes to construct as many as four dwelling units above an expanded ground floor retail commercial use, in the event the plan amendment is approved. Both transit oriented districts allow residential uses (e.g., apartments).

2. Title 2, Regional Parking Policy, states:

**THE STATE'S TRANSPORTATION PLANNING RULE CALLS FOR REDUCTIONS IN VEHICLE MILES TRAVELED PER CAPITA AND RESTRICTIONS ON CONSTRUCTION OF NEW PARKING SPACES AS A MEANS OF RESPONDING TO TRANSPORTATION AND LAND USE IMPACTS OF GROWTH. THE METRO 2040 GROWTH CONCEPT CALLS FOR MORE COMPACT DEVELOPMENT AS A MEANS TO ENCOURAGE MORE**

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**EFFICIENT USE OF LAND, PROMOTE NON-AUTO TRIPS AND PROTECT AIR QUALITY.**

Applicant: See pages 30 and 31 of the applicant's revised narrative dated June 2006.

Staff: Title 2 of the UGMFP establishes the Regional Parking Policy for the region. Title 2, Section 2 includes performance standards implementing the Regional Parking Policy. Among other things, the policy, a) establishes parking minimums which cities and counties cannot require more than, b) establishes parking maximums which cities and counties cannot allow more than, c) establishes a variance process, and d) provides definitions of the type of parking subject to these requirements. The County responded to the UGMFP Parking requirements (Title 2) in the form of Ordinance 551, which amended Community Development Code (Code) standards regulating parking.

Ordinance 551 was adopted on June 6, 2000 and became effective on July 6, 2000. The plan amendment application does not include a request to amend any of the new parking provisions designed to meet Title 2 nor does it affect the County's current parking standards. In addition, the applicant is not proposing development of the site at this time; therefore parking requirements will be reviewed through a subsequent development application.

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

**THE INTENTION OF TITLE 6 IS TO ENHANCE THE CENTERS DESIGNATED ON 2040 GROWTH CONCEPT MAP BY ENCOURAGING DEVELOPMENT IN THESE CENTERS.**

Applicant: See pages 31 and 32 of the applicant's revised narrative dated June 2006.

Staff: In 1997 the County adopted the Sunset Station Community Plan through which the property was designated TO:R12-18. Consequently, the property is located in a station community. As stated previously and under the findings addressing Policy 1 (below), the County has taken a position that the property should have been consistently designated on the Cedar Hill – Cedar Mill Community Plan as NC. However, the transit oriented residential (TO:R12-18) district was applied to the property to take into account the predominantly residential character of the neighborhood while ensuring adequate and appropriate residential densities supportive of Westside MAX.

Conversion from TO:R12-18 is not necessary to maintain and even to expand the existing commercial use, provided that the use was lawfully in existence prior to the adoption of Ordinance 484. In addition, contrary to the applicant's findings (pg. 32), there is no certainty that the property would have been designated TO:RC and not TO:R12-18 had the community plan maps consistently shown the property as NC. Staff would have likely recommended that the County retain the NC designation (and not apply a transit oriented district). This is similar to when the County retained the existing NC designation for property at the northeast corner of 205<sup>th</sup> Avenue and Baseline Road in 1998 when it adopted transit oriented residential for surrounding parcels to the west (across SW 205<sup>th</sup> Avenue), north and east (Ordinance No. 532).

It is worth noting that there are no records indicating that the property owner (David Muta) at the time of the hearings for Ordinance 484 or for A-Engrossed Ordinance 484 objected to the residential designation, nor was the ordinance appealed in order to designate the

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property TO:RC. Furthermore, none of the issue papers prepared for the Board addressed the property relative to what it should be designated (e.g., TO:R-12-18 or TO:RC) or what it was at time of the station are planning process (i.e., NC and not R-5). The station area planning process that culminated in the adoption of A-Engrossed Ordinance 484 involved several public open houses, public hearings before the Planning Commission and the Board of Commissioners (Board). In fact, the Board conducted a total of eleven public hearings on the ordinance, including hearings on one engrossment.

4. Title 7, Affordable Housing, states:

**PROVIDE A CHOICE OF HOUSING TYPES, REDUCE BARRIERS TO SUFFICIENT AND AFFORDABLE HOUSING FOR ALL INCOME LEVELS IN THE REGION, CREATE HOUSING OPPORTUNITIES COMMENSURATE WITH THE WAGE RATES OF JOBS AVAILABLE ACROSS THE REGION, INITIATE A PROCESS FOR ADDRESSING CURRENT AND FUTURE NEEDS FOR AFFORDABLE HOUSING, AND REDUCE CONCENTRATIONS OF POVERTY.**

Applicant: See pages 32 and 33 of the applicant's revised narrative dated June 2006.

Staff: Affordable housing can be provided under either land use district. However, in the TO:RC District housing is optional. Attached units are allowed in the TO:R12-18 District as well as in the TO:RC District. Consequently, both land use districts are consistent with this policy.

E. Washington County Comprehensive Framework Plan for the Urban Area

1. Policy 1, the Planning Process, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH AN ONGOING PLANNING PROGRAM WHICH IS A RESPONSIVE LEGAL FRAMEWORK FOR COMPREHENSIVE PLANNING AND COMMUNITY DEVELOPMENT AND ACCOMMODATES CHANGES AND GROWTH IN THE PHYSICAL, ECONOMIC AND SOCIAL ENVIRONMENT, IN RESPONSE TO THE NEEDS OF THE COUNTY'S CITIZENS.**

**IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE THE OPPORTUNITY FOR A LANDOWNER OR HIS/HER AGENT TO INITIATE QUASI-JUDICIAL AMENDMENTS TO THE COMPREHENSIVE PLAN ON A SEMI-ANNUAL BASIS. IN ADDITION, THE BOARD OF COMMISSIONERS, THE PLANNING DIRECTOR, OR THE PLANNING COMMISSION MAY INITIATE THE CONSIDERATION OF QUASI-JUDICIAL MAP AMENDMENTS AT ANY TIME DEEMED NECESSARY.**

Applicable Implementing Strategy:

- f. **Approve a quasi-judicial plan amendment to the Community Plan Maps, including the implementing tax maps, only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan, the Community Plan Overview and sub-area description and design elements, complies with the applicable policies, strategies and systems maps of the Transportation Plan,**

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**complies with the applicable regional functional planning requirements established by Metro, and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that in no way precludes full application of the Growth Management Policies to development permits as provided in the Code.**

**Quasi-judicial and legislative plan amendments which currently have a rural land use designation and were recently added to the Urban Growth Boundary, shall include documentation that the land was annexed into the Urban Road Maintenance District, the Enhanced Sheriff Patrol District and, where applicable, the Tualatin Hills Park and Recreation District. Annexation into these districts shall be completed prior to the County's determination that a quasi-judicial plan amendment application is complete and prior to the County's adoption of a legislative plan amendment.**

Applicant: See pages 6 through 9 of the applicant's revised narrative dated June 2006.

Staff: The property is currently located within the service boundaries of the Urban Road Maintenance District, Enhanced Sheriff Patrol District and the Tualatin Hills Park & Recreation District as required by Policy 1.

**In addition, the proponent shall demonstrate...:**

- 1. A mistake in the current designation such that it probably would not have been placed on the property had the error been brought to the attention of the Board during the adoption process.**

Applicant: See pages 6 though 9 of the applicant's revised narrative dated June 2006.

Staff: The applicant stated that this plan amendment meets the criteria of Policy 1.f.1. For the reasons given in this section, staff finds that the proposed removal of the TO:R12-18 District and the application of the TO:RC designation **does not** demonstrate compliance with Policy 1. f. 1.

Under this criteria, the applicant is required to demonstrate (i.e., prove) that it was a mistake (i.e., error) to apply the current designation (i.e., land use district), which in this case is TO:R12-18, **and** that had the Board been made aware of (i.e., informed) the pending mistake or error (i.e., reasons why the designation should not be placed on the property) that they would have probably (i.e., likely) not placed said designation on the property. The 'mistake' criterion is intended to provide an avenue for correcting community plan designations that a property owner believes should not have been placed on the property.

This criterion has historically been considered as the criterion to address when a property owner requests a community plan map change as a result of a mapping error, such as that which might occur as a clerical (i.e., staffing) error. In recent history, only one urban plan amendment (01-257-PA) requesting a change in land use designations addressed this criterion. Casefile 01-257-PA involved a plan amendment request to remove the Transit Oriented Business (TO:BUS) district applied to several parcels along the north side of Baseline Road and east of 185<sup>th</sup> Avenue. The plan amendment was approved and the land

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use designation of all but one parcel, whose owner(s) did not sign the application, was changed back to Industrial.

This criteria, however, is somewhat silent as to what a particular property should be designated if the current land use designation is removed. However, as was the case with 01-275-PA, the Planning Commission determined that it was a mistake to apply the TO:BUS designation to the properties involved even though they were located within a station community. Approval of the plan amendment effectively reverted the underlying land use designation for all properties involved to Industrial, which was the request of the applicant. Nonetheless, staff would consider a reversion to the former land use designation, which in the case of the current request would be NC, to be the most logical and practical result if it were determined that it was a mistake to designate the property TO:R12-18. One reason for reverting back is that the former designation was in place (i.e., it was a known quantity) prior to the County-initiated land use change. There is no certainty as to what the land use designation would have been if not designated TO:R12-18 and so it is difficult to consider alternative land use designations other than what was previously adopted for the property, which again in this case would be NC.

It is worth noting that through a previous plan amendment (86-398-M) the Board interpreted this criterion (1.), in part, to *'authorize approval of a Plan Amendment not only if the applicant can show that the Board relied on erroneous information at the time it adopted the Community Plan, but also if a lack of available information at the time the Community Plan was adopted led to application of the plan designation.'* As stated previously, staff determined that a mistake did occur in not consistently designating the property NC. In the event that the property was realized to be NC at time of developing Ordinance 484 that staff would have likely recommended to the County that it retain the NC designation. Consequently, in accordance with this criterion and the Board's interpretation, staff would initiate and support a plan amendment from TO:R12-18 to NC. Notwithstanding, presuming that the property's correct designation was R-5 Residential and the need existed for gaining additional housing units (Title 1 compliance) and for generating increased ridership for light rail, designating the property TO:R12-18 seemed rational. (*see also findings in Section III. A. under Land Use History above*).

The Transit Oriented Residential 12-18 units per acre (TO:R12-18) designation was applied to all of the parcels on either side of 90<sup>th</sup> Avenue south of Leahy Road, including the subject property after a lengthy public hearing process involving numerous public hearings before both the Planning Commission and the Board. The purpose of the 'up zoning' to TO:R12-18 was primarily to accommodate increased residential densities in the station planning area to support light rail. Increased residential densities in station communities as well as elsewhere in the county (e.g., by requiring minimum densities) were necessary to comply with Metro's Title 1 requirements. Presuming an existing R-5 designation, the County applied the TO:R12-18 designation in order to achieve increased densities while ensuring compatibility with surrounding low density neighborhoods to the north.

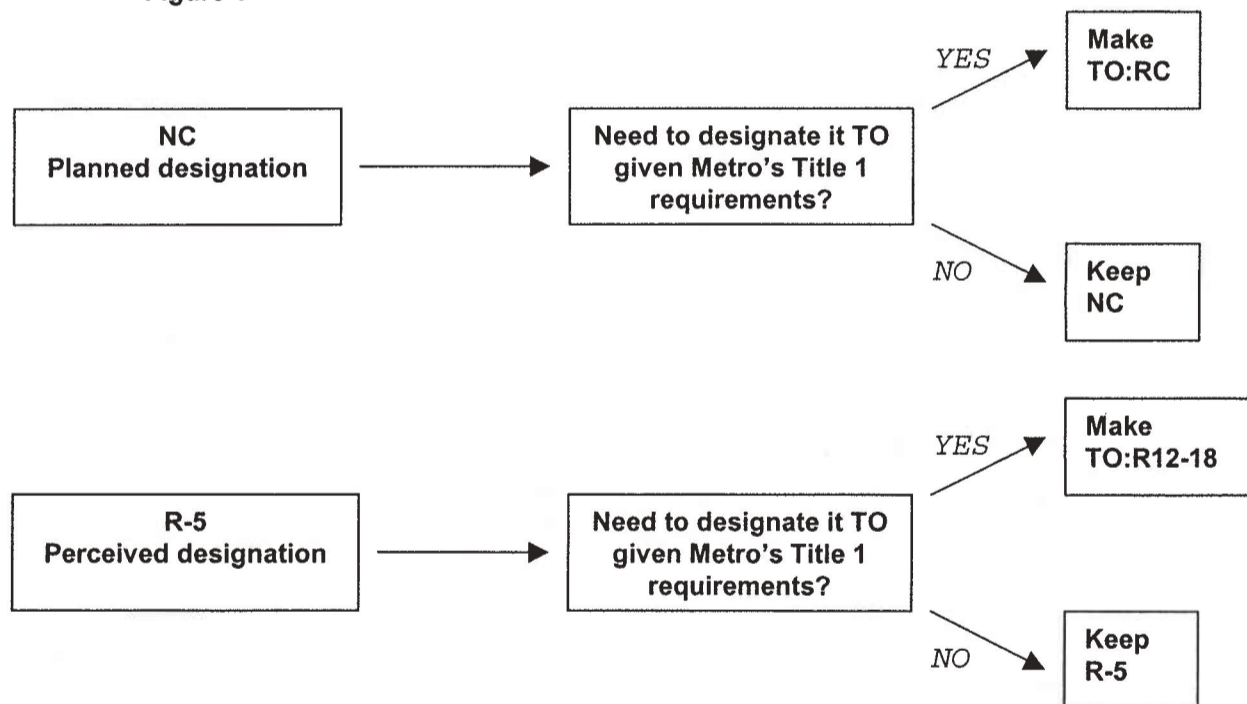
The TO:RC district if applied to the property would allow – but not require - residential uses (e.g., apartments). In order for the County to count any additional housing units to be developed on the property, they had to be required housing units, not optional housing units. Therefore, the opportunity to provide additional housing units towards the County's housing allocation was satisfied through the application of the TO:R12-18 District, and not the TO:RC District. Consequently, if the property was consistently designated NC, the County likely would have retained the NC designation through the station area planning. The

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County in the end demonstrated 'Substantial Compliance' with Title 1 as it pertained to housing, but 'Compliance' with Title 1 as it pertained to employment – so again no need to change the NC designation.

Figure 1 (below) illustrates the thought process that occurred under the presumption that the property was designated R-5 and the thought process that would have likely occurred if it was known that the property designated NC. In the first scenario (NC planned designation), the County did not need to increase the commercial density of the subject property to comply with Metro's Title 1 requirements regarding accommodating employment. Therefore, if staff had realized that the property was designated NC then it is likely that staff would have recommended that the County retain the NC designation. However, in the second scenario (R-5 perceived designation), the County needed to increase the number of additional (i.e., new) housing units on the property in order to comply with Metro's Title 1 requirements regarding accommodating housing. Therefore, staff had recommended that the County 'up zone' the property to TO:R12-18, which occurred through the adoption of A-Engrossed Ordinance 484.

Figure 1



A-Engrossed Ordinance 484 and the other station community planning ordinances were unanimously adopted by the Board on October 28, 1997 and became effective on November 27, 1997. In reaching the decision the Board conducted a total of eleven (11) public hearings. In support of its decision, the Board found that it was "... in receipt of all matters and information necessary to consider in an adequate manner this Ordinance, and that this Ordinance complies with the Statewide Planning Goals and the standards for legislative plan adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter and the Washington County Community Code."

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Public hearings before the Board provide an avenue for the citizens to provide written as well as oral testimony on a give subject matter. When issues or concerns are presented to the Board at a public hearing, such as those relating to the station community ordinances, the Board – desiring additional information and analysis – will typically direct staff to research the issues or concerns presented then report back to the Board. The reporting usually takes the form of what are commonly referred to as issue papers. Issue papers contain a summation of the aired concern and provide background findings as well as analysis. However none of the issue papers generated by staff at the request of the Board during the public hearings process related to the issue of changing the designation to TO:R12-18 for the parcel now involved in the plan amendment request. Additionally none of the issue papers generated addressed the existing commercial use.

In addition, upon review of the written testimony submitted on Ordinance 484 and A-Engrossed Ordinance 484 staff found no record of comments from the former property owner involved. No appeals of A-Engrossed Ordinance 484 were ever filed. Consequently, A-Engrossed Ordinance 484 went into effect on November 27, 1997. The findings adopted in support of A-Engrossed Ordinance 484 demonstrate the openness in which the changes to the community plans (e.g., change to TO:R12-18) occurred. The adopted findings also demonstrate compliance with all applicable CFP policies.

The original ordinance (Ordinance 484) filed on August 28, 1996 retained the property's presumed R-5 designation. As indicated previously, A-Engrossed Ordinance 484 (filed October 13, 1997) proposed to change the property's designation to TO:R-12-18. Upon review of the exhibit notebooks for Ordinance 484 and A-Engrossed Ordinance 484 staff found a copy of the general notice mailed on October 9, 1997 to property owners informing them of the proposed changes to Ordinance 484. The notice clearly indicated that the subject property as well as other properties south of Leahy Road and along 90<sup>th</sup> Avenue were proposed to become designated TO:R12-18. As noted in the findings for Citizen Involvement in Exhibit B, station community planning efforts covered a time span of several years. No opposition from the former owner during this planning process has been found in the records for either Ordinance 484 or A-Engrossed Ordinance 484.

On page 6 of the applicant's narrative dated May 2006, the narrative states that "*...the commercial designation [NC] was never placed on the property...*" and on page 7, the narrative states that "*...the property would have been designated Neighborhood Commercial (NC) in 1983 but for an oversight.*" It is important to note that staff's findings differ from that of the applicant. The applicant's findings imply that the property was never designated NC, when in fact it was designated NC in 1983. However, as previously noted, on one of the subsequent updates of the Cedar Hills-Cedar Mill Community Plan map, the property was designated R-5 and not NC due to the previously-described mapping error.

As stated previously, the County adopted the Sunset Station Community Plan in 1997. The plan converted the property's existing land use district from NC to TO:R12-18 and not TO:RC, as is now being requested by the applicant. Due to the inconsistent designation of the property as noted above, in February 2006, the Director agreed to initiate a plan amendment to NC. Staff determined that the evidence is clear that a mistake had occurred in not consistently maintaining the plan designation of NC on the property leading up to and during the station community planning. However, no written documentation or maps from 1997 exist that indicate that the TO:RC designation was ever considered for the property. There is no information available indicating that either staff had ever considered a TO:RC designation or that the property owner at the time, Mr. David J. Muta, had ever requested a

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commercial (i.e., TO:RC) designation. It is worth noting that the current property owner (and applicant) purchased the property in July 2005, which was after the hearings process that lead to the application of the TO:R12-18 designation on the property.

In some instances, properties designated with commercial designations were changed to comparable transit oriented commercial designations; while in other instances they were not. Retaining the NC designation would have recognized the existing retail commercial use as would the TO:RC designation - if it were applied to the property. However, staff believes that had the property's NC designation been consistently shown on the community plan maps, that staff would have recommended that the NC designation be retained and not converted to its transit oriented equivalent.

The applicant bases the notion that a mistake occurred in not designating the property TO:RC in 1997 with the fact that through legislative amendment to the Metzger-Progress Community Plan in 2003 the County made similar 'NC to TO:RC conversions'. The legislative amendment in question pertains to the County's implementation of the Washington Square Regional Center Plan (WSRCP). The application narrative referenced the 2003 ordinance adopted by the County that converted the existing NC designations for to TO:RC for five tax lots at the corner of SW Locust and Hall Boulevard (revised narrative, page 7). However, the applicant's narrative does not provide the background necessary to understand the context and basis surrounding this 'similar conversion'. The applicant contends that the County's conversion from NC to TO:RC made for these properties along Hall Boulevard in 2003 'reinforces' the notion that had the subject property been consistently designated NC that the County would have changed it to TO:RC and not TO:R12-18 when the Sunset Station Community plan was adopted.

Staff believes that the legislative plan amendment in 2003 is actually dissimilar to the 1997 station community planning work. The 1997 Sunset Station Community Plan was the culmination of years of planning in response to the extension of MAX to the westside, while the 2003 legislative plan amendment was the County's required response to implement the WSRCP adopted by the City of Tigard. The properties designated NC at Locust and Hall are within the boundary of the Washington Square Regional Center. (**Note:** In 2000, this area along with other portions of the Metzger-Progress planning area were included within the boundary of the Washington Square Regional Center, a Metro designated regional center.)

The County and the City of Tigard subsequently entered into an intergovernmental agreement that authorized the city to develop the WSRCP, as required by Metro. The adopted WSRCP called for higher density, including minimum densities as high as 50 units per acre, and transit-friendly development along SW Hall Boulevard, while retaining the low-density residential character of the remaining Metzger area.

The City of Tigard applied a Mixed-Use Residential-2 (MUR-2) designation to the properties along Hall Boulevard designated NC, including the properties referenced in the application narrative. Primary uses allowed in the MUR-2 district are multi-family residential developments, but mixed-uses are permitted when compatible with the residential use. New retail and office uses are also permitted when developed as a mixed-use development. Site development requirements for the MUR-2 district include a minimum FAR of 0.3; a minimum residential density of 25 units/acre and a maximum residential density of 50 units/acre.

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The County determined that the land use districts most comparable to the WSRCP land use districts, including MUR-2, were the transit oriented districts originally developed to facilitate dense urban pedestrian and transit-friendly development in station communities, town centers and other 2040 Design Types, such as regional centers. Consequently, staff recommended that the transit oriented districts be applied to certain parcels located in unincorporated Washington County and within the Washington Square Regional Center boundary so that the resulting land use designations would be comparable with the adopted WSRCP zoning districts. In determining the appropriate transit oriented designations, staff weighed the balance of the need for accommodating the planned intensities of the WSRCP with the need to ensure compatibility with existing development while reducing to the greatest extent practicable the degree that the existing uses would become nonconforming. Pursuant to the previously described agreement, on May 6, 2003, the County implemented the WSRCP when it adopted Ordinance 608.

As stated previously, the TO:RC district is the most comparable County land use district to the city's MUR-2 Regional Center district that could be applied to the NC properties along Hall Boulevard. Consequently, the situation involving the conversion of the Hall Boulevard NC properties to TO:RC is not the same as the assertion made by the applicant, which is that the subject property would have received the TO:RC designation had it been consistently designated NC. In staff's opinion the closer parallel is between the subject property and the property located at the northeast corner of 205<sup>th</sup> Avenue and Baseline Road. This property did not receive the TO:RC designation even though adjoining properties received transit oriented designations. The property at the northeast corner of 205<sup>th</sup> Avenue and Baseline Road retained its NC designation even though adjoining property (to the north and east and west) received a transit oriented residential designation (TO:R18-24).

Staff finds that the applicant has **not** demonstrated that a mistake occurred in designating the property TO:R12-18 and not TO:RC. There is no certainty that the County would have converted the property's NC designation to a transit oriented district (TO:RC) even if the NC designation had been consistently mapped on each periodic update and reprinting of the community plan map. There is no certainty that any transit oriented district would have been applied. In addition, the conversion of NC properties along Hall Boulevard was in response to the adopted Washington Square Regional Center Plan. The circumstances underlying the proposed conversion to the subject property are different than the changes made in 2003 along Hall Boulevard. Additionally, not all NC designated lands in station areas were converted to TO:RC. Consequently, the requirements of Policy 1. f. 1. have **not** been met.

*(These findings also pertain to Statewide Planning Goal 2, Land Use Planning.)*

2. Policy 2, Citizen Involvement, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE CITIZEN PARTICIPATION IN ALL PHASES OF THE PLANNING PROCESS AND TO PROVIDE OPPORTUNITIES FOR CONTINUING INVOLVEMENT AND EFFECTIVE COMMUNICATION BETWEEN CITIZENS AND THEIR COUNTY GOVERNMENT.**

Applicant: See page 9 of the applicant's revised narrative dated June 2006.

Staff: A quasi-judicial plan amendment such as this must be considered through a Type III procedure. In accordance with Code Section 204-1, the County placed a legal notice of the

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hearing in a newspaper of general circulation (The Oregonian) at least ten days prior to the November 1, 2006 Planning Commission hearing date (published October 19, 2006). In addition, pursuant to Code Section 204-4, a notice of the public hearing for this application was sent to all owners of record of property within 500 feet of the subject property. This notice was sent at least 20 days prior to the hearing (mailed October 12, 2006).

A copy of the plan amendment application was mailed to the representative for the local Citizen Participation Organization (CPO 1) on August 18, 2006. Finally, the staff report was available to all interested parties seven days prior to the hearing as required by Code Section 203-6.2. Based upon these actions, the requirements of Policy 2 have been met.

*(These findings also pertain to Statewide Planning Goal 1, Citizen Involvement.)*

3. Policy 14, Managing Growth, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH IN UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.**

Applicant: See pages 9 through 11 of the applicant's revised narrative dated June 2006.

Staff: Copies of statements of service availability from the service providers to the site are included in the applicant's submittal. These statements are from the Tualatin Valley Water District (TVWD), Tualatin Valley Fire & Rescue (TVF&R), Clean Water Services (CWS), Beaverton School District #48J (BSD #48J), the Washington County Sheriff's Office, Tualatin Hills Park & Recreation District (THPRD), and TriMet. Of the service providers commenting, only water (TVWD), sanitary sewer & drainage (CWS), fire (TVF&R) are classified as critical services. Schools (BSD #48J) and police (Washington County Sheriff) constitute essential services, while transit service (TriMet) and parks (THPRD) are desirable services. All of the critical and essential services are or can be provided to serve the property as well as future residential development should the plan amendment be approved.

The completed Traffic Impact Statement (TIS) submitted with the application stated that the existing site access is currently nonconforming. Access along SW Leahy Road is unrestricted and does not meet access spacing standards, nor is sight distance adequate. A large fir tree restricts sight distance. Access needs to be relocated to the east side of the site and adequate sight distance provided along SW Leahy Road. Access along SW 90<sup>th</sup> Avenue also does not meet access spacing standards, nor is sight distance adequate. Sight distance is restricted by existing vegetation. Access to SW 90<sup>th</sup> Avenue needs to be brought into compliance with the access spacing standards as well as adequate sight distance provided and maintained along SW 90<sup>th</sup> Avenue. The applicant will be required to make the necessary improvements regarding site access through a subsequent development review application.

Land Development Division staff included in the TIS conditions requiring the applicant to construct a half-street improvement to County standard along both street frontages. A half-street improvement includes half-width pavement as well as curb, storm drainage, and sidewalk. The required half-street improvements will improve pedestrian safety in the area.

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Based upon the service provider letters and supplemental analysis provided, staff finds that an efficient, economic provision of public facilities and services can be provided to serve the property under the proposed TO:RC District.

*(These findings also pertain to Statewide Planning Goal 11, Public Facilities and Services.)*

4. Policy 18, Plan Designations and Location Criteria for Development, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO PREPARE COMMUNITY PLANS AND DEVELOPMENT REGULATIONS IN ACCORDANCE WITH LAND USE CATEGORIES AND LOCATION CRITERIA CONTAINED IN THE COMPREHENSIVE FRAMEWORK PLAN.**

**Transit Oriented Districts**

The land use districts described below are intended for application in station communities and town centers, and along main streets and corridors, as defined by the Metro 2040 Growth Concept. The land use and design provisions of these districts shall direct and encourage development that is transit oriented. Transit oriented development generally has the following characteristics:

- designed to encourage people to walk;
- contains a mix of land uses;
- density consistent with the type of transit service provided to the area;
- interconnected to the street system;
- includes narrowed neighborhood streets; and
- designed to accommodate transit stops and access.

Each of the following transit oriented district addresses these characteristics through its land use and design provisions:

**Transit Oriented - Residential District, 12-18 units per acre (TO:R12-18)**

The TO:R12-18 District is generally applied to property beyond one-quarter mile of LRT stations, in regional and town centers, and along designated main streets and corridors. Developments in the district could include duplexes, triplexes, fourplexes, townhouses and rowhouses, and low rise apartments (1-3 stories). Single family residences may also be developed in the district on small lots, as long as the minimum density standard is met. The required minimum density for development in the district is 12 dwelling units per acre. The maximum allowed density is 18 dwelling units per acre.

As with the TO:R9-12 District, group residences such as assisted living apartments and nursing homes are allowed if located and designed to be compatible with surrounding residences. For such developments, the minimum FAR is 0.5.

Applicant: See pages 12 through 14 of the applicant's revised narrative dated June 2006.

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Staff: As stated previously, the property was designated NC in 1983 through the community planning process (Ordinance 265). However, due to mapping errors, the NC designation was not consistently applied to the property on one of the subsequent updates of the community plan maps. Consequently, during the station community planning in 1997, the property was mistakenly thought to be R-5 Residential, which was the land use designation of surrounding residential properties. As a result, the County applied the TO:R12-18 District to the property at the same time that it applied the TO:R12-18 District to other existing R-5 properties along either side of SW 90<sup>th</sup> Avenue (south of SW Leahy Road).

Given the proximity to the Sunset Light Rail Station, the County determined that increased residential densities in this area were needed to help support light rail and to comply with Metro's Title 1. Such properties are at the far outer edge of what could legitimately be considered transit oriented. The transit oriented districts also were subject to specific design standards designed to result in higher quality development that was transit and pedestrian friendly. The only mistake made by the County, as indicated previously, is not consistently designating the property NC on the periodic updates of the community plan maps.

#### **Transit Oriented - Retail Commercial District (TO-RC)**

**The TO-RC District is primarily intended to provide the goods and services needed by people living and working in or near LRT station communities, regional and town centers, main streets and corridors. Uses in the district must be pedestrian oriented in design and function. Auto-oriented uses, such as motor vehicle service stations, may be allowed if appropriately designed, and in compliance with minimum FAR standards. Retail uses that market primarily to an area larger than a station community may also be allowed if located at least one-quarter mile from an LRT station or in a town center, or along a main street or corridor. Hotels, apartments, and town houses are also allowed on the upper floors of a building with first floor retail commercial uses.**

**In a station community, the minimum FAR in the TO-RC District is 0.5 within one-quarter mile of an LRT station, 0.35 between one-quarter mile and one-half mile from an LRT station, and 0.25 beyond one-half mile from an LRT station.**

Staff: There are no parcels surrounding the subject property designated TO:RC. The mistake made by the County, as indicated previously, is not consistently designating the property NC on one of the subsequent updates of the community plan maps. The applicant, however, contends that the County made a mistake by not converting the NC designation to its transit oriented commercial counterpart (TO:RC) and requests that the TO:R12-18 designation be changed to TO:RC. The property, as stated previously, was located in the Sunset Station Community. The decision to give it a transit oriented designation was due primarily to it being perceived as having an R-5 Residential designation. As such, application of the TO:R12-18 District to the subject property is appropriate. The TO:RC designation would also be appropriate – relative to Policy 18 - given the transit oriented designations applied to this and other property located within the Sunset Station Community. Both designations are appropriate in a station community. For the reasons stated above, staff finds that the either designation is appropriate pursuant to Policy 18.

*(These findings also pertain to Statewide Planning Goal 2, Land Use Planning.)*

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5. Policy 21, (Urban Area Housing) Housing Affordability, States:

**IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE THE HOUSING INDUSTRY TO PROVIDE AN ADEQUATE SUPPLY OF AFFORDABLE HOUSING FOR ALL HOUSEHOLDS IN THE UNINCORPORATED URBAN COUNTY AREA.**

Applicant: See pages 14 and 15 of the applicant's revised narrative dated June 2006.

Staff: As stated previously, under the current designation a maximum residential density of 18 units per acre is allowed and a minimum residential density of 12 units per acre is required. However, the TO:R12-18 District does not allow [new] retail commercial. The existing commercial use can continue to operate for as long as the proprietor chooses to do so provided the use has been determined to be an approved use in accord with Section 375-6 and complies with all applicable sections of the Community Development Code. The existing apartment unit constitutes a conforming use. Consequently, a change in designations from TO:R12-18 to TO:RC may not be necessary in order to continue operating the commercial use.

A minimum of 3 units would be required and a maximum of 4 units per acre would be allowed if the property were to develop under the current land use designation. Residential uses are permitted in the TO:RC District provided that they are developed as part of a mixed-use development and located above the retail commercial use. Under the proposed designation, a minimum FAR of 0.25 would be required. As such a minimum of 2,287 square feet of retail commercial space (0.21 acres x 43,560 sq. ft. x 0.25 = 2,287 sq. ft. of floor area). It is important to note that densities and floor area ratios are based upon the gross acreage of the site. Additionally, there is essentially no maximum FAR imposed on the property if developed under the TO:RC designation, provided that the transportation system serving the development has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.

Retaining the TO:R12-18 designation would result in a maximum of 4 residential units if the property was redeveloped, while a change to TO:RC would result in a minimum of almost 2,300 square feet of retail commercial uses (residential units are optional in the TO:RC District). According to the applicant's statement, the maximum number of dwelling units that could potentially be built above the commercial use – given the small size of the subject property and off-street parking requirements – is 3 to 4 attached dwelling units. It is worth noting that the NC District also allows dwelling units in conjunction with a mixed-use development. However residential densities of mixed-use NC developments is limited to a maximum density of 15 units per acre (CDC Section 311-3.6 C.). A maximum of 3 dwelling units would be allowed under the former NC designation (0.21 acres x 15 = 3.15 = 3 units).

In Washington County's Final Periodic Review Order for the Urban Area, it was calculated that in 1989 there was an opportunity to construct new housing on the remaining residential land in the urban unincorporated area, given 1989 designations, at an overall density of 8.6 units per acre (110,842 potential units divided by 12,848 vacant acres). Urban plan amendments since 1989 have only resulted in a small number of acres of residential land lost to non-residential plan designations. Legislative and quasi-judicial plan amendments since 1989 have resulted in an overall gain of 390 dwelling units.

If approved, the plan amendment would have a negligible impact on the current overall average for new housing in the urban unincorporated area and essentially no impact if the

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plan amendment is approved and essentially no impact if the plan amendment is approved and the applicant constructs 3-4 dwelling units above the commercial use, as proposed.

*(These findings also apply to Statewide Planning Goal 10, Housing.)*

6. Policy 22, (Urban Area Housing) Housing Choice and Availability, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE THE HOUSING INDUSTRY TO MAKE A VARIETY OF HOUSING TYPES AVAILABLE, IN SUFFICIENT QUANTITIES, TO THE HOUSING CONSUMER.**

Applicant: See page 15 of the applicant's revised narrative dated June 2006.

Staff: The subject of this policy is the potential ratio of attached and detached dwelling units developed on vacant residential land in the urban unincorporated area. In the Final Periodic Review Order for the Urban Area, it was calculated that in 1989 the potential ratio was 47.3 percent single-family residences to 52.7 percent multi-family residences (52,416 single-family units/58,426 multi-family units, a difference of 6,010 units).

Urban plan amendments since 1989 have not changed this ratio significantly. Multi-family dwelling units are allowed in the TO:R12-18 District as well as in both the NC and TO:RC Districts, when provided as part of mixed-use developments. According to the application, a total of 3 to 4 attached dwelling units could potentially be constructed on the property if the plan amendment is approved. However, if the subject property were redeveloped under the TO:R12-18 designation, a minimum of 3 dwelling units is required and a maximum of 4 dwelling units is allowed. The existing commercial uses could be retained in a subsequent redevelopment in the TO:R12-18 provided, as stated previously, that the existing commercial use was determined (through a separate land use review process) to be an approved use pursuant to CDC Section 375-6. Therefore, the overall percentage of multi-family dwellings is not expected to increase should the plan amendment be approved.

*(These findings also apply to Statewide Planning Goal 10, Housing.)*

7. Policy 30, (Public Facilities and Services) Schools, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO COORDINATE WITH SCHOOL DISTRICTS AND OTHER EDUCATIONAL INSTITUTIONS IN PLANNING FUTURE SCHOOL FACILITIES TO ENSURE PROPER LOCATION AND SAFE ACCESS FOR STUDENTS.**

Applicant: See page 15 of the applicant's revised narrative dated June 2006.

Staff: According to the School District's Service Provider Letter dated March 8, 2006, the District does not object to the proposed plan amendment. The District concluded that the proposed amendment would potentially reduce the number of residential units that could be developed on the site. Notwithstanding, multi-family dwelling units generate fewer students than do detached dwelling units.

*(These findings also pertain to Statewide Planning Goal 11, Public Facilities and Services.)*

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8. Policy 31, (Public Facilities and Services) Fire and Police Protection, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF FIRE AND POLICE PROTECTION.**

Applicant: See pages 15 and 16 of the applicant's revised narrative dated June 2006.

Staff: The service provider letters from Tualatin Valley Fire & Rescue and the Washington County Sheriff's Department dated March 3, 2006 and March 1, 2006, respectively, stated that these providers could adequately serve the property.

*(These findings also pertain to Statewide Planning Goal 11, Public Facilities and Services.)*

9. Policy 32, Transportation, states:

**IT IS THE POLICY OF WASHINGTON COUNTY TO REGULATE THE EXISTING TRANSPORTATION SYSTEM AND TO PROVIDE FOR THE FUTURE TRANSPORTATION NEEDS OF THE COUNTY THROUGH THE DEVELOPMENT OF A TRANSPORTATION PLAN AS AN ELEMENT OF THE COMPREHENSIVE PLAN.**

Applicant: See pages 16 and 17 of the applicant's revised narrative dated June 2006.

Staff: The application included a Traffic Impact Statement (*see Attachment "A", which includes the Transportation Staff Report for this plan amendment*).

10. Policy 40, Regional Planning Implementation, states:

**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.**

Applicant: See pages 17 and 18 of the applicant's revised narrative dated June 2006.

Staff: Plan Policy 40 was adopted through A-Engrossed Ordinance 561, which became effective on November 30, 2000. A-Engrossed Ordinance 561 applied the 2040 Growth Concept Design Types to all of the unincorporated, urban areas of Washington County. There are nine design types: Regional Center, Town Center, Town Center-Area of Interest, **Station Community**, Neighborhoods, Main Street, Transit Corridor, Employment or Industrial Areas. The Neighborhood design type applies to the property.

The Station Community design type is defined as areas "...adjacent to, or within easy walking distance of light rail stations. Along with the Regional Centers and Town Centers, Station Communities are home to the most intensive land uses. These areas are designated for higher density, transit supportive uses. The primary uses include retail and service businesses, offices, mixed-use projects, higher-density housing, and rowhouses. Station communities will have wide sidewalks and "street-side" facilities to make these

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*areas "pedestrian friendly. Station Communities will evolve into higher intensity areas that are focal points of public transit."*

Both the higher density residential uses planned for the property and the proposed transit oriented retail commercial uses requested for the property are appropriate and allowed in the Station Community design type.

*(These findings also pertain to Statewide Planning Goal 2, Land Use Planning.)*

F. Washington County Transportation Plan and Transportation Planning Rule

Applicant: See pages 19 through 22 of the applicant's revised narrative dated June 2006.

Staff: Attachment "A", which is by this reference incorporated into this staff report and made a part of it, contains discussions of whether the plan amendment complies with the Transportation Plan as well as the Transportation Planning Rule. Based on the applicant's written materials and the findings in this report, staff concludes that this proposed plan amendment will not "significantly affect" a transportation facility as defined in OAR 660-12-0060. Staff finds the plan amendment is consistent with the Transportation Plan and the Transportation Planning Rule (see Attachment "A").

*(These findings also pertain to Statewide Planning Goals 11, Public Facilities and Services and 12, Transportation.)*

G. Cedar Hills-Cedar Mill Community Plan

Community Plan Overview, Applicable General Design Elements:

5. **All new subdivisions, attached unit residential developments, and commercial developments shall provide for pedestrian/bicycle pathways which allow public access thorough or along the development and connect adjacent developments and/or shopping areas, schools, public transit and park and recreation sites.**

**The pedestrian-bicycle system is especially important in providing a link between existing and planned high density residential areas along Barnes Road with the transit center at Highway 26-217. This system may include off right-of-way segments.**

Applicant: See page 26 of the applicant's revised narrative dated June 2006.

Staff: The applicant will be required to construct half-street improvements, including sidewalks, along both street frontages at such time as redevelopment occurs. The functional classification of SW 90<sup>th</sup> Avenue and SW Leahy Road requires on-street bicycle facilities when street improvements (e.g., half-street improvements) are made. These improvements will result in safer pedestrian circulation along the street frontages and in the area.

9. **In the design of road improvements that are required of new developments to meet the County's growth management policies, pedestrian/bicycle pathways identified in the County's Transportation Plan shall be included.**

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Applicant: See page 26 of the applicant's revised narrative dated June 2006.

Staff: As stated previously, the applicant will be conditioned through the subsequent development application to construct sidewalks along each of the street frontages as part of the required half-street improvements. The half-street improvements will provide improved pedestrian and bicycle circulation. On-street bicycle facilities will also be required in conjunction with the half-street improvement.

10. **Noise reduction measures shall be incorporated into all new developments located adjacent to Arterials and Collectors. Noise reduction alternatives include vegetative buffers, berms, walls and other design techniques such as insulation, setbacks, and orientation of windows away from the road.**

Applicant: See page 27 of the applicant's revised narrative dated June 2006.

Staff: The applicant will be required to comply with this design element under either plan designation. Appropriate noise mitigation measures along SW Leahy Road will be determined through the subsequent development review process.

12. **New development shall dedicate right-of-way for road extensions and alignments as indicated in Washington County's Transportation Plan or Community Plans. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.**

Applicant: See page 27 of the applicant's narrative dated May 2006.

Staff: The applicant will comply with this design element through the subsequent development review process.

13. **New access onto Arterials and Collectors shall be limited. Shared or consolidated access shall be required prior to the issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be infeasible.**

Applicant: See page 27 of the applicant's revised narrative dated June 2006.

Staff: No new access is proposed as part of the plan amendment. The existing accesses to SW 90<sup>th</sup> Avenue and SW Leahy Road are non-conforming and do not comply with the County's Access Spacing Standards. The anticipated future development – should the plan amendment be approved – will be conditioned to comply with the access standards.

#### **WESTHAVEN SUBAREA**

The Community Plan recommends limited change to the present low-density land use pattern in the Westhaven subarea. The only exceptions are (1) the designation of a large parcel of land along SW Leahy (south of Leahy Terrace) as R-9, (2) the designation of properties fronting on 90<sup>th</sup> Avenue south of Leahy and south of Westhaven Drive east of 95<sup>th</sup> Avenue as TO:R12-18, and (3) the allowance of accessory dwelling units for single family detached dwellings in the area.

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**Design Elements:**

1. **Stands of trees and dense vegetation bordering the west side of the area shall be retained, to the extent reasonably practicable and consistent with public safety concerns, as a buffer between existing low density neighborhoods and new attached unit residential areas included in the Peterkort property development, as required by screening and buffering standards in the Community Development Code.**
2. **SW Brookside shall be kept as a dead-end street due to topography.**
3. **No increase in the Neighborhood Commercial area at SW 90th and SW Leahy shall be granted through the quasi-judicial Plan Amendment process.**

Applicant: See page 28 of the applicant's revised narrative dated June 2006.

Staff: The subject property is that of the 'Neighborhood Commercial area' addressed by this design element. However, the subject property is no longer designated for commercial uses. The property's land use designation was changed from NC to TO:R12-18 as part of the County's station area planning. Notwithstanding, the proposed change from TO:R12-18 to TO:RC would not result in an increase in the size of the [former] NC area.

H. Washington County Community Development Code

1. Article III, Land Use Districts:

**Section 375, Transit Oriented Districts:**

**375-1 Intent and Purpose**

**The intent of the transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers.**

**The purpose of the transit oriented districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.**

Applicant: See pages 23 and 24 of the applicant's revised narrative dated June 2006.

Staff: Both the current (TO:R12-18) and the proposed (TO:RC) transit oriented land use districts are designed to facilitate transit supportive and pedestrian-oriented development. Consequently either plan designation complies with the intent and purpose of Section 375.

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**375-6 Change or Expansion of Existing Uses or Structures**

- A. Uses prohibited in a transit oriented district that were lawfully in existence at the time of application of the district are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.**
- B. All other uses and structures that were lawfully in existence at the time of application of the transit oriented district may be expanded upon findings that the proposed expansion complies with the development standards in this Section and Section 431, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.**

**Notwithstanding the above, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, unless a master plan is prepared by the applicant and approved by the County which describes how additional development on the site will achieve, through phases if necessary, full compliance with all applicable standards and provisions of this Code and the applicable community plan.**

Staff: The existing commercial use, according to the applicant, has been in operation since 1955. The existing use does not constitute a permitted use in the TO:R12-18 District. However, pursuant to CDC Section 375-6 the existing commercial use, if it were lawfully in existence prior to November 28, 2997 would be considered an approved use. As stated previously the County Court approved an expansion of the commercial use in 1960. However, there is no evidence that the approved expansion occurred. Additionally, in 1984 Type I development review approval was granted to construct a deck on the east side of the store; this never occurred. Prior to 1984 and after 1960, the County processed, according to Land Development Services staff, an interior remodel of the existing commercial use.

Notwithstanding, since most prohibited uses were not considered to be transit supportive, this code Section was written to limit all future expansions of such uses – even though deemed to be an approved use – to a maximum of 20% of the gross floor area. To date, none of the previous owners of the property (since the adoption of Ordinance 484) has requested a determination of an approved status for the property to verify that the long-standing commercial use would qualify under Section 375-6 as an approved use.

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Nonetheless, Land Development Services staff have expressed no doubt that the existing and long-standing commercial use is legally nonconforming, and as such would constitute an approved use under Section 375-6.

#### IV. SUMMARY AND CONCLUSIONS

Evidence and analysis provided by the applicant and this staff report demonstrate that the proposed plan amendment is consistent with applicable policies and strategies of the Comprehensive Framework Plan for the Urban Area, *except for Implementing Strategy f. 1 of Policy 1*. The proposed plan amendment is also consistent with the Transportation Planning Rule and the Transportation Plan.

Research conducted to date clearly demonstrates that the property was designated NC and not R-5 Residential during the station area planning efforts in the late 1990's. However, staff agrees that the TO:R12-18 designation probably would not have been placed on the property had they known the fact that it was actually designated NC at that time. Furthermore, based on information submitted by the applicant and contained in this report, staff finds that the applicant failed to demonstrate that a mistake was made by the County for not converting the property's land use designation from TO:R12-18 to TO:RC, but instead to TO:R12-18. It is more likely that the County would have reverted the property's designation to NC, which was the correct land use designation at the time of station area planning. Such reversion to the previous designation is similar to what occurred when the County (i.e., Planning Commission) approved a plan amendment from TO:BUS to Industrial for an area east of 185<sup>th</sup> Avenue and north of Baseline (01-257-PA). In 01-257-PA, the applicant contended that the county made a mistake in changing the designations of these parcels from Industrial to TO:BUS. In approving the amendment, the Planning Commission reverted the parcels' designation to Industrial. Conversion of land use designations in cases of mistake should revert to the previous or in some cases the original land use designation and not in what would amount to an 'up zone' of the property.

Staff contends that there is no certainty that the County would have converted the property's NC designation to TO:RC even if the NC designation had been consistently mapped on each subsequent community plan map updates. In at least one instance, the County did not convert a property's existing NC designation to TO:RC even though designations of surrounding properties were converted to transit oriented designations. Consequently, the requirements of Policy 1, f. 1, have not been met.

Notwithstanding, local service providers currently can provide or have the ability to provide an adequate level of public facilities and services for the property.

#### V. RECOMMENDATION

Staff's recommendation is based on the findings in Section III of this report. Staff finds that the applicant did not demonstrate that a mistake occurred in not designating the property TO:RC, but instead TO:R12-18. The proposed plan amendment is **not** in conformance with Policy 1 of the County's *Comprehensive Framework Plan for the Urban Area*. Therefore, staff recommends that the plan amendment be **DENIED**.

Attachment "A"

September 21, 2006

**TRANSPORTATION REPORT  
FOR  
CASEFILE NO. 06-398-PA**

Applicant: Angelo Planning Group for Scott Fairbairn  
Location: On the southeast corner of SW Leahy Road and SW 90<sup>th</sup> Avenue  
Tax Map/Lot: 1S1 2AD TL 800  
Site Size: 0.21 acre

Staff has reviewed this request for compliance with the applicable Washington County 2020 Transportation Plan policies and rules and submits the following findings and recommendations.

**FINDINGS**

A. General:

1. This proposal would re-designate tax lot 800, Map 1S12AD (approximately 0.21 acre), from TO: R12-18 (Transit Oriented: Residential 12 to 18 Units/Acre) to TO: RC (Transit Oriented Retail Commercial).
2. The subject property currently supports a 900 square foot convenience store with a single apartment unit located on the second story. The site is located at the intersection of SW Leahy Road and SW 90<sup>th</sup> Avenue, both of which are classified as collector roadways in the county's 2020 Transportation Plan. SW Taylor Street also is located on the west leg of this intersection and is classified as a Neighborhood Route in the 2020 Transportation Plan. The primary access to the site is from SW Leahy Road. No changes in access or site development are proposed at this time; the current action is limited to the proposed plan designation change described in 1., above.
3. The following standards are applicable to this request and are addressed in this staff report:
  - a. OAR 660, Division 12, Oregon Transportation Planning Rule: Section 060 - Plan and Land Use Regulation Amendments
  - b. Washington County Comprehensive Framework Plan For the Urban Area:  
Policy 1.f – Criteria for Plan Amendment Approval
  - c. Washington County 2020 Transportation Plan Policies:
    - 1.0 Travel Needs Policy
    - 2.0 System Safety Policy
    - 4.0 System Funding Policy
    - 5.0 System Implementation and Plan Management Policy
    - 6.0 Roadway System Policy
    - 10.0 Functional Classification Policy
    - 12.0 Transit Policy
    - 14.0 Pedestrian Policy
    - 15.0 Bicycle Policy

19.0 Transportation Planning Coordination and Public Involvement  
Policy

**B. Oregon Transportation Planning Rule**

1. The Oregon Transportation Planning Rule, OAR 660-012-060, requires an analysis of the impact of a proposed plan amendment on the planned transportation system to determine whether the proposal will 'significantly affect' the planned transportation system in the area. Pursuant to the OAR, the proposed plan amendment would 'significantly affect' the transportation system if it does any of the following:
  - Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - Change standards implementing a functional classification system; or
  - As measured at the end of the planning period identified in the adopted transportation system plan:
    - 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;
    - Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
    - 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.
3. Considering the criteria above, in order to determine if a plan amendment will result in a 'significant impact' on transportation facilities, the County generally requires a comparative analysis of a 'reasonable worst-case development' of a site under current and proposed land use designations. A 'reasonable worst case' development would be one with the greatest potential trip generation based on a reasonable build-out of the site.
4. In this instance, because of the small size of the subject parcel, development potential will be limited under both the existing and proposed plan designations. A full traffic analysis was therefore not required. However, information addressing trip generation under the existing designation and under the reasonable worst case development under the proposed TO: RC designation was required and is included in the applicant's submission.
5. Based on the trip generation estimates prepared by the applicant's traffic engineer, under the proposed plan designation the site could generate up to 18 additional peak-hour trips and up to 276 daily trips compared with the existing development on the site. Staff believes that the basis and methodology used for determining existing and potential trip generation from the subject property are reasonable and may be relied up for analysis purposes.

6. Based on the relatively low difference in trip generation under existing and proposed plan designations, no changes in functional classification of affected streets are proposed or required by this plan amendment. The additional daily trips will likely be distributed over several connecting streets. These additional trips, even when added to existing traffic volumes, are consistent with traffic levels that are expected considering the existing functional classifications of the surrounding street network. The plan amendment also will not affect the standards implementing the adopted functional classification system of the 2020 Transportation Plan. The proposal is therefore consistent with these requirements of the Oregon Transportation Planning Rule.
7. County performance standards are based on AM and PM peak two-hour analysis periods and use volume to capacity ratio (V/C) to measure intersection performance. As discussed above, a reasonable worst case development under the proposed TO: R12-18 would generate only 18 additional trips than would occur under the existing plan designation during the peak-period.
8. There are no nearby intersections identified in the 2020 Transportation Plan that are anticipated to be at or near the county's performance thresholds. Considering that and the relatively high level of street connectivity in the vicinity of the subject property, it is reasonable to conclude that the low number of additional trips generated during the peak period under the proposed plan designation are likely to be distributed throughout the surrounding street network and are not likely to adversely affect performance at any of the nearby intersections. Staff therefore believes that there will be no discernable affects on intersection performance as a result of this proposal and that there will be no significant impact on the transportation system as that term is defined in the Transportation Planning Rule.

**C. Washington County Comprehensive Framework Plan For The Urban Area**

1. This plan amendment request is subject to Policy 1.f. from the County's Comprehensive Framework Plan (CFP). This policy states the following:

***A quasi-judicial plan amendment to the Community Plan Maps, including the implementing tax maps, shall be granted only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan, the Community Plan Overview and the sub-area description and design elements, complies with the regional plan, and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that is no way precludes full application of the Growth Management Policies to development permits as provided in the Code.***

As it pertains to transportation, this policy requires the County to analyze the existing transportation system as well as the planned system. Although there will be some traffic impacts as a result of the plan amendment on the subject site, the applicant's traffic analysis demonstrates that these impacts will not be significant and the plan amendment will be consistent with Policy 1.f. with regard to transportation.

**D. Washington County 2020 Transportation Plan**

The proposed plan amendment is subject to 10 policies from the County's 2020 Transportation Plan, which are listed and addressed below.

**1.0 TRAVEL NEEDS POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A MULTI-MODAL TRANSPORTATION SYSTEM THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF WASHINGTON COUNTY RESIDENTS AND BUSINESSES.

**STAFF:** The proposed plan amendment is not anticipated to have a significant detrimental impact on the capacity or level of service on transportation facilities since the potential trip generation will not cause intersection performance at nearby intersections to fall below county standard over the planning horizon. The applicant has provided a trip generation analysis (attached) that demonstrates that while there may be additional traffic that will occur as a result of the plan amendment, the impacts will not be significant. The proposal therefore does not conflict with Policy 1.0.

**2.0 SYSTEM SAFETY POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE A TRANSPORTATION SYSTEM THAT IS SAFE.

**STAFF:** Any traffic safety impacts associated with future development or redevelopment on the subject property will be subject to the traffic safety regulations set forth in the Community Development Code and Resolution and Order 86-95 which implement Policy 2.0. The applicant's traffic analysis did not identify any safety issues that would result from the increase in trips that could occur on affected County roadways from diverted trips should the Plan Amendment be approved.

**4.0 SYSTEM FUNDING POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO AGGRESSIVELY SEEK ADEQUATE AND RELIABLE FUNDING FOR TRANSPORTATION FACILITIES AND SERVICES, AND TO ENSURE THAT FUNDING IS EQUITABLY RAISED AND ALLOCATED.

**STAFF:** No detrimental impacts to system capacity are anticipated as a result of the proposed plan amendment because the potential increase in trip generation is consistent with existing functional classifications and will not degrade intersection performance during the peak period. Any future development or redevelopment on the site will require payment of the appropriate Traffic Impact Fee toward future capacity improvements. Payment of the Traffic Impact Fee is consistent with the strategies included under Policy 4.0.

**5.0 SYSTEM IMPLEMENTATION AND MANAGEMENT POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO EFFICIENTLY IMPLEMENT THE TRANSPORTATION PLAN AND TO EFFICIENTLY MANAGE THE TRANSPORTATION SYSTEM

**STAFF:** Significant impacts on capacity or roadway safety are not anticipated under the proposed plan designation due to the relatively minor increase in trips. The proposal is therefore consistent with Policy 5.0.

**6.0 ROADWAY SYSTEM POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THAT THE ROADWAY SYSTEM IS DESIGNED IN A MANNER THAT ACCOMMODATES THE DIVERSE TRAVEL NEEDS OF ALL USERS OF THE TRANSPORTATION SYSTEM.

**STAFF:** The applicant's traffic analysis demonstrates that the proposed plan amendment will not result in significant increases in trips or travel demand and will not degrade the planned motor vehicle performance measures set forth in the strategies for implementation of Policy 6.0. The proposal is therefore consistent with Policy 6.0.

**10.0 FUNCTIONAL CLASSIFICATION POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO ENSURE THE ROADWAY SYSTEM IS DESIGNED AND OPERATES EFFICIENTLY THROUGH USE OF A ROADWAY FUNCTIONAL CLASSIFICATION SYSTEM.

**STAFF:** The applicant's traffic analysis indicates that changes in volumes on all of the affected roadways are not significant and no changes to the adopted functional classifications are necessary. Any new access or changes in access, neither of which are associated with this request, are required to comply with the applicable access requirements found in CDC Article V; such compliance ensures that the functional integrity and roadway safety are maintained.

**12.0 TRANSIT POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE AND SUPPORT DEVELOPMENT OF TRANSIT FACILITIES AND SERVICES THAT INCREASE TRANSIT USE IN WASHINGTON COUNTY.

**STAFF:** The proposed plan amendment will not conflict with the development of transit facilities and services that increase transit use in the County and is therefore consistent with Policy 12.0.

**14.0 PEDESTRIAN POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE AND SUPPORT GREATER PEDESTRIAN ACTIVITY IN THE COUNTY BY PROVIDING AND MAINTAINING AN ENVIRONMENT WHERE WALKING IS A SAFE, CONVENIENT AND PLEASANT MODE OF TRAVEL.

**STAFF:** Future development of the site, under either the existing or proposed plan designation, will result in provision of pedestrian facilities along the subject property's frontage as a condition of development approval. Staff therefore concludes that the proposed plan amendment is consistent with Policy 14.0.

**15.0 BICYCLE POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE AND SUPPORT GREATER BICYCLING ACTIVITY IN WASHINGTON COUNTY BY PROVIDING AN ENVIRONMENT IN WHICH BICYCLING IS A SAFE AND CONVENIENT MODE OF TRAVEL.

**STAFF:** The site has frontage on SW 90<sup>th</sup> and SW Leahy, which are collector roadways. On-street bicycle facilities are required on streets of this functional classification when streets are built or re-built. If significant improvements are required to either street in conjunction with future development, such as a half-street, bike lanes would be required to

Casefile 06-398-PA – 'The Little Store' Comprehensive Plan Amendment  
Attachment "A" – Transportation Staff Report  
Page 6 of 6

be incorporated. Right-of-way dedication, which may also be required in conjunction with future development, would provide sufficient width for construction of bicycle facilities.

In addition, the Community Development Code (CDC Section 429 – Bicycle Parking) provides for bicycle parking facilities to be developed in conjunction with future development that would be likely to occur under the proposed plan designation. Considering these facts, staff concludes that the proposed amendment is consistent with Policy 15.0.

**19.0 TRANSPORTATION PLANNING COORDINATION AND PUBLIC INVOLVEMENT  
POLICY**

IT IS THE POLICY OF WASHINGTON COUNTY TO COORDINATE ITS  
TRANSPORTATION PLANNING WITH LOCAL, REGIONAL, STATE AND FEDERAL  
AGENCIES AND TO PROVIDE OPPORTUNITIES FOR CITIZENS TO PARTICIPATE  
IN PLANNING PROCESSES.

**STAFF:** Policy 19 provides that all plan amendments be reviewed for consistency with the applicable provisions of the Transportation Planning Rule (OAR 660-012-060). This request has been reviewed and determined to be consistent with the applicable provisions of the Transportation Planning Rule (see findings in Section B., above). It is therefore consistent with Policy 19.0.

**CONCLUSION**

Based on the findings in this report, staff concludes that this plan amendment proposal will not "significantly affect" a transportation facility as defined in OAR 660, Division 12. Under the proposed plan designation, there will be an increase in trips on nearby roadways but this increase in trips is not significant and nearby intersections will continue to function within county performance standards. The proposal is consistent with all of the applicable Washington County Comprehensive Framework Plan and 2020 Transportation Plan policies as discussed in Sections C. and D. of this report.

RECEIVED

JUL 6 2006

PLANNING DIVISION  
Land Use & Transportation

## Plan Amendment Application

**The Little Store**  
**8998 SW Leahy Road**

A Proposal Submitted to  
Washington County



**Prepared for:**

**Scott Fairbairn**  
9501 SW Westhaven Drive  
Portland, Oregon 97225

**Prepared by:**



620 SW Main, Suite 201  
Portland, Oregon 97205

**Originally Submitted May 2006**  
**Revised June 2006**

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- A. Application Form
- B. Pre-Application Meeting Notes
- C. Washington County Traffic Impact Statement
- D. DKS Associates Trip Generation Analysis
- E. Service Provider Letters
- F. Tax Map
- G. Original Application Cover Letter
- H. County Response Letter

**I. PROPOSAL SUMMARY INFORMATION**

File No: 097-001

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Fax: (503) 296-7920  
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Applicant's Representative: Frank Angelo  
Angelo Eaton & Associates  
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Portland, Oregon 97205  
(503) 227-3664  
Fax: (503) 227-3679  
[fangelo@angeloeaton.com](mailto:fangelo@angeloeaton.com)

Request: Plan Amendment from TO:R12-18 to TO:RC

Location: 8998 SW Leahy Road, on the southeast corner of  
SW 90<sup>th</sup> Avenue and SW Leahy Road

Legal Description: Tax Map 1S1 2AD Tax Lot 800 (0.21 acres)

Current Plan Designation TO:R12-18 (Transit Oriented Residential,  
12-18 units per acre)

Proposed Plan Designation TO:RC (Transit Oriented Retail Commercial)

## II. INTRODUCTION

On behalf of owner Scott Fairbairn, Angelo Eaton & Associates is filing this Plan Amendment application to designate property owned by Fairbairn, known as "The Little Store", as Transit Oriented Retail Commercial (TO:RC). The site is located within the boundaries of Community Planning Organization (CPO) #1, which is regulated by the Cedar Hills-Cedar Mill Community Plan. The site is 0.21 acres and is currently designated Transit Oriented Residential, 12-18 units per acre (TO:R12-18) (Figure 1, Figure 2, and Attachment F).

According to Washington County ("County") Planning Division staff, there were inconsistencies in different versions of early Comprehensive Plan/Community Plan land use designation maps, and the site was erroneously designated residential (R-5), and not commercial, on the map that was originally adopted with the Cedar Hills-Cedar Mill Community Plan in 1983.

This Plan Amendment will correct an error that was originally created with the adoption of the Cedar Hills-Cedar Mill Community Plan in 1983 when the property The Little Store had been operating on was designated R-5. Rather than applying a Neighborhood Commercial designation to the site to recognize the existing commercial operation, the County applied a R5 designation to the site with the adoption of the Cedar Hills-Cedar Mill Community Plan in 1983. Subsequently, the land use designation error was perpetuated when the property's plan designation was amended legislatively by Washington County from the R5 designation to TO:R12-18 as part of the Sunset Station Area Plan, adopted in 1997.

County staff has acknowledged that the site should have originally had a Neighborhood Commercial designation. Amending the property's designation now to be TO:RC will rectify this situation and acknowledge its historical and present commercial use as well as its inclusion in a transit oriented planning district (Sunset Station Area Plan). Had the property originally been designated Neighborhood Commercial, when the legislative amendments to implement the transit oriented planning district that included this property occurred, the equivalent commercial designation to Neighborhood Commercial would have been TO:RC.

This is reinforced by the fact that Washington County made a similar conversion from Neighborhood Commercial to TO:RC for five tax lots at the corner of SW Locust and Hall Boulevard when it legislatively amended the Metzger-Progress Community Plan in 2003. These amendments were made by the County to implement the Washington Square Regional Center Plan. These properties are sited similarly to the subject property in that they are commercial sites located adjacent to a Tri-Met bus route.

The TO:RC designation suits the conditions of the subject property for reasons that have been noted throughout this application. The mixture of commercial use on the ground

*Plan Amendment Application for The Little Store*

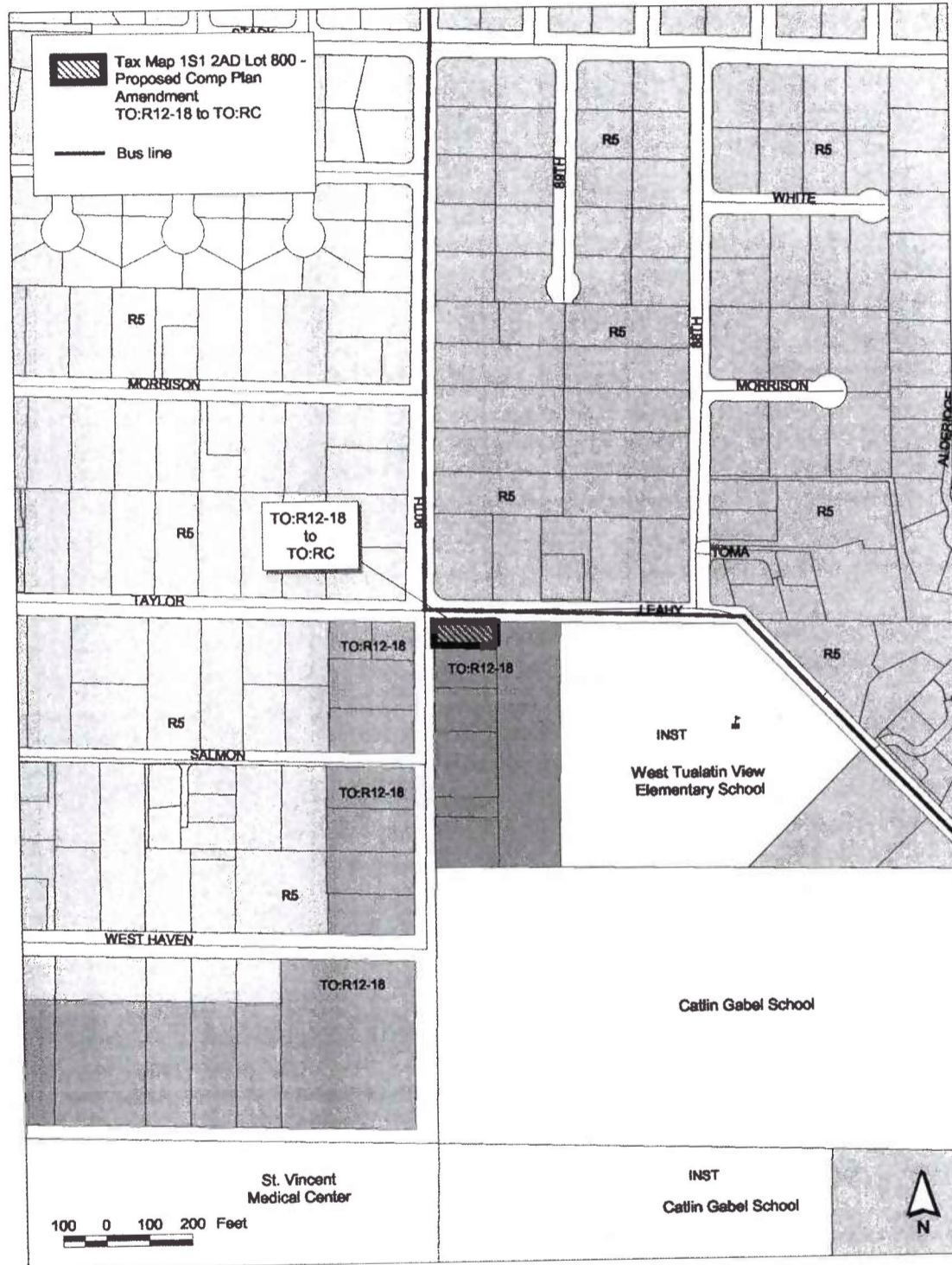
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floor and residential use on the second floor currently found on the subject property is characteristic of the type of mixed use that transit oriented districts encourage.

The Little Store has been in operation at this location since 1955. The existing store is approximately 900 square feet and the building includes one apartment unit above the store. Parking is provided in front of and on the side of the store. The owner intends to continue operation of the retail commercial use on the site and improve the store's appearance. The owner is also considering constructing additional residential units above the store. The ultimate commercial and residential improvements on the site depend upon obtaining the Plan Amendment to TO:RC.

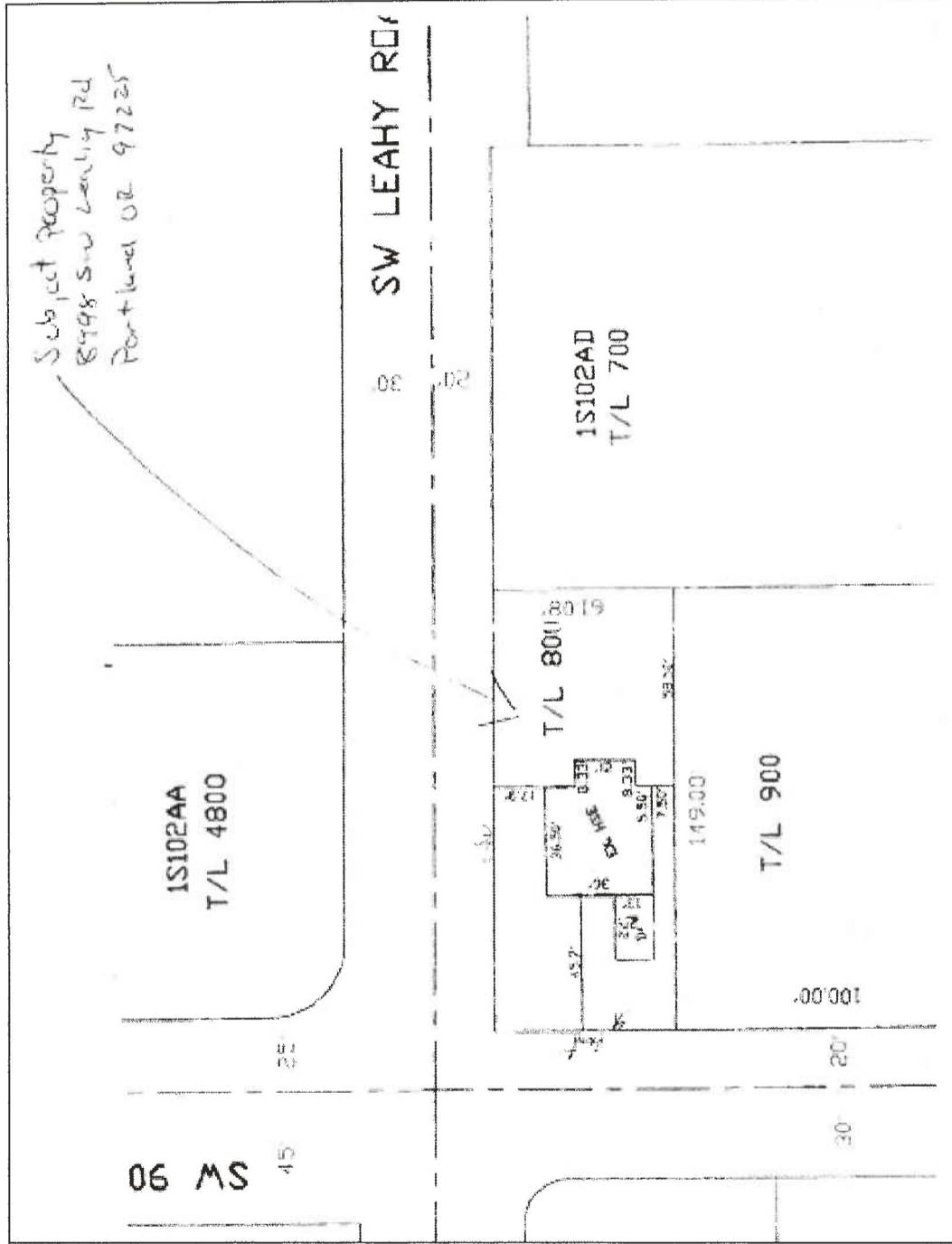
The findings presented in this report provide detailed support for the proposed Plan Amendment and demonstrate how the amendment will comply with applicable plans and policies.

Figure 1: Subject Property and Vicinity Map



Source: RLIS Lite 2006

Figure 2: Subject Property Site Map



### III. CONFORMANCE WITH COMPREHENSIVE FRAMEWORK PLAN

The following findings address the applicable Comprehensive Plan Amendment Criteria to amend the Cedar Hills-Cedar Mill Community Plan. Applicable criteria were identified as part of pre-application conferences held December 30, 2005 and February 10, 2006 (Attachment B).

#### *Comprehensive Plan Policies*

##### *Policy 1: The Planning Process*

- f. Approve a quasi-judicial plan amendment to the Community Plan Maps, including the implementing tax maps, only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan, the Community Plan Overview and sub-area description and design elements, complies with the applicable policies, strategies and systems maps of the Transportation Plan, complies with the applicable regional functional planning requirements established by Metro, and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that in no way precludes full application of the Growth Management Policies to development permits as provided in the Code.*

*In addition, the proponent shall demonstrate one of the following:*

- 1. A mistake in the current designation such that it probably would not have been placed on the property had the error been brought to the attention of the Board during the adoption process.*

**Response:** A plan designation of Transit Oriented Retail Commercial (TO:RC) is requested for the subject property, site of The Little Store, on the southeast corner of SW 90<sup>th</sup> Avenue and SW Leahy Road. The TO:RC designation will recognize historical and existing commercial use of the subject property. As indicated in a letter dated February 17, 2006 from the Washington County Planning Division Manager, a commercial designation was intended for the property when the Cedar Hills-Cedar Mill Community Plan was first adopted in 1983. However, the commercial designation was never placed on the property, even though the use existed and has continued to operate on this site.

The subject property is part of the Sunset Station Area Plan and, as a result, is in an area that has been given transit oriented plan designations; its current designation is Transit Oriented Residential (TO:R12-18). In addition to the light rail station, a TriMet bus line runs on SW 90<sup>th</sup> Avenue north of SW Leahy and on SW Leahy Road east of SW 90<sup>th</sup> Avenue. A bus stop is located across the street from The Little Store. The TO:RC designation, therefore, is compatible with the area's transit orientation.

As noted earlier, the Washington County Planning Division intended the subject property to have a commercial designation when plan designations were first adopted in 1983. In particular, the property would have been designated Neighborhood Commercial (NC) in 1983 but for an oversight. Instead it was designated residential (R-5), like the properties adjacent to it. When the Sunset Station Area Plan was adopted in 1997, the R-5 residential designation was converted to a transit oriented residential designation (TO:R12-18) for the subject property and surrounding properties. It stands to reason that if the subject property had been designated NC at the time of development of the Sunset Station Area Plan, that the corresponding transit oriented designation it would have received would have been TO:RC.

This is reinforced by the fact that Washington County made a similar conversion from NC to TO:RC for five tax lots at the corner of SW Locust and Hall Boulevard when it legislatively amended the Metzger-Progress Community Plan in 2003. These amendments were made by the County to implement the Washington Square Regional Center Plan. These properties are sited similarly to the subject property in that they are commercial sites located adjacent to a TriMet bus route.

The TO:RC designation practically suits the conditions of the subject property. The mixture of commercial use on the ground floor and residential use on the second floor currently found on the subject property is characteristic of the type of mixed use that transit oriented districts encourage.

Also practically speaking, the dimensional requirements of the TO:RC district are more compatible with The Little Store site than those of the NC district. The Traffic Impact Statement (TIS) that the County prepared for this application (Attachment C) specifies that an additional 17 feet of right-of-way on SW Leahy Road and 10 feet on SW 90<sup>th</sup> Avenue would likely be required to be dedicated by future development or redevelopment on The Little Store site. This dedication of right-of-way will effectively reduce the developable site size to roughly 44 feet (along SW 90<sup>th</sup> Avenue) by 139 feet (along SW Leahy Road), or 6,116 square feet (0.14 net acres).<sup>1</sup> This would bring the developable lot line up to the face of the existing building on SW Leahy Road, essentially creating a zero lot line that is characteristic of a TO:RC district rather than a NC District.<sup>2</sup>

Further, the developable lot size conforms to the TO:RC district and not to the NC District.<sup>3</sup> Last, if the existing building were redeveloped on the reduced lot size, maximum density standards of the NC district would restrict dwelling units above the

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<sup>1</sup> Dedications described in the County's TIS (Attachment A) were applied to the dimensions shown on the site map in Figure 2 in order to arrive at these dimensions.

<sup>2</sup> NC districts require a minimum front, side, and rear yard setback of 20 feet on a corner lot. Conversely, TO:RC districts have maximum front setbacks of 10 feet.

<sup>3</sup> NC districts require a minimum average lot depth and width of 85 feet, whereas TO:RC districts have no such requirements. Also, the NC district has a minimum lot size of 8,500 square feet, whereas the net lot size is estimated to be 6,116 acres in the case of future proposed development.

store to three units whereas the TO:RC district would allow for three or more.<sup>4</sup> If The Little Store were redeveloped under a TO:RC designation, the building would need to have at least 1,530 square feet of floor area in order to meet the district's minimum density requirements of 0.25 FAR.<sup>5</sup> However, site constraints and development requirements (i.e. parking) would restrict the floor area of the redeveloped building to approximately 2,200 square feet.<sup>6</sup>

### **District Characteristics and Location Criteria**

Policy 19 of the Comprehensive Framework Plan (Plan Designations and Locational Criteria for Development) characterizes the TO:RC District as follows:

*The TO-RC District is primarily intended to provide the goods and services needed by people living and working in or near LRT station communities. ...Uses in the district must be pedestrian oriented in design and function. ...Hotels, apartments, and town houses are also allowed on the upper floors of a building with first floor retail commercial uses. ...In a station community, the minimum FAR in the TO:RC District is ... 0.25 beyond one-half mile from an LRT station.*

The Little Store site conforms to the characteristics of a TO:RC designation. The commercial use on the ground floor provides groceries and convenience goods for the immediate neighborhood. The apartment unit on the second floor makes the building into a small-scale mixed use befitting a neighborhood transit oriented district.

The location standards for Transit Oriented (TO) Districts are as follows:

*Location criteria: The Interim Light Rail Station Area Overlay District shall apply to lands within approximately one-half mile of light rail station sites, as shown on applicable community plan maps.*

The proposed plan amendment meets the location criteria. As determined by Washington County, the site and existing commercial use is included in the Sunset Light Rail Station Area. Accordingly, the Cedar Hills-Cedar Mill Community Plan shows its existing designation to be transit oriented, albeit Transit Oriented Residential District, 12-18 units per acre (TO:R12-18) as opposed to Transit Oriented Retail Commercial which would more accurately reflect the historical and current use of the site.

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<sup>4</sup> Maximum density in NC districts is 15 units/acre, and there is no maximum density in TO:RC districts except as constrained by other development requirements and available capacity in the planned transportation system. One unit on the net developable lot size is equivalent to 7.14 units/acre, so that anything more than two units would exceed the NC district's maximum density of 15 units/acre.

<sup>5</sup> TO:RC districts require a minimum 0.25 FAR when sites are more than 2,600 feet from the light rail station platform.

<sup>6</sup> The maximum building floor area was developed as part of the "reasonable worst case" scenario required by the County's Traffic Impact Statement, and is discussed in more detail later in this report.

### **Other Requirements of Comprehensive Framework Plan, Policy 1f**

Comprehensive Framework Plan, Policy 1f also requires compliance with the following plans. The specific policies of these plans that require compliance were identified through pre-application conferences with County staff on December 30, 2005 and February 10, 2006.

- *Community Plan Overview: Policies 5, 9, 10, 12, and 13*
- *Community Plan Sub-area Description and Design Elements: Policy 3*
- *Transportation Plan: Policies 1, 2, 4, 5, 6, 10, 12, 14, 15, and 19*
- *Metro Functional Plan: Titles 1, 2, and 7*
- *Potential Service Impacts*

The remainder of this report demonstrates compliance with these policies.

#### **Policy 2: Citizen Involvement**

*It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their county government.*

**Response:** A neighborhood meeting is not required for this application according to Section 203-3.2 of the County's Community Development Code. However, the County will provide public notice in accordance with Code Section 204-4 prior to the Planning Commission hearing on this request.

#### **Policy 14: Managing Growth**

*It is the policy of Washington County to manage growth on unincorporated lands within the UGB such that public facilities and services are available to support orderly urban development.*

- b. *Categorize urban facilities and services into three categories: Critical, Essential and Desirable*
  1. *Critical facilities and services are defined as: Public water, public sanitary sewers, fire, drainage, and access (Local and Minor Collector roads). An inability to provide an adequate level of Critical services in conjunction with the proposed development will result in the denial of a development application.*

**Response:** As indicated by the attached "Request for Statement of Service Availability" letters from the requisite service providers, water, stormwater, sewer, and fire services are adequate to support the proposed plan amendment for the subject property (Attachment E). Tualatin Valley Fire & Rescue specifies that emergency service is adequate for the proposed plan amendment but that access and water supply for the site

will need to be provided if a development application is submitted in the future. This application is strictly for an amendment to the current plan designation and does not propose any development or changes to the site at this time.

The attached Traffic Impact Statement (TIS) prepared by Washington County reports that access is currently non-conforming, but can be brought into compliance with County standards in the event of a future development application (Attachment C). Specifically, access to 90<sup>th</sup> Avenue would be prohibited because The Little Store site has less than 70 feet of frontage on a Neighborhood Route. According to the TIS, access on SW Leahy Road would be restricted to a single driveway, versus the existing unrestricted access along the property's frontage, which would be spaced 100 feet from the edge of the lot at the intersection of SW Leahy Road and 90<sup>th</sup> Avenue in conformance with County standards.<sup>7</sup>

2. *Essential facilities and services are defined as: Schools, Arterial (including State highways) and Major Collector roads, transit improvements (such as bus shelter and turnouts, etc.), police protection, and on-site pedestrian facilities in the public right-of-way. Failure to ensure the availability of an adequate level of all Essential services within five (5) years from occupancy may result in the denial of a development application. The Review Authority may condition the approval to limit the period of time to a period shorter than five (5) years depending upon the degree of impact that the proposal has on the inadequate facilities or services and the risks to public safety in the interim period.*

**Response:** The "Request for Statement of Service Availability" letters from the Washington County Sheriff, the Beaverton School District, and TriMet state that the service levels are adequate for the existing site if its plan designation was amended to TO:RC as proposed (Attachment E). This application does not propose any development or changes to the site.

The TIS prepared by the County indicates that transportation facilities, and in particular SW Leahy Road (a County Collector road), may be found adequate for the proposed plan amendment contingent on a comparative traffic analysis. The analysis compares the existing traffic generation to the traffic generation estimated for the "reasonable worst case" development possible under the proposed plan designation and given the constraints of The Little Store site. The existing traffic generation for The Little Store is estimated to be 201 average daily trips and the potential traffic generation 477 trips.<sup>8</sup> The existing trip generation closely approximates the trip generation that would be expected if the site had been appropriately designated as Neighborhood Commercial when the Community Plan was adopted in 1983. While the "worst case" trip generation resulting from a TO:RC designation would more than double average daily trips, the potential

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<sup>7</sup> See Figure 2 for the dimensions of the subject property.

<sup>8</sup> Table 1 of the Little Store Rezone Trip Generation Analysis (Attachment D) prepared by DKS Associates (April 28, 2006)

number of future trips would conform to the volumes for which Collectors are designed, does not alter the functional classification of the surrounding transportation network, and would not be expected to create a significant impact to the transportation system. Therefore, the Collector classification associated with the subject property (SW Leahy Road) would continue to provide adequate service, particularly when site improvements are made that clarify the access and parking situation on the site.

3. *Desirable facility(ies) and service(s) are defined as: Public transportation service, parks, bicycle facilities and off-site pedestrian facilities. These are facilities and services which can be expected in a reasonable time frame (five-year period) from the occupancy of a development. A development application may be conditioned to facilitate these services based upon specific findings.*

**Response:** The “Request for Statement of Service Availability” letters from Tualatin Hills Park & Recreation District and TriMet report that the service levels are also adequate for the proposed amendment (Attachment E). This application is strictly for an amendment to the current plan designation and does not propose any development or changes to the site at this time.

The County’s TIS indicates that pedestrian and bicycle facility improvements will likely be required in conjunction with any future development applications for The Little Store site. Additional right-of-way on SW 90<sup>th</sup> Avenue and SW Leahy Road will provide area for sidewalks, as well as for bicycle lanes on SW Leahy Road. These improvements have been classified as long-term improvements in the County’s Transportation Plan.<sup>9</sup>

- d. *Require that the cost of providing the required County urban services for a particular land use proposal shall be borne by the applicant or benefited properties unless otherwise authorized by the Board of County Commissioners. Methods to assure needed improvements that address development impacts may include but are not limited to improvements by an applicant, planned capital improvements by a public agency, fees, and annexation to a park district.*

**Response:** The applicant will pay for the costs of urban services provided to the subject property when future development plans have been prepared for the property. Because no development or changes to the site are proposed in this application, there are no development impacts to mitigate or pay for at this time.

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<sup>9</sup> Sidewalks on SW 90<sup>th</sup> and SW Leahy Road are included in the far-term improvement list of the County’s Transportation Plan (Appendix C-5), and bike lane facilities on Leahy are identified as part of the plan’s bicycle network gap analysis (Appendix C-8, Map #3).

**Policy 18: Plan Designations and Locational Criteria for Development**

*It is the policy of Washington County to prepare community plans and develop regulations in accordance with land use categories and locational criteria contained in the Comprehensive Framework Plan.*

Implementing Strategies

*The County will:*

- a. *Utilize the land use classifications for the community planning program characterized in this section as plan designations. In determining the appropriate land use designations for community land, the location criteria should be utilized. Through the preparation of Community Plans the application of the plan designations may deviate from the general characterizations of those designations. Such deviations shall be characterized in the Community Plans.*

**Interim Light Rail Station Area Overlay District**

*Characterization: The intent of this overlay district is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately a one-half mile radius of planned westside light rail transit station sites pending the development and adoption of site specific station area plans.*

*Location Criteria: The Interim Light Rail Station Area Overlay District shall apply to lands within approximately one-half mile of light rail station sites, as shown on applicable community plan maps. In identifying areas subject to this district, consideration shall be given to parcel size, ownership patterns, the existing transportation network, existing development patterns, development and redevelopment opportunities, the ability of pedestrian oriented design so as to be supportive of light rail transit and pedestrian travel and reinforce the substantial public investment in westside light rail transit.*

**Response:** The Little Store site is compatible with the characteristics and location criteria established for transit oriented districts, as is supported by its inclusion in the Sunset Light Rail Station Area adopted by Washington County. The subject property itself is roughly one mile away from the Sunset light rail station in network distance using a combination of pedestrian trails and surface streets. However, a TriMet bus line also runs by the site and there is a bus stop across the street. In this sense, the subject property has a dual transit orientation, with a stronger orientation toward bus transit than light rail transit.

Given its transit orientation and site size (approximately 0.21 acres), small-scale mixed use is appropriate for the subject property. The existing commercial use on the ground floor provides groceries and convenience goods for the immediate neighborhood, for residents that are walking, riding the bus, or driving. The apartment unit on the second

floor makes the building into a small-scale mixed use befitting a neighborhood transit oriented district.

*Transit Oriented Districts*

*The land use districts described below are intended for application in station communities and town centers, and along main streets and corridors, as defined by the Metro 2040 Growth Concept. The land use and design provisions of these districts shall direct and encourage development that is transit oriented. Transit oriented development generally has the following characteristics:*

- designed to encourage people to walk;*
- contains a mix of land uses;*
- density consistent with the type of transit service provided to the area;*
- interconnected to the street system;*
- includes narrowed neighborhood streets; and*
- designed to accommodate transit stops and access.*

*Each of the following transit oriented district addresses these characteristics through its land use and design provisions:*

*Transit Oriented - Retail Commercial District (TO-RC)*

*The TO-RC District is primarily intended to provide the goods and services needed by people living and working in or near LRT station communities, regional and town centers, main streets and corridors. Uses in the district must be pedestrian oriented in design and function. Auto-oriented uses, such as motor vehicle service stations, may be allowed if appropriately designed, and in compliance with minimum FAR standards...Hotels, apartments, and town houses are also allowed on the upper floors of a building with first floor retail commercial uses.*

*In a station community, the minimum FAR in the TO-RC District is 0.5 within one-quarter mile of an LRT station, 0.35 between one-quarter mile and one-half mile from an LRT station, and 0.25 beyond one-half mile from an LRT station.*

**Response:** The convenience retail store located on The Little Store site complies with the intention of the TO:RC district. The site provides a mix of land uses, encouraged in transit oriented districts, with a store on the ground floor and an apartment on the second floor. Yet, even with the mix of uses, the density of the existing uses is comparable to the surrounding residential neighborhood. This density is also appropriate because the site is oriented to a neighborhood bus line more than an urban light rail line. While the site does not currently meet the 0.25 FAR standard set for TO:RC zones, future redevelopment, combined with the anticipated reduction in the site size due to right-of-way requirements, would allow the site to increase its floor area and meet the standard without becoming incompatible in scale with the surrounding neighborhood.<sup>10</sup>

<sup>10</sup> As discussed in other sections of this report (pp. 16-17), the “worst case” development scenario under a TO:RC designation would be approximately 2,200 square feet of building on a site of 0.14 net acres (6,116

While accessible by bus and personal vehicle, the subject property is pedestrian oriented because of the small scale of its building and lot, narrow neighborhood streets, limited setback of the store entrance from the street, the presence of trees around the store, and its corner location. The site is surrounded by residences that are within short walking distance. Further, in the case of future development or redevelopment of the site, sidewalks and bicycle lanes would likely be required as conditions of development approval.<sup>11</sup>

**Policy 21 Housing Affordability**

*It is the policy of Washington County to encourage the housing industry to provide an adequate supply of affordable housing for all households in the unincorporated urban County area.*

**Response:** According to the current plan designation of TO:R12-18, the subject property – a 0.21-acre tax lot – could accommodate up to four units. However, if the site were redeveloped, the developable area of the lot would be reduced according to conditions indicated in the County's TIS. With dedications of additional right-of-way, the site would effectively be reduced to approximately 6,115 square feet, or 0.14 net acres. In this case, the maximum number of units the site could accommodate in a TO:R12-18 district is three units.

In a TO:RC district, the minimum density is 0.25 FAR.<sup>12</sup> There is no maximum density in TO:RC districts per se, but the density is constrained by the available capacity in the planned transportation system and the ability of the site to meet other development standards such as dimensional standards and parking. As discussed in other sections of this report, the most intense or "reasonable worst case" development, in terms of traffic generation, in a TO:RC district would be a commercial use occupying approximately 2,200 square feet.

In TO:RC districts, housing can only be located on the upper floor of buildings with retail commercial on the ground floor, so housing on the site must be located above the commercial use. Adding housing to the "worst case" commercial development, however, would increase the parking requirement for the site, which would, in turn, reduce the floor area of the ground floor retail commercial use. Even with a footprint less than 2,200 square feet, this hypothetical development still has the potential to accommodate three or four dwelling units on the upper floor, qualifying the housing as multi-family

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square feet). This would result in an FAR of approximately 0.33 that would meet the TO:RC minimum density requirement, and yet the building floor area would be comparable with the floor area of surrounding single-family residences.

<sup>11</sup> This is based on the County's TIS (Attachment C). Sidewalks are specified as part of the half-street improvements likely to be required of future development, and bike lanes are part of the County's road section standards when the right-of-way is of sufficient and conforming width.

<sup>12</sup> This is the standard given the subject property is beyond 1,300 feet from the Sunset light rail station platform.

attached residential. Typically, either rental or purchase of multi-family attached units is more affordable for households than single-family units. Therefore, the TO:RC designation has the potential to provide more affordable housing in the County than a TO:R12-18 designation.

**Policy 22      *Housing Choice and Availability***

*It is the policy of Washington County to encourage the housing industry to make a variety of housing types available, in sufficient quantities, to the housing consumer.*

**Response:** This application does not propose development or changes to the site. However, as addressed in the previous response, changing the subject property's designation from TO:R12-18 to TO:RC allows for the potential to increase the multi-family housing stock of the County. Given that housing in unincorporated Washington County is predominantly single-family, an increase in multi-family residential uses creates more housing choice for the County's residents.

**Policy 30:      *Schools***

*It is the policy of Washington County to coordinate with school districts and other educational institutions in planning future school facilities to ensure proper location and safe access for students.*

**Response:** The proposed plan amendment does not include development or changes to the site. Therefore, the proposal does not require additional service from the school district. (See the "Statement of Service Availability" from the Beaverton School District, Attachment E.) If a development application is filed for the site in the future, coordination with the school district and adequate school service provision will need to be demonstrated at that time.

The Little Store site is located down the street (SW Leahy Road) from West Tualatin View Elementary School. While no development or changes to the site are proposed as part of this plan amendment, any future development will demonstrate that safe access to the school is preserved and even enhanced by the proposed development. In particular, the County has indicated that future development or redevelopment of The Little Store site will provide enough right-of-way for sidewalks and bike lanes on SW Leahy.<sup>13</sup>

**Policy 31:      *Fire and Police Protection***

*It is the policy of Washington County to work closely with appropriate service providers to assure that all areas of the County continue to be served with an adequate level of fire and police protection.*

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<sup>13</sup> Based on potential conditions of development approval outlined in the County's Traffic Impact Statement (TIS)

**Response:** As is noted by the attached service letters, Tualatin Valley Fire & Rescue (TVF&R) and the Washington County Sheriff can provide the site with adequate emergency services. TVF&R notes that if a development application is filed for the site in the future, the applicant will need to demonstrate that there is adequate access to the site and adequate water supply at that time.

**Policy 32: Transportation**

*It is the policy of Washington County to regulate the existing transportation system and to provide for the future transportation needs of the County through the development of a Transportation Plan as an Element of the Comprehensive Plan.*

**Response:** The TIS prepared by Washington County (Attachment C) requires that an analysis of the traffic generated by “reasonable worst case” development allowed under the proposed plan designation be conducted and compared to trip generation from the existing designation and use. The “reasonable worst case” or most intense form of development under the proposed designation, TO:RC, was determined according to the following factors.

- The County’s TIS refers to dedication of an additional 17 feet of right-of-way on SW Leahy Road and an additional 10 feet of right-of-way on SW 90<sup>th</sup> that may be conditions of future development applications
- This would result in developable lot dimensions of 44 feet by 139 feet, or 6,116 square feet.<sup>14</sup>
- The minimum floor-area ratio (FAR) in the TO:RC district is 0.25. This establishes the least amount of floor area for the potential “worst case” development on the subject property as 1,530 square feet.
- Of the uses allowed in the TO:RC district, a retail business was estimated to be the use associated with the highest trip generation.
- Parking need was determined according to Washington County parking standards in Section 413-9.3 of the Community Development Code. The standards for a retail store are 4.1 spaces for each thousand feet of building gross square area.
- Based on access restrictions identified in the TIS, the development scenario assumed the building to be occupying the west side of the lot and parking on the east side.
- Setbacks for the lot were assumed as zero for the front of the building (facing onto SW Leahy Road), five feet for the sides of the lot, five feet between parking and the right-of-way and the rear lot line, and ten feet between the building and the rear lot line.
- The parking area was assumed to be a two-way dead end lot with right-angle parking. Stall widths of 7.5-8.5 feet and a backing area of 5 feet, the minimum required by the parking and loading standards of Section 413-4 of the Community Development Code, were also assumed.

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<sup>14</sup> See the site map in Figure 2 for existing lot dimensions.

- It was concluded that the maximum building gross floor area that could accommodate required parking would be approximately 2,200 square feet with 8 parking spaces.

According to traffic generation analysis by DKS Associates (Attachment D), trip generation under these conditions is approximately 201 average daily trips for the existing use and potentially 477 trips for the future development.<sup>15</sup> While this scenario more than doubles average daily trips, the potential number of future trips conforms to the volumes for which Collectors such as SW Leahy are designed, does not alter the functional classifications of the surrounding transportation network, and is not a significant impact in transportation planning or engineering terms. Therefore, the Collector classification associated with the subject property (SW Leahy Road) would continue to provide adequate service, particularly when site improvements are made that clarify the access and parking situation on the site.

*Policy 40: REGIONAL PLANNING IMPLEMENTATION*

*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.*

**Station Communities:** *Station Communities generally include areas that are adjacent to, or within easy walking distance of light rail stations. Along with the Regional Centers and Town Centers, Station Communities are home to the most intensive land uses. These areas are designated for higher density, transit supportive uses. The primary uses include retail and service businesses, offices, mixed-use projects, higher-density housing, and rowhouses. Station communities will have wide sidewalks and "street-side" facilities to make these areas "pedestrian friendly." Station Communities will evolve into higher intensity areas that are focal points of public transit.*

**Response:** The subject property is currently designated as transit oriented (TO:R12-18) because it is located along a TriMet bus route and approximately one mile on foot from the Sunset Light Rail station. This transit oriented designation was instituted as part of the Sunset Station Area Plan, adopted by Washington County in 1997. The Sunset Station Area Plan was prepared in order to implement the area's designation as both a Town Center and Station Community by Metro's 2040 Growth Concept. The proposed plan amendment maintains the transit oriented designation while acknowledging the site's existing and historical commercial use.

Being located in an established single-family residential neighborhood and oriented more toward a commuter bus line than a light rail line, transit oriented development on and around the site is not intended to be as dense or intense as development adjacent to a light rail station or to a bus line with more frequent service. This level of transit service is

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<sup>15</sup> Table 1 of the Little Store Rezone Trip Generation Analysis (Attachment D) prepared by DKS Associates (April 28, 2006)

appropriate for the area's current development pattern. However, the transit oriented designation adopted for the site and immediate area does prescribe a higher density than other surrounding development (designated R-5), but not so much denser as to be incompatible with surrounding development.

The combination of commercial and residential uses on the site complement the residential nature of the neighborhood while providing groceries and other goods on a small scale and in a location that is convenient to nearby residents. The proposed plan amendment removes a regulatory barrier and allows small-scale mixed-use development that is appropriate both to the neighborhood and its status as a station community.

The County estimates in its TIS that The Little Store currently generates about 130 daily trips average (Attachment C). With its proximity to transit and neighborhood location, trips to the site could be made by transit, bike, or on foot as well as by car. In terms of transit accessibility, TriMet bus line 60 (Leahy Road) runs on SW Leahy Road in front of the site, providing service at peak commuting hours on weekdays. A stop for the line is located across the street. The Sunset Light Rail Station is also located about one mile away by foot (using a combination of pedestrian trails and surface streets), and provides frequent daily service.

In terms of pedestrian accessibility, the site's general location is convenient to residents of the area who are on foot. Existing unrestricted access on both street fronts of subject property makes it easy for pedestrians from the surrounding residential neighborhood to access. The bus stop across the street from The Little Store site and the elementary school and sports fields nearby may also draw pedestrian traffic. Potential conditions of future development approval that have been identified by the County (Attachment C) include providing expanded right-of-way for sidewalks on SW Leahy Road and SW 90<sup>th</sup> Avenue and bike lanes on SW Leahy Road. These sidewalks would help fill gaps between existing sidewalk on the west side of the SW Leahy Road/90<sup>th</sup> Avenue intersection and further east on SW Leahy Road near the elementary school. This would result in a safer and more pleasant pedestrian environment.

In these ways, the proposed plan amendment and future development proposals will provide the type and intensity of land use and the accessibility that are appropriate to the neighborhood and implement regional planning concepts and policies.

#### IV. CONFORMANCE WITH TRANSPORTATION PLAN

The following addresses the applicable Washington County Transportation Plan policies identified through pre-application conferences held December 30, 2005 and February 10, 2006 (Attachment B).

**Policy 1**      **Travel Needs Policy**

*It is the policy of Washington County to provide a multi-modal transportation system that accommodates the diverse travel needs of Washington County residents and businesses.*

**Response:** Based on traffic generation analysis<sup>16</sup> and discussion in other sections of this report<sup>17</sup>, the proposed plan amendment will not significantly impact the existing or planned transportation system for vehicle travel. Existing conditions of The Little Store site permit unrestricted access to the building for bicyclists and pedestrians in the area. However, these conditions will be made safer and more inviting in the case of future development or redevelopment. Future redevelopment will likely need to provide for sidewalks and bike lanes as well as restricting vehicle access to a designated driveway so as to reduce conflicts between vehicles, pedestrians and bicyclists accessing the site.<sup>18</sup>

**Policy 2:**      **System Safety**

*It is the policy of Washington County to provide a transportation system that is safe.*

**Response:** The proposed plan amendment does not propose any development or changes to the site, so that the safety of the system is not affected. In its TIS, the County describes conditions that may be attached to development or redevelopment of the site in the future. These conditions could include: (a) prohibiting access to the site on 90<sup>th</sup> Avenue; and (b) limiting the access on SW Leahy Road to a single driveway, versus the existing unrestricted access along the property's frontage, which would be spaced from the edge of the lot at the intersection of SW Leahy Road and 90<sup>th</sup> Avenue according to County standards. These changes to the site would improve the safety of this part of the transportation system.

**Policy 4**      **System Funding**

*It is the policy of Washington County to aggressively seek adequate and reliable funding for transportation facilities and services, and to ensure that funding is equitably raised and allocated.*

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<sup>16</sup> The Little Store Rezone Trip Generation Analysis prepared by DKS Associates (April 28, 2006), Attachment D

<sup>17</sup> See the narrative for Section III (Comprehensive Framework Plan), Policy 32 (Transportation), pp. 16-17.

<sup>18</sup> Based on potential conditions of development approval outlined in the County's TIS

**Response:** This plan amendment application does not propose development or changes to the site, so it will not directly require transportation improvements. Comparing trip generation calculated by DKS assuming the “reasonable worst case” development that could potentially occur on the site to the trip generation of the existing designation and use reported in the County’s TIS, the proposed change to TO:RC will not result in a significant impact to the existing or planned transportation system.<sup>19</sup> Transportation improvements related to any future development will need to be provided by the applicant.

**Policy 5:      *Plan Implementation and System Management***

*It is the policy of Washington County to efficiently implement the transportation plan and to efficiently manage the transportation system.*

**Response:** The proposed plan amendment does not include development or changes to the site, and therefore will not impede the County’s ability to efficiently implement the transportation plan or manage the transportation system. In the case of future development proposals for the site, the applicant will comply with conditions of approval related to transportation that will allow the County to efficiently implement the plan and manage the system.

Further, as established in the Development Code for TO:RC, maximum density of development on the subject property will be constrained by the capacity in the transportation system that is available while maintaining the roadway’s acceptable volume-capacity (v/c) ratio. For station communities, the morning and evening peak first and second hour acceptable v/c ratio is 0.99; for other urban areas, the acceptable v/c ratio is 0.99 for the first hour and 0.9 for the second hour.<sup>20</sup>

**Policy 6:      *Roadway System Policy***

*It is the policy of Washington County to ensure that the roadway system is designed in a manner that accommodates the diverse travel needs of all users of the transportation system.*

**Response:** The proposed plan amendment will not significantly impact the vehicle capacity of the existing or planned transportation system.<sup>21</sup> As it is, the site is accessible by vehicle, bus, bike, or on foot. In its TIS, the County describes conditions that may be attached to development or redevelopment of the site in the future, including provisions for access control, more right-of-way, sidewalks, and bike lanes. These provisions will

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<sup>19</sup> See the narrative for Section III (Comprehensive Framework Plan), Policy 32 (Transportation), pp. 16-17.

<sup>20</sup> Table 5 (Washington County Motor Vehicle Performance Measures) of Policy 6 of the Roadway Element in the Washington County Transportation Plan

<sup>21</sup> See the narrative for Section III (Comprehensive Framework Plan), Policy 32 (Transportation), pp. 16-17.

make the transportation system in the vicinity of The Little Store site safer for all travel modes, and more accessible for non-vehicular travel modes.

**Policy 10      *Functional Classification Policy***

*It is the policy of Washington County to ensure the roadway system is designed and operates efficiently through use of a roadway functional classification system.*

**Response:** The proposed plan amendment will not result in any change to the functional classifications of SW 90<sup>th</sup> Avenue or SW Leahy Road. SW Leahy Road is a three-lane collector and SW 90<sup>th</sup> a two-lane Neighborhood Route. According to the County's TIS, possible conditions of approval for future development or redevelopment of the site will require additional right-of-way that would bring the site into compliance with cross-section standards the County has for these functional classifications.

**Policy 12      *Transit Policy***

*It is the policy of Washington County to encourage and support development of transit facilities and services that increase transit use in Washington County.*

**Response:** The Little Store site is accessible to transit. TriMet bus line 60 (Leahy Road) runs on SW Leahy Road in front of the site, providing service at peak commuting hours on weekdays. A stop for the line is located across the street. The Sunset Light Rail Station is also located about one mile away by foot (using a combination of pedestrian trails and surface streets), and provides frequent daily service.

**Policy 14      *Pedestrian Policy***

*It is the policy of Washington County to encourage and support greater pedestrian activity in the county by providing and maintaining an environment where walking is a safe, convenient and pleasant mode of travel.*

**Response:** The site is located within a residential neighborhood, immediately surrounded by homes with TO:R12-18 and R-5 plan designations, medium and low density designations. Its location is convenient to residents of the area who are on foot. Unrestricted access on both street fronts of subject property makes it easy for pedestrians to access. Mature evergreen trees and the small-scale (two-story) nature of the mixed use on the site make for a human-scale and pleasant environment. Pedestrians are also drawn by the bus stop for TriMet line 60 across the street from The Little Store site and an elementary school and sports fields within close proximity.

Although no improvements or changes to the site are proposed as part of this application, the County has described potential conditions of approval for any proposed development in the future. The improvements include providing expanded right-of-way for sidewalks on SW Leahy Road and SW 90<sup>th</sup> Avenue and bike lanes on SW Leahy Road. These sidewalks would help fill gaps between existing sidewalk on the west side of the SW

Leahy Road/90<sup>th</sup> Avenue intersection and further east on SW Leahy Road near the elementary school. This would result in a safer and more pleasant pedestrian environment.

**Policy 15      Bicycle**

*It is the policy of Washington County to encourage and support greater bicycling activity in Washington County by providing an environment in which bicycling is a safe and convenient mode of travel.*

**Response:** Just as with pedestrian access, the site's neighborhood location and proximity to transit encourage bicycling. As indicated by the County in its TIS (Attachment C), any future development on the site would likely be conditioned to increase right-of-way on the two adjacent streets, which would provide for bike lanes on SW Leahy Road and safer and more accessible bicycling as a result. Bike parking would also be another requirement for any future development of the site.

**Policy 19      Transportation Planning Coordination and Public Involvement**

*It is the policy of Washington County to coordinate its transportation planning with local, regional, state and federal agencies and to provide opportunities for citizens to participate in planning processes.*

**Response:** The proposed plan amendment will not significantly impact the existing or planned transportation system or alter the functional classifications of SW 90<sup>th</sup> Avenue or SW Leahy Road, both County roads.<sup>22</sup> Therefore, no change to the County's transportation system plan is planned that would necessitate the coordination outlined in Policy 19. The proposed plan amendment does not "significantly effect" the transportation system and is consistent with the applicable provision of the Transportation Planning Rule set forth in OAR 660-12-060.

Public involvement for the proposed plan amendment will be provided for as required by the Washington County Community Development Code. A neighborhood meeting is not required for this application according to Section 203-3.2 of the Community Development Code. However, the County will provide public notice in accordance with Code Section 204-4 prior to the Planning Commission hearing on this request.

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<sup>22</sup> See the narrative for Section III (Comprehensive Framework Plan), Policy 32 (Transportation), pp. 16-17.

## V. CONFORMANCE WITH THE COMMUNITY DEVELOPMENT CODE

While no development is being proposed as a part of this plan amendment request, notes from pre-application conferences held December 30, 2005 and February 10, 2006 indicate that the applicant needed to address the following sections of the Community Development Code (Attachment B).

### 375 TRANSIT ORIENTED DISTRICTS

#### 375-1 Intent and Purpose

*The intent of the transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers.*

*The purpose of the transit oriented districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.*

**Response:** The subject property is currently designated as transit oriented (TO:R12-18) because it is located along a TriMet bus route and about one mile on foot from the Sunset Light Rail station. This transit oriented designation was instituted as part of the Sunset Station Area Plan, adopted by Washington County in 1997. The proposed plan amendment maintains the transit oriented designation while acknowledging the site's existing and historical commercial use.

Being located in an established single-family residential neighborhood and oriented more toward a commuter bus line than a light rail line, transit oriented development on and around the site is not intended to be as dense or intense as development close to the light rail station or to a bus line with more frequent service. This level of transit service is appropriate for the area's current development pattern. However, the transit oriented designation (TO:R12-18) adopted for the immediate area does prescribe a higher density than surrounding development (R-5), but not so much denser as to be incompatible with surrounding development.

The County estimates in its TIS that The Little Store currently generates about 130 daily trips average (Attachment C). With its proximity to transit and neighborhood location, these trips could be made by transit, bike, or on foot as well as by car. The mix of commercial and residential uses on the site complement the residential nature of the neighborhood while providing groceries and other goods on a small scale and in a location that is convenient to nearby residents.

*375-2 Transit Oriented District Names and Acronyms*

*The following are the transit oriented districts, by name and acronym, addressed by this Section.*

*Transit Oriented Residential District, 12-18 units per acre (TO:R12-18)*

*Transit Oriented Retail Commercial District (TO:RC)*

**Response:** Currently the site does not conform to its existing designation of TO:R12-18 in either use or density. The commercial use on the ground floor of The Little Store is not permitted in residential districts. With one apartment unit on the second floor and a site size of approximately 0.2 acres, the residential density is only 5 dwelling units per acre.

The historical and existing commercial use is suited to a transit oriented commercial designation, and TO:RC permits commercial uses such as retail businesses and food markets by Type II and III procedures according to Table A of Section 375 of the County's Community Development Code. Section 375-7 (14) of the Code also explicitly permits apartment and condominium units on the upper floors of buildings in the TO:RC district.

## VI. CONFORMANCE WITH THE CEDAR HILLS-CEDAR MILL COMMUNITY PLAN

The following addresses the applicable policies in the Cedar Hills-Cedar Mill Community Plan identified through pre-application conferences with the County.

### *Overview*

*Cedar Hills-Cedar Mill, located directly north of Beaverton and west of Portland city limits, is one of the more developed urban communities in unincorporated Washington County. Predominantly residential, this community provides workers and customers for businesses in Beaverton Portland, and developing area to the east. Because several major roadways traverse the area, Cedar Hills-Cedar Mill also serves as a conduit through which significant numbers of regional work and shopping trips are made each day to and from other points in the County.*

*Future development in Cedar Hills-Cedar Mill is planned to provide more shopping and employment opportunities within the community. This will reduce the numbers and lengths of trips residents must make and foster the development of the balanced, well-serviced community prescribed in the Comprehensive Framework Plan.*

*The plan directs future medium and high density residential development toward three general areas: northwest, central, and east. Each area is crossed by both Arterial and Collector streets and each contains a significant amount of vacant buildable land in relatively large parcels.*

*The center of the planning area is proposed for a mix of residential densities, along with commercial and office uses. Included in this area is the land owned by the Peterkort family, located north of Sunset Highway between the Highway 217 and SW Cedar Hills Boulevard interchanges. Medium density housing on the Peterkort property is located to serve as a buffer between new low density residential uses on the north and the office and retail uses designated in the south adjacent to Sunset Highway. West of the Peterkort property, high density residential is suggested for a large area between NW Cornell and SW Barnes Roads. This density already has been established by existing apartment and condominium complexes and fits in well with the array of retail and service establishments in the adjacent Cedar Mill shopping area. The flood plain and resultant open space will help create a desirable living environment.*

*In areas outside the three just described, increased residential densities are suggested only for those lands which seem appropriate. For example, an area encompassing large-sized residential lots located near a Collector is a good location for increased density if the land is also relatively free from steep slopes or drainage hazards. There are several such cases in Cedar Hills-Cedar Mill. Frequently, lots in these areas already are developed with detached homes. Further development of the land in these situations will, of course, be contingent upon such things as the desire of the landowner to seek infill development on part of a lot and the physical characteristics of the lot itself.*

**Response:** Boundaries are not defined for the general areas addressed in the Cedar Hills-Cedar Mill Community Plan Overview; the subject property appears to qualify either as part of the center of the planning area or as an area outside the three addressed in the overview. The subject property complies with the criteria of either area. As a combination of small-scale commercial and residential uses, the property supports the vision of mixed uses for the center of the planning area.

When viewed as an area outside of the three described in the Community Plan Overview, the requested plan amendment complies with this policy in that there is no new development and no increase in density proposed as part of this application. In this way, the application preserves the existing character of the neighborhood.

***Community Design-General Design Elements***

*5. All new subdivisions, attached unit residential developments, and commercial developments shall provide for pedestrian/bicycle pathways which allow public access through or along the development and connect adjacent developments and/or shopping areas, schools, public transit and park and recreation sites.*

**Response:** No development or changes to the site are proposed as part of this application. In its existing condition, the site offers unrestricted access to The Little Store and its apartment above. The County has indicated in the TIS (Attachment C) that likely conditions for future development approval would include a dedication of right-of-way on both SW 90<sup>th</sup> Avenue and SW Leahy Road as well as half-street improvements including a curb, sidewalk, and storm drainage. Required improvements on SW Leahy Road would also include bike lanes. The sidewalk and bike lane facilities would provide the kind of pedestrian and bicyclist access along the property described in this policy.

*9. In the design of road improvements that are required of new developments to meet the County's growth management policies, pedestrian/bicycle pathways identified in the County's Transportation Plan shall be included.*

**Response:** While no new development is proposed as part of this application, the County's TIS (Attachment C) has indicated that conditions for future development approval would require dedication of additional right-of-way and half-street improvements including a curb, sidewalk, storm drainage, and bike lanes (in the case of SW Leahy Road) for both streets that the subject property fronts. Required improvements on SW Leahy Road would also include bike lanes. The applicant will demonstrate compliance with these conditions in the event of a future development application.

Sidewalks on SW 90<sup>th</sup> and SW Leahy Road are included in the far-term improvement list of the County's Transportation Plan (Appendix C-5), and bike lane facilities on Leahy are identified as part of the plan's bicycle network gap analysis (Appendix C-8, Map #3).

*10. Noise reduction measures shall be incorporated into all new developments located adjacent to Arterials and Collectors. Noise reduction alternatives include vegetative buffers, berms, walls and other design techniques such as insulation, setbacks, and orientation of windows away from the road.*

**Response:** The Little Store site fronts one collector, SW Leahy Road. No development or changes to the site are proposed as part of this application. In the event of future development and where feasible, vegetative buffers will be used between parking, the building, the street and adjacent properties. However, due to its location in a transit oriented district and, consequently, an emphasis on an active and accessible street front, setbacks will be minimal and the windows will be oriented toward the road.

*12. New development shall dedicate right-of-way for road extensions and alignments as indicated in Washington County's Transportation Plan or Community Plans. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.*

**Response:** Development is not proposed as part of this application. The County indicates in the TIS (Attachment C) prepared for this application that conditions of future development would likely include dedication of additional right-of-way for a total of 30 feet from the centerline on SW 90<sup>th</sup> Avenue and 37 feet from the centerline on SW Leahy Road.<sup>23</sup> The additional right-of-way brings the roads into compliance with the County roadway sections for a 3-lane collector and 2-lane Neighborhood Route. The applicant will demonstrate compliance with these conditions in the event of a future development application.

*13. New access onto Arterials and Collectors shall be limited. Shared or consolidated access shall be required prior to the issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be infeasible.*

**Response:** No new access is proposed in this application. However, modifications to existing access are made clear in the County's TIS regarding any future development on this site (Attachment C). A non-access standard on SW Leahy Road will be instituted with the exception of an access approved through the development review process. A driveway or access that is approved through this process must meet the 100-foot minimum spacing standard for collectors. This means that any driveway or access approved on SW Leahy Road will be on the east end of the lot; the lot length is currently 149 feet (Figure 2). The TIS also specifies that lots with less than 70 feet of frontage will not be permitted a separate direct access to a Neighborhood Route, which, in this case, is SW 90<sup>th</sup> Avenue. The applicant will demonstrate compliance with these access standards at the time of a future development application.

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<sup>23</sup> See Figure 2 for the existing centerline measurements and lot dimensions.

***Westhaven Subarea***

*3. No increase in the Neighborhood Commercial area at SW 90th and SW Leahy shall be granted through the quasi-judicial Plan Amendment process.*

**Response:** The presence of this General Design Element in the Cedar Hills – Cedar Mill Community Plan is an acknowledgement of the existence of The Little Store and the fact that it is a Neighborhood Commercial Area. This Plan Amendment will merely recognize from a land use designation perspective, the existence of The Little Store and its commercial use. Because the property is located in a transit oriented district, the TO:RC designation proposed is the most appropriate plan designation for the property. This Plan Amendment does not propose to increase the “Neighborhood Commercial area at SW 90<sup>th</sup> and SW Leahy”. The area of the tax lot that will remain after anticipated right-of-way dedications are made when a development is proposed will reduce the area devoted to a commercial use on the site.

The amendment to the designation of the subject property proposed in this application acknowledges the existing and historical use of the site for commercial purposes and the location of the site within a transit oriented district, and rectifies errors made in prior residential designations. The application does not propose to convert residential uses on surrounding properties to commercial uses or to otherwise increase the commercial area or expand commercial uses beyond this site.

## VII. CONFORMANCE WITH METRO FUNCTIONAL PLAN

Title 8, Section 3.A. of Metro's Urban Growth Management Functional Plan (Functional Plan) requires all plan amendment and zone change proposals to be consistent with the Functional Plan. This section addresses the proposal in light of Functional Plan requirements. The following analysis reviews the portions of the Functional Plan deemed applicable by County staff and demonstrates how this proposal is consistent with the purpose and requirements of the Functional Plan.

### *Title 1 – Requirements for Housing and Employment Accommodations*

*This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.*

**Response:** According to the current plan designation of TO:R12-18, the subject property – a 0.21-acre tax lot – could accommodate up to four units. However, if the site were redeveloped, the developable area of the lot would be reduced according to conditions indicated in the County's TIS (Attachment C). With dedications of additional right-of-way, the site would effectively become approximately 6,115 square feet, or 0.14 acres.<sup>24</sup> In this case, the maximum number of units the site could accommodate in a TO:R12-18 district is three units. The existing commercial use and employment generated by it would not be permitted to continue if the site were redeveloped because commercial and office uses are prohibited in the TO:R12-18 district.

In a TO:RC district, the minimum density would be 0.25 floor area ratio (FAR) given that the subject property is beyond 1,300 feet from the Sunset light rail station platform. There is no maximum density in TO:RC districts per se, but the density is constrained by the available capacity in the planned transportation system and the ability of the site to meet other development standards such as parking.

In response to the County's TIS, the most intense or "reasonable worst case" development, in terms of traffic generation, in a TO:RC district was estimated assuming the reduced lot area of 6,115 square feet (0.14 net acres). The result was a commercial development of approximately 2,200 square feet. This commercial use would either maintain or increase the amount of employment on the site.

Housing on the site must be located above the commercial use. In TO:RC districts, housing can only be located on the upper floor of buildings with retail commercial on the ground floor. Adding housing to the commercial use that is assumed for the "reasonable worst case" scenario would increase the parking requirement for the site, which would, in turn, reduce the floor area of the ground floor retail commercial use. However, even with

<sup>24</sup> See Figure 2 for existing lot dimensions.

a footprint less than 2,200 square feet, this hypothetical development still has the potential to accommodate three or four dwelling units on the upper floor.

Based on these findings, the site has more capacity to provide housing and employment with a TO:RC designation than with the existing TO:R12-18 designation.

### ***Title 2 – Regional Parking Policy***

*The Metro 2040 Growth Concept calls for more compact development as a means to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. Notably, the air quality plan relies upon reducing vehicle trips per capita and related parking spaces through minimum and maximum parking ratios. This title addresses these state and federal requirements and preserves the quality of life of the region.*

#### *3.07.220 Performance Standard*

*A. Cities and counties are hereby required to amend their comprehensive plans and implementing regulations, if necessary, to meet or exceed the following minimum standards:*

- 1. Cities and counties shall require no more parking than the minimum as shown on Table 3.07-2, Regional Parking Ratios, attached hereto; and*
- 2. Cities and counties shall establish parking maximums at ratios no greater than those listed in the Regional Parking Ratios Table and as illustrated in the Parking Maximum Map.*

**Response:** Minimum parking standards established for retail/commercial in Table 3.07-2 are the same as those established for retail stores in Washington County's Community Development Code, Section 413-9.3—4.1 spaces per 1,000 square feet of gross floor area. County maximum ratios are also set precisely to Functional Plan standards—5.1 spaces per 1,000 square feet in Zone A and 6.2 spaces per 1,000 square feet in Zone B.

“Reasonable worst case” commercial development on the subject property, if designated TO:RC, would require 8 parking spaces for approximately 2,200 square feet of floor area. The Little Store site is small and constrained and, consequently the off-street parking it can provide in this scenario barely meets the minimum parking standard and comes nowhere close to exceeding the maximum standard.

*3. Cities and counties shall establish an administrative or public hearing process for considering ratios for individual or joint developments to allow a variance for parking when a development application is received which may result in approval of construction of parking spaces either in excess of the maximum parking ratios; or less than the minimum parking ratios. Cities and counties may grant a variance from any maximum parking ratios through a variance process.*

*B. Free surface parking spaces shall be subject to the regional parking maximums provided for Zone A and Zone B.... Sites that are proposed for redevelopment may be allowed to phase in reductions as a local option. Where mixed land uses are proposed, cities and counties shall provide for blended parking rates. It is recommended that cities and counties count adjacent on-street parking spaces, nearby public parking and shared parking toward required parking minimum standards.*

**Response:** Washington County allows for a reduction in the minimum number of off-street parking spaces required by Section 413-9 of the Community Development Code for sites with frequent transit service or transit amenities on site, vanpool and carpool parking, or bicycle parking (Sections 413-10, 413-12, and 413-13). Section 413-14 of the Code specifies that total reductions in off-street parking shall not exceed 40% of the required minimum spaces.

The County's Code does not include more flexible parking standards specifically for redevelopment or blended parking for mixed uses. Existing minimum parking standards also address only off-street parking, and do not account for on-street or nearby public parking.

The Little Store site is unlikely to qualify for parking requirement reductions as allowed for in the County Code. Transit service to the site is not frequent (20 minutes or less), nor are there transit amenities offered on the site as it is. Vanpool or carpool parking is typically associated places of employment and not with a retail store or high-density housing. Finally, reductions based on bicycle parking apply to sites with 50 or more parking spaces. However, despite the unlikelihood of reductions in parking, the site – and parking that may potentially be developed on the site – are small enough that they should not significantly add to the amount of land in the region dedicated to parking, which is the intent of Title 2.

#### ***Title 6 – Central City, Regional Centers, Town Centers and Station Communities***

*The intention of Title 6 is to enhance the Centers designated on 2040 Growth Concept Map by encouraging development in these Centers.*

##### ***3.07.620 Local Strategy to Improve Centers***

*A. Each city and county with a Center shown on the 2040 Growth Concept map shall, on a schedule established jointly with Metro but not later than December 31, 2007, develop a strategy to enhance Centers within its jurisdiction. The strategy shall include at least the following elements:*

- 1. An analysis of physical and regulatory barriers to development and a program of actions to eliminate or reduce them.*
- 2. An accelerated review process for preferred types of development.*
- 3. An analysis of incentives to encourage development and a program to adopt incentives that are available and appropriate for each Center.*
- 4. A schedule for implementation of Title 4 of the Urban Growth Management Functional Plan.*

5. *An analysis of the need to identify one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as a convenient location of neighborhood commercial services, as authorized by Title 12, Section 3.07.1230 of the Urban Growth Management Functional Plan.*
6. *A work plan, including a schedule, to carry out the strategy.*

**Response:** Washington County adopted the Sunset Station Area Plan in 1997, which generally coincides with the Sunset Town Center depicted in the region's 2040 Growth Map and addresses the intention of this policy. As a result, transit oriented comprehensive plan designations were adopted for the area around the Sunset light rail station, including the subject property and surrounding properties.

Because the subject property should have had a Neighborhood Commercial (NC) designation prior to the adoption of the Sunset Station Area Plan according to County staff, the property would have likely been amended to the corresponding transit oriented designation, transit oriented retail commercial (TO:RC). In terms of the Title 6 policy, the proposed plan amendment removes a regulatory barrier and allows small-scale mixed-use development that is appropriate both to the neighborhood and the station community.

#### ***Title 7 – Affordable Housing***

*This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels.*

*3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes  
A. Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances:*

- 1. Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.*
- 2. Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.*
- 3. Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.*

**Response:** According to the current plan designation of TO:R12-18, the subject property – a 0.21-acre tax lot – could accommodate up to four units. However, if the site were redeveloped, the developable area of the lot would be reduced according to conditions indicated in the County's TIS. With dedications of additional right-of-way, the site would effectively become approximately 6,115 square feet, or 0.14 net acres.<sup>25</sup> In this case, the maximum number of units the site could accommodate in a TO:R12-18 district is three units.

<sup>25</sup> See the site map in Figure for existing lot dimensions.

In a TO:RC district, the minimum density would be 0.25 floor area ratio (FAR) given that the subject property is beyond 1,300 feet from the Sunset light rail station platform. There is no maximum density in TO:RC districts per se, but the density is constrained by the available capacity in the planned transportation system and the ability of the site to meet other development standards such as parking.

In response to the County's TIS, the most intense or "reasonable worst case" development, in terms of traffic generation, in a TO:RC district was to be a commercial development of about 2,200 square feet. In TO:RC districts, housing can only be located on the upper floor of buildings with retail commercial on the ground floor, so housing on the site must be located above the commercial use.

Adding housing to the commercial use that is assumed for the "reasonable worst case" scenario would increase the parking requirement for the site, which would, in turn, reduce the floor area of the ground floor retail commercial use. However, even with a footprint less than 2,200 square feet, this hypothetical development still has the potential to accommodate three or four dwelling units on the upper floor, qualifying the housing as multi-family residential. Typically, either rental or purchase of multi-family units is more affordable for households than single-family units. Therefore, the TO:RC designation has the potential to provide more affordable housing than a TO:R12-18 designation, and . In this way, the TO:RC more fully implements the Title 7 policy to offer housing choice and to maintain and even increase the affordable housing choice in the county.

## IX. CONFORMANCE WITH THE TRANSPORTATION PLANNING RULE

### *OAR 660-12-060 Plan and Land Use Regulations Amendments*

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations 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 shall be accomplished by either:*
  - (a) *Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
  - (b) *Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
  - (c) *Altering land use designation, densities, or design requirement to reduce demand for automobile travel needs through other modes; or*
  - (d) *Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.*
  
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
  - (a) *Changes the functional classification of an existing or planned transportation facility;*
  - (b) *Changes standards implementing a functional classification system;*
  - (c) *Allows types of levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
  - (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

**Response:** The existing traffic generation for The Little Store is estimated to be 201 average daily trips and the potential traffic generation 477 trips.<sup>26</sup> The existing trip generation from The Little Store closely approximates the trip generation that would be expected if the site had been appropriately designated as Neighborhood Commercial when the Community Plan was adopted in 1983. While the “worst case” trip generation resulting from a TO:RC designation would more than double average daily trips, the potential number of future trips would conform to the volumes for which Collectors are designed, does not alter the functional classification of the surrounding transportation network, and would not be expected to create a significant impact to the transportation system. Therefore, the Collector classification associated with the subject property (SW

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<sup>26</sup> Table 1 of the Little Store Rezone Trip Generation Analysis (Attachment D) prepared by DKS Associates (April 28, 2006)

Leahy Road) would continue to provide adequate service, particularly when site improvements are made that clarify the access and parking situation at the site.

According to the County's Transportation Plan, the morning and evening peak first and second hour acceptable v/c ratio is 0.99 for station communities. For other urban areas, the acceptable v/c ratio is 0.99 for the first hour and 0.9 for the second hour.<sup>27</sup>

For purposes of compliance with OAR 660-012-0060 the proposed plan amendment will not significantly affect the transportation system and trigger the remedies noted in the Transportation Planning Rule.

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<sup>27</sup> Table 5 (Washington County Motor Vehicle Performance Measures) of Policy 6 of the Roadway Element in the Washington County Transportation Plan

## **IX. SUMMARY**

The proposed Plan Amendment from TO:12-18 to TO:RC fully complies with the locational criteria of the Comprehensive Framework Plan, the Cedar Hills-Cedar Mill Community Plan Overview and Sub-Area Description and Design Elements, the applicable policies, strategies and systems maps of the Transportation Plan, the applicable regional functional planning requirements established by Metro, and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community.

This Plan Amendment will correct an error that was originally created with the adoption of the Cedar Hills-Cedar Mill Community Plan in 1983 when the property The Little Store had been operating on since 1955 was designated R-5. Rather than applying a Neighborhood Commercial (NC) designation to the site to recognize the existing commercial operation, the County applied a R5 designation to the site with the adoption of the Cedar Hills-Cedar Mill Community Plan in 1983. Subsequently, the land use designation error was perpetuated when the property's plan designation was amended legislatively by Washington County from the R5 designation to TO:R12-18 as part of the Sunset Station Area Plan, adopted in 1997.

County staff has acknowledged that the site should have originally had a Neighborhood Commercial designation. Amending the property's designation now to be TO:RC will rectify this situation and acknowledge its historical and present commercial use as well as its inclusion in a transit oriented planning district (Sunset Station Area Plan). Had the property originally been designated Neighborhood Commercial, when the legislative amendments to implement the transit oriented planning district that included this property occurred, the equivalent commercial designation to Neighborhood Commercial would have been TO:RC.

This is reinforced by the fact that Washington County made a similar conversion from Neighborhood Commercial to TO:RC for five tax lots at the corner of SW Locust and Hall Boulevard when it amended the Metzger-Progress Community Plan in 2003. These amendments were made by the County to implement the Washington Square Regional Center Plan. These properties are sited similarly to the subject property in that they are commercial sites located adjacent to a Tri-Met bus route.

The TO:RC designation suits the conditions of the subject property for reasons that have been noted earlier in this application. The mixture of commercial use on the ground floor and residential use on the second floor currently found on the subject property is characteristic of the type of mixed use that transit oriented districts encourage.

The applicant respectfully requests that the Washington County Planning Commission accept the findings included in this application and approve the request to amend the land use designation of The Little Store from TO:12-18 to TO:RC.

# **ATTACHMENT A**

## **Application Form**



WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND TRANSPORTATION  
PLANNING DIVISION  
ROOM 350-14  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
(503) 640-3519

RECEIVED

FEB 15 2006

PLAN AMENDMENT APPLICATION

Land Use & Transportation

PROCEDURE TYPE III (QUASI-JUDICIAL PUBLIC HEARING)

CPO: 1

COMMUNITY PLAN: Cedar Hills - Cedar Mill

EXISTING LAND USE DISTRICT(S): TD-R-12-18

PROPERTY DESCRIPTION  
ASSESSOR MAP NO(S): 1512AD  
TAX LOT NO(S): 800  
SITE SIZE: 0.21 Acres  
ADDRESS: 8998 SW Leahy Road  
LOCATION: SEC Leahy Road and 90th Ave

PROPOSED PLAN AMENDMENT: T.O.: RC

CASE FILE NO.: \_\_\_\_\_

APPLICANT NAME AND ADDRESS:  
Scott Fairbairn  
9501 SW Westhaven Dr  
Portland OR 97225

APPLICANT'S REPRESENTATIVE AND ADDRESS:  
Frank Angelo  
Angelo Eaton & Associates  
620 SW Main, Suite 201  
Portland, OR 97205

OWNER'S NAME AND ADDRESS:  
Scott Fairbairn  
9501 SW Westhaven Dr  
Portland OR 97225

APPLICANT PHONE: 503 799-4571 cell

OWNER PHONE: 503 296-7920 Home

ALSO NOTIFY: Frank Angelo 503-227-3664 (work)

DATE OF PRE-APPLICATION CONFERENCE:  
(Attach copy of summary) 12/30/05 and 2/10/06

STAFF MEMBER: Paul Schaefer

EXISTING USE OF THE SITE:  
Convenience store + 4 Apartments above store

LIST ASSESSOR MAP AND TAX LOT NUMBERS OF ALL CONTIGUOUS LOTS OR PARCELS UNDER IDENTICAL OWNERSHIP:  
NA

LIST ALL PREVIOUS DEVELOPMENT REQUESTS, LAND USE ACTIONS AND DATES OR PREVIOUS ACTIONS RELATING TO THE SUBJECT PROPERTY:  
NA

WE, THE UNDERSIGNED HEREBY AUTHORIZE THE FILING OF THIS APPLICATION AND CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS COMPLETE AND CORRECT TO THE BEST OF OUR KNOWLEDGE.

Scott D. Fairbairn

OWNER     CONTRACT PURCHASER    DATE

OWNER     CONTRACT PURCHASER    DATE

OWNER     CONTRACT PURCHASER    DATE

OWNER     CONTRACT PURCHASER    DATE

NOTES:

- ◆ THIS APPLICATION MUST BE SIGNED BY ALL THE OWNERS OR ALL THE CONTRACT PURCHASERS OF THE SUBJECT PROPERTY, AS DEFINED BY COMMUNITY DEVELOPMENT CODE SECTION 106-149.
- ◆ IF THIS APPLICATION IS SIGNED BY THE CONTRACT PURCHASER(S), THE CONTRACT PURCHASER(S) IS(ARE) CERTIFYING THAT THE CONTRACT VENDOR HAS BEEN NOTIFIED OF THE APPLICATION.

- ◆ THE APPLICANT OR A REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC HEARINGS.
- ◆ NO APPROVAL WILL BE EFFECTIVE UNTIL THE APPEAL PERIOD HAS EXPIRED.
- ◆ AN APPROVAL OR DENIAL OF THIS REQUEST MAY BE OVERTURNED ON APPEAL.

## **ATTACHMENT B**

### Pre-Application Meeting Notes



WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND TRANSPORTATION  
PLANNING DIVISION  
ROOM 350-14  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
(503) 846-3519 fax (503) 846-4412

Case File 06-398-PA  
Exhibit C  
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# PLAN AMENDMENT PRE-APPLICATION CONFERENCE SUMMARY

**PRE-APPLICANT:**

Scott Fairhair  
9501 SW Westhaven  
Portland, OR 97225

**PROPERTY OWNER:**

(SAME)

**PROPERTY DESCRIPTION:**

**ASSESSOR MAP NO(S):** 151 24D  
**TAX LOT NO(S):** 800  
**SITE SIZE:** 0.21 Acres  
**ADDRESS:** 8998 SW Leahy Road  
**LOCATION:** SEC Leahy and 90th Ave

**PROCEDURE TYPE III**

**CPO:** 1

**COMMUNITY PLAN:** Cedar Hills - Cedar Mill

**EXISTING LAND USE DISTRICT(S):** TD: R 12-1B

**PROPOSED PLAN AMENDMENT:** NC

**DATE OF PRE-APPLICATION CONFERENCE:** 12/30/05

**PRE-APPLICANT PHONE:** (503) 799-4571

**STAFF MEMBER:** Paul Schaefer

**APPLICATION SUBMITTAL DEADLINE AND OTHER APPLICABLE REQUIREMENTS:**

**FEBRUARY 15(generally) for SPRING/SUMMER HEARINGS**      **AUGUST 15(generally) for FALL/WINTER HEARINGS**  
(NOTE: AN APPLICATION WILL NOT BE SCHEDULED FOR A PUBLIC HEARING UNTIL IT IS ACCEPTED AS COMPLETE. A COMPLETE APPLICATION ADDRESSES ALL APPLICABLE PROVISIONS OF THE VARIOUS COMPREHENSIVE PLAN ELEMENTS AND OTHER APPLICABLE REQUIREMENTS, AND HAS ALL NECESSARY FORMS FILLED OUT COMPLETELY AND CORRECTLY, AND INCLUDES THE SPECIFIED FEE DEPOSIT AND THE CONTRACT SIGNED BY THE OWNER AGREEING TO PAYMENT OF ALL COSTS ASSOCIATED WITH APPLICATION PROCESSING.)

**APPLICABLE POLICIES AND REGULATIONS**

**URBAN COMPREHENSIVE FRAMEWORK PLAN OR RURAL/NATURAL RESOURCE PLAN CONSIDERATIONS:**  
DEMONSTRATE CONFORMANCE WITH THE FOLLOWING POLICIES AND APPLICABLE IMPLEMENTING STRATEGIES UNDER THESE POLICIES: 1.F., 1.F.1.; 2; 18; 14; 13 (NC designation?); 21; 22; 23; 30; 31; 32; 40 *growth*

**TRANSPORTATION PLAN CONSIDERATIONS:**  
DEMONSTRATE CONFORMANCE WITH THE FOLLOWING POLICIES AND APPLICABLE IMPLEMENTING STRATEGIES UNDER THESE POLICIES: 1; 2; 4; 5; 6; 10; 12; 14; 15; 19 *\* TO: RC*

**COMMUNITY PLAN CONSIDERATIONS (URBAN AREA ONLY):**  
DEMONSTRATE CONFORMANCE WITH THE COMMUNITY PLAN OVERVIEW, GENERAL DESIGN ELEMENT NUMBER(S) 5; 9; 10; 12; 13; THE DESCRIPTION OF THE Westhaven SUBAREA, SUBAREA DESIGN ELEMENT NUMBER(S) 3, PRESCRIPTIONS FOR AREA OF SPECIAL CONCERN \_\_\_\_\_, AND SIGNIFICANT NATURAL AND HISTORIC & CULTURAL RESOURCE(S) DESIGNATION(S) OF \_\_\_\_\_ ON THE PROPERTY.

**COMMUNITY DEVELOPMENT CODE CONSIDERATIONS:**  
APPLICABLE LAND USE DISTRICT SECTIONS (PURPOSE AND PERMITTED USES): \* 315 (TO: RC) 311 (NC)

**PHYSICAL LIMITATIONS OF SITE (SECTIONS 421, 422):** N/A

**On-site Public Notice Requirement (Rural Area Only):** Section 204-1.4 requires the site to be posted with a public notice sign and an affidavit of posting filed within twenty-one (21) days of application acceptance.

*\* per 2/28/06 email*

OTHER CONSIDERATIONS:  
State Transportation Planning Rule (OAR 660-12-060)

Metro Functional Plan (Titles 1, 2, 7)

Case File 06-398-PA  
Exhibit C  
Page 43 of 76

*\* 2  
(Page 43 of 76)*

REVIEW AUTHORITY:  Planning Commission

Board of County Commissioners

GENERAL INFORMATION

PREVIOUS CASE FILES: \_\_\_\_\_

OUTSTANDING CONDITIONS AND VIOLATIONS: \_\_\_\_\_

OTHER INTERESTED AGENCIES AND ORGANIZATIONS: \_\_\_\_\_

HANDOUTS DISTRIBUTED

- PLAN AMENDMENT APPLICATION FORM
- PLAN AMENDMENT PROCEDURE SUMMARY
- AGREEMENT TO PAYMENT OF FEES FOR APPLICATION PROCESSING
- REQUEST FOR STATEMENT OF SERVICE AVAILABILITY FORMS
- TRAFFIC IMPACT STATEMENT FORM

\* DOCUMENTS TO BE SUBMITTED WITH APPLICATION

*\* may submit one copy for initial completeness review*

NUMBER OF COPIES

- 18 PRE-APPLICATION SUMMARY
- 18 PLAN AMENDMENT APPLICATION FORM
- 18 WRITTEN EXPLANATION, JUSTIFICATION
- 1 FEE CONTRACT (SIGNED)
- 1 WASHINGTON COUNTY TAX MAP(S) (must be obtained from Assessment & Taxation Department) 151 ZAD
- WELL REPORTS(LOGS) FOR SECTIONS \_\_\_\_\_

SERVICE PROVIDER LETTERS

- |  |  |
|--|--|
| <input type="checkbox"/> 18 PUBLIC WATER     | <input type="checkbox"/> 18 PARK   |
| <input type="checkbox"/> 18 SCHOOL           | <input type="checkbox"/> 18 TRANSPORTATION: <u>Traffic Impact Statement and /or Traffic Analysis</u> |
| <input type="checkbox"/> 18 FIRE             | <input type="checkbox"/> 18 SHERIFF  |
| <input type="checkbox"/> 18 SEWER            | <input type="checkbox"/> 18 TRI-MET  |
| <input type="checkbox"/> SEPTIC SYSTEM _____ | <input type="checkbox"/> ODOT - CONTACT _____  |
| <input type="checkbox"/> 18 SURFACE WATER    | <input type="checkbox"/> CITY OF _____   |
|  | <input type="checkbox"/> OTHER _____   |

FEE DEPOSIT OF <sup>2100</sup> \$1000, EXCEPT FOR APPLICATIONS FOR PLAN AMENDMENTS FROM AF-10 AND AF-5, WHICH REQUIRE A DEPOSIT \$1000. (THE FINAL COST OF PROCESSING THIS APPLICATION IS ESTIMATED TO BE 2300. THIS ESTIMATE IS NOT BINDING ON THE COUNTY, AND MAY NOT REFLECT THE FINAL COST OF PROCESSING THE APPLICATION.)

MAILING LIST AND MAP FOR PROPERTIES IN AN ADJACENT COUNTY

THESE NOTES ARE GENERAL IN NATURE AND ARE NOT INTENDED TO COVER ALL OF THE ISSUES THAT MAY SURFACE IN THE REVIEW OF AN APPLICATION. ADDITIONAL INFORMATION MAY BE REQUIRED AND IT IS THE APPLICANT'S RESPONSIBILITY TO PROVIDE THE NECESSARY INFORMATION TO PROCESS AN APPLICATION AS REQUIRED BY OREGON LAW AND WASHINGTON COUNTY ORDINANCES AND REGULATIONS.

## **ATTACHMENT C**

### Washington County Traffic Impact Statement



**WASHINGTON COUNTY**  
 Dept. of Land Use & Transportation  
 Land Development Services Division  
 155 N. 1<sup>st</sup> Avenue, #350-13,  
 Hillsboro, OR 97124  
 Ph. (503) 846-8761 Fax (503) 846-8762  
 http://www.co.washington.or.us

RECEIVED  
 FEB 28 2006  
 LAND DEVELOPMENT SERVICES  
 DEPT. OF LAND USE & TRANSPORTATION

(For office use) → 020 21443  
 Case File 06-398-PA  
 Exhibit C  
 Page 45 of 76

**PLEASE TYPE OR PRINT**  
 Applicant or Applicant's representative:  
 NAME: Frank Angelo, Angelo Eaton & Assoc.  
 ADDRESS: 620 SW Main, Suite 201  
Portland, OR 97205

Phone Number 503.227.3664  
 Owner:  
 NAME: Scott Fairbairn  
 ADDRESS: 9501 SW Westhaven  
Portland, OR 97225  
 Phone Number 503.591.4319 (h)

CPO 1 Land Use Designation (Zoning) TO: R12-1B  
Urban (inside the UGB) or Rural (outside the UGB)  
 Property Description:  
 Tax Map(s): IS1 24D Lot Number(s): 800

Site Size 0.21 acres  
 Site Address 8998 SW Leahy Road  
 Nearest cross street (or directions to site):  
Corner of SW 90th Ave and SW Leahy Rd

**ALL PROPOSED ACCESS TO THE SITE MUST BE INDICATED ON A SITE PLAN AND MARKED IN THE FIELD WITH A STAKE AND FLAG. (i.e. fluorescent Surveyor's ribbon).**

List all Roads on which the site has frontage:  
 Road Name Functional Class  
 1. SW 90th Avenue 2<sup>nd</sup> Neighborhood Rate  
 2. SW Leahy Road 3<sup>rd</sup> Collector  
 3. \_\_\_\_\_

**Traffic Impact Statement (T.I.S.) Request**

REQUIRED IF DEVELOPMENT GENERATES 40 A.D.T. OR MORE (4 OR MORE LOTS - SEE TRANSP. HANDOUT) OPTIONAL, BUT RECOMMENDED IF <40 A.D.T.

**FEE FOR SITE INSPECTION & EVALUATION: \$182.00** (7/1/05 - 6/30/06)  
 Accepted By: Dikora Date: 2-28-06

Existing Use:  
"The Little Store" - convenience store with 4 apartment units on second floor

Proposed Development Action:  
Amend comprehensive plan designation from TO: R12-1B to TO: RC

If Residential: Total # of Dwelling Units 1  
 Single Family \_\_\_\_\_ Multi-Family

If Industrial or Commercial:  
 # of sq. feet/ or gross floor area 900sf (no change)  
 # of employees 2 (no change)

If Institutional:  
 # of sq. feet. \_\_\_\_\_  
 # of students, employees, or members \_\_\_\_\_

A T.I.S. provides potential land development applicants with a site-specific list of typical requirements and public improvements relating to County roads, but does not constitute all possible requirements. The T.I.S. report must be completed before the applicant submits a Land Development Application. The completed T.I.S. report is considered part of a complete Application for all development that generates 40 A.D.T. (4 or more lots, etc.)

Submit **\$182.00**, this completed **request form**, an **8 1/2" X 11"** or **11" x 17"** reduced site plan showing all access points, and an **8 1/2" X 11"** photocopy of the current tax map indicating all subject properties to Teri Heino, Assistant Planner, in the Land Development Services Div.

**NOTE: Please allow at least 6 weeks for processing.**

The applicant may be required to submit an Access Report (to assure safe function of the site's access) if the project generates >500 trips per day. The applicant will be notified on the completed T.I.S. if an Access Report is required. If required, the Access Report must be accepted by a County Traffic Analyst, (503) 846-7950, before submittal of a Land Development Application (allow approx. 10 days for review).

Date :  
03-29-2006  
Project # :  
Permit Type : TIS Permit  
# : 02021443  
Permit Status : FINAL Applied  
: 02/28/2006  
Situs Address : 8998 SW LEAHY RD PO  
Issued : 03/02/2006  
Parcel Number : 1S1-02AD-00800 To  
Expire : 03/29/2007  
Owner : MUTA, JOSEPH J SR & SUZANNE  
L  
Payee :  
Appl.: ANGELO EATON & ASSOC

Addr.: FRANK ANGELO Appl.  
Phone: 503-227-3664  
: 620 SW MAIN, STE 201 Cont. Phone:  
: 97205 Valuation:  
\$0.00  
Validated By:

TERIH

Permit Descr. : PRELIM FIELD REPORT  
(PLAN AMENDMENT)

Transaction Date : 03/02/2006  
**ACCOUNT STATUS :**  
Transaction Time : 02:51 PM Fees  
Calculated : \$182.00  
Initials : TLH Additional  
Fees : \$0.00  
Fees Due : \$182.00  
Payments to Date : \$182.00  
**ACCOUNT BALANCE :**  
\$0.00

**TRUST ACCOUNT LIST:**

**TRANSACTION LIST:**

Type	Method	Description	Amount
Payment	Check	# 2397	182.00
<b>TOTAL:</b>			<b>182.00</b>

**ACCOUNT ITEM LIST:**

Fee ID	Description	Account Code	Current Pmts
1037	Traffic Impact Statement	172.602030.44095	182.00
<b>TOTAL:</b>			<b>182.00</b>



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Land Development Services Division  
155 N. 1<sup>st</sup> Avenue, #350-13,  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
<http://www.co.washington.or.us>

## **TRAFFIC IMPACT STATEMENT**

These findings are for a proposed plan amendment from TO:R12-18 to TO:RC for "The Little Store", with frontage on SW Leahy Road na SW 90<sup>th</sup> Avenue, affecting parcel 1S102AD00800.

A. **Planning Division** - The following comments are intended to address the overall transportation system impacts of this plan amendment proposal. These comments should not be used in conjunction with the actual, immediate, traffic impacts that may be associated with a request for development approval of a specific use on this site. Questions regarding these Planning Division comments should be directed to Gregg Leion, Senior Planner, at 846-3969.

1. If approved, this proposal would re-designate tax lot 800, Map 1S12AD (approximately 0.21 acre), from TO: R12-18 (Transit Oriented: Residential 12 to 18 Units/Acre) to TO: RC (Transit Oriented Retail Commercial).
2. The subject property currently supports a convenience store with 4-apartment units located on the second story of the 900-square foot building.
3. The Oregon Transportation Planning Rule, OAR 660-012-0060 requires an analysis of the impact of a proposed plan amendment on the planned transportation system. To address this requirement, the County requires a comparative analysis of a reasonable 'worst case' development of the site under the current and proposed land use designation. A 'reasonable worst case' development would be one with the greatest potential trip generation based on a reasonable build-out of the site under the proposed plan designation. In determining what would constitute a 'reasonable worst case' development on the subject property under a Transit-Oriented Retail Commercial designation, the provisions of CDC Section 375 will need to be considered. The applicant should consider the FAR requirements of CDC Section 375 as well as the parking requirements of CDC Section 413 in determining a reasonable intensity of use under the proposed TO: RC plan designation.

Because of the small size of the subject parcel, development potential will be limited under both the existing and proposed plan designations and a full traffic analysis will therefore not be required. However, sufficient information must be provided to address trip generation under the existing designation and under the reasonable worst case development under the proposed TO: RC designation.

5. The Washington County Comprehensive Framework Plan for the Urban Area, Policy 1.f states:

**A quasi-judicial plan amendment to the Community Plan Maps, including the implementing tax maps, shall be granted only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan, the Community Plan Overview**

**and the sub-area description and design elements, complies with the regional plan, and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that is no way precludes full application of the Growth Management Policies to development permits as provided in the Code.**

As it pertains to transportation, this policy requires the County to analyze the existing transportation system as well as the planned system. The applicant must provide sufficient information regarding reasonable worst case development on the subject property under the existing and planned system.

6. In addition to Policy 1.f., the applicant is required to address all relevant policies in the Washington County 2020 Transportation Plan, adopted on October 29, 2002. Transportation planning staff finds that the following Transportation Plan policies are particularly relevant to this request, and should be addressed in the plan amendment application:

**Washington County 2020 Transportation Plan Policies:**

- 1.0 Travel Needs Policy
- 2.0 System Safety Policy
- 4.0 System Funding Policy
- 5.0 System Implementation and Plan Management Policy
- 6.0 Roadway System Policy
- 8.0 Roadway Safety Policy
- 10.0 Functional Classification Policy
- 12.0 Transit Policy
- 14.0 Pedestrian Policy
- 15.0 Bicycle Policy
- 19.0 Transportation Planning Coordination and Public Involvement Policy

**TRANSPORTATION PLANNING RULE PLAN AMENDMENT REQUIREMENTS**

**660-012-0060 Plan and Land Use Regulation Amendments**

- (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.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
  - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
  - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
  - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
  - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:
  - (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;
  - (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

- (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
  - (d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
  - (e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.
- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
  - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
    - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
    - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
    - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
    - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
  - (c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:
    - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
    - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
  - (d) As used in this section and section (3):
    - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
    - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
    - (C) Interstate interchange area means:
      - (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or
      - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
  - (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).
- (5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.
- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
  - (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
  - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
  - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:
- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
  - (b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied

with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

- (c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- (a) Any one of the following:
    - (A) An existing central business district or downtown;
    - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
    - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
    - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
  - (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
    - (A) A concentration of a variety of land uses in a well-defined area, including the following:
      - (i) Medium to high density residential development (12 or more units per acre);
      - (ii) Offices or office buildings;
      - (iii) Retail stores and services;
      - (iv) Restaurants; and
      - (v) Public open space or private open space which is available for public use, such as a park or plaza.
    - (B) Generally include civic or cultural uses;
    - (C) A core commercial area where multi-story buildings are permitted;
    - (D) Buildings and building entrances oriented to streets;
    - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
    - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
    - (G) One or more transit stops (in urban areas with fixed route transit service); and
    - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

B. **Land Development Services** - The following are development conditions that may be required by The Department of Land Use and Transportation. These requirements, supported by findings of fact, will be the basis for recommendations to the Review Authority or Hearings Officer regarding your Land Use Application.

1. Dedicate additional right-of-way to provide 37 feet from centerline of SW Leahy Road adjacent to the site, including adequate corner radius.
2. Dedicate additional right-of-way to provide 30 feet from centerline of SW 90th Avenue adjacent to the site, including adequate corner radius.
3. Establish a non-access restriction along the site's frontage of SW Leahy Road, except at any access approved through the development review process.
4. SW Leahy Road is a collector, with a minimum access spacing standard of 100 feet. The current access to SW Leahy Road is unrestricted along the site's frontage. The existing access does not meet this standard. The access needs to be relocated to the east side of the site.
5. SW 90<sup>th</sup> Avenue is a Neighborhood Route, with a minimum access spacing standard of 50 feet. The existing access to SW 90<sup>th</sup> Avenue does not meet this standard. Lots with less than seventy (70) feet of frontage shall not be permitted a separate direct access to a Neighborhood Route. Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems. If a 25% increase in vehicle trips will occur, a Type II Hardship Relief Variance to the access spacing standard must be requested and approved.
6. Sight distance (300 feet required in both directions) along the sites frontage of SW Leahy Road is restricted by a large fir tree.
7. Sight distance (250 feet required in both directions) at the existing access of SW 90th Avenue will be adequate upon vegetation removal.
8. Construct a half-street improvement to County standard along the site's frontage of SW Leahy Road. (A half-street improvement includes half width pavement including bike lane as well as curb, storm drainage, and sidewalk.)
9. Construct a half-street improvement to County standard along the site's frontage of SW 90th Avenue. (A half-street improvement includes half width pavement as well as curb, storm drainage, and sidewalk.)
10. Eliminate parking within right-of-way and provide an on-site parking lot.
11. Obtain a Facility Permit from the Department of Land Use and Transportation for construction of all required public improvements.
12. This existing development generates approximately 130 average daily vehicle trips based on ITE Code 850.
13. Additional requirements such as off-site improvements pursuant to R & O 86-95 may apply to specific development at the Development Review stage (and/or upon the review of an Access Report).
14. **A TRAFFIC STAFF REPORT MAY BE DONE AND THIS SITE MAY BE REVIEWED FOR REQUIRED TRAFFIC SAFETY IMPROVEMENTS, WHICH MAY RESULT IN ON- OR OFF-SITE ROAD IMPROVEMENTS BEING REQUIRED OF THIS DEVELOPMENT.**

## **ATTACHMENT D**

### **DKS Associates Trip Generation Analysis**

**DKS Associates**  
TRANSPORTATION SOLUTIONS

## MEMORANDUM

**DATE:** April 28, 2006  
**TO:** Frank Angelo, Angelo Eaton & Associates  
**FROM:** Christopher S. Maciejewski, PE  
**SUBJECT:** Little Store Rezone Trip Generation Analysis



P# 06084-000-000

This memorandum describes the trip generation analysis conducted for the proposed rezone for the Little Store, located in Washington County, Oregon. The project site, located at 8998 SW Leahy Road, is currently residentially zoned as TO12-18. However, the current site use includes an existing convenience food store (900 square feet) and 1 multi-family units (located above the convenience store). The proposed rezone would change the designation to TO-RC, which would permit retail development (e.g. a convenience store) up to an estimated 2,210 square feet<sup>1</sup>. Both the existing and proposed retail uses (convenience store) were assumed to operate 15 hours per day.

To determine the potential trip generation of the proposed rezone site, estimates were made for daily and PM peak hour trips based on rates provided by the Institute of Transportation Engineers<sup>2</sup> (ITE) for similar land use types and information observed at similar sites. Table 1 lists the estimated trips for the existing site use, residential buildout, and worst-case retail buildout.

The existing residential use was assumed to be similar to apartment units (ITE Code 220). The existing convenience store was assumed to be similar to a 15-16 hour convenience store (ITE Code 852). While the *ITE Trip Generation Manual* does not provide daily trip rates for a 15-16 hour convenience store, the manual does provide a daily trip rate for 24-hour convenience store (ITE Code 851). Historical hourly profile information collected at a 24-hour convenience store was utilized to determine that 75% of a 24-hour convenience store's trips occurred during the highest 15-hour period<sup>3</sup>. Based on these assumptions, the existing site use was estimated to generate approximately 201 daily vehicle trips and 12 PM peak hour vehicle trips.

The worst-case residential build-out of 4 multi-family units (.21 acres \* 18 units/acre = 4 units) was assumed to generate trips similar to apartment units (ITE Code 220). This residential buildout would generate approximately 23 daily vehicle trips and 3 PM peak hour vehicle trips.

<sup>1</sup> Based on phone conversation with Frank Angelo, April 7, 2006.

<sup>2</sup> *Trip Generation Manual, 7<sup>th</sup> Edition*, Institute of Transportation Engineers, 2003.

<sup>3</sup> Data Source - DKS Associates historical files.



1400 S.W. 5<sup>th</sup> Avenue  
Suite 500  
Portland, OR 97201-5502

(503) 243-3500  
(503) 243-1934 fax  
www.dksassociates.com

The worst-case retail build-out was estimated by the project team to be a 2,210 square foot, 15-hour convenience store. This retail use was assumed to generate trips similar to the existing site convenience store, as described previously. This retail buildout would generate approximately 655 daily vehicle trips (276 more daily trips than the existing site use) and 30 PM peak hour trips (18 more PM peak hour trips than the existing site use).

**Table 1: Estimated Vehicle Trip Generation**

<b>Trip Generation Scenario</b>	<b>Units</b>	<b>Daily Trips</b>	<b>PM Peak Hour Trips</b>
Existing Use*	900 s.f. (Convenience Store)	201**	12**
	1 Dwellings (Multi-family)		
Buildout Residential Zoning (TO12-18)	4 Dwellings (Multi-family)	23	3
Buildout Retail Zoning (TO-RC)	2,210 s.f. (Convenience Store)	477**	30**

\*The existing use approximates neighborhood commercial zoning

\*\*Includes a reduction for pass-by trips (61%)<sup>4</sup>

For purposes of comparing the existing site to the potential for future development on the site, the difference between the existing retail use (not buildout of the existing zoning) and the proposed TO-RC zoning is the most appropriate quantity. As listed, the rezone to TO-RC has the potential to add 256 daily vehicle trips and 18 peak hour vehicle trips with a worst-case analysis.

Please let us know if you have any questions.

<sup>4</sup> *Trip Generation Handbook – Second Edition*, Institute of Transportation Engineers, June 2004.

**ATTACHMENT E**  
Service Provider Letters



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Land Development Services Division  
155 N. 1<sup>st</sup> Avenue, #350-13,  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
http://www.co.washington.or.us

**Request For Statement Of Service  
Availability**

- WATER DISTRICT: \_\_\_\_\_
- FIRE DISTRICT: \_\_\_\_\_
- TRI-MET
- TUALATIN HILLS PARK & REC. DISTRICT
- CITY OF \_\_\_\_\_
- CLEAN WATER SERVICES

2550 SW Hillsboro Highway  
Hillsboro, OR 97123

PRE-APPLICATION DATE: 12/30/05

Service Provider PLEASE RETURN THIS FORM TO:  
**APPLICANT:**

COMPANY: Scott Fairbairn Painting & Company  
CONTACT: Scott Fairbairn  
ADDRESS: 9501 SW Westhaven Dr  
Portland 97225  
PHONE: 503 799 4571 cell

**OWNER(S):**

NAME: Scott D Fairbairn  
ADDRESS: 9501 SW Westhaven Dr  
Portland OR 97225  
PHONE: 503 799 4571 -cell-

Property Desc.: Tax Map(s): 151 2AD Lot Number(s): Tax lot # 800

Site Size: 0.21 Acres

Site Address: 8918 SW Leahy Rd

Nearest cross street (or directions to site):

Traverse Leahy Road and 90th

PROPOSED PROJECT NAME: Little Store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, PARTITION, SPECIAL USE)

Comprehensive plan amendment; amending designation from residential (10-R12-1B) to commercial  
EXISTING USE: Convenience Store w Apartment PROPOSED USE: (no change) (10-RC)

IF RESIDENTIAL:

NO. OF DWELLING UNITS: 1

SINGLE FAM \_\_\_\_\_

MULTI-FAM

IF INDUSTRIAL/COMMERCIAL:

TYPE OF USE: convenience store

NO. OF SQ. FT. (GROSS FLOOR AREA) 900sf

IF INSTITUTIONAL:

NO. SQ. FT. \_\_\_\_\_

NO. STUDENTS/EMPLOYEES/MEMBERS: \_\_\_\_\_

**\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\***

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).

**RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.**

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT.

Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: Chuck Probert POSITION: ET2 DATE: 4/5/06

SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.  
Please indicate why the service level is inadequate.

SIGNATURE: \_\_\_\_\_ POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Land Development Services Division  
155 N. 1<sup>st</sup> Avenue, #350-13,  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
http://www.co.washington.or.us

**Request For Statement Of Service Availability**

- WATER DISTRICT: \_\_\_\_\_
- FIRE DISTRICT: \_\_\_\_\_
- TRI-MET
- TUALATIN HILLS PARK & REC. DISTRICT
- CITY OF 15707 SW Walker Rd
- CLEAN WATER SERVICES Beaverton, OR 97006

PRE-APPLICATION DATE: 12/30/05

Service Provider: PLEASE RETURN THIS FORM TO:

APPLICANT:

COMPANY: Scott Fairbairn Painting + Carpentry  
 CONTACT: Scott Fairbairn  
 ADDRESS: 9501 SW Westhaven Dr  
Portland 97225  
 PHONE: 503 749 4571 cell

OWNER(S):

NAME: Scott D Fairbairn  
 ADDRESS: 9501 SW Westhaven Dr  
Portland OR 97225  
 PHONE: 503 749 4571 - cell -

Property Desc.: Tax Map(s): 151 2 AD Lot Number(s): Tax lot # 800

Site Size: 0.21 Acres

Site Address: 8998 SW Leahy Rd

Nearest cross street (or directions to site):  
The corner of Leahy Road and 90th

PROPOSED PROJECT NAME: Little Store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, PARTITION, SPECIAL USE)

Comprehensive plan amendment; amending designation from residential (TO: R12-18) to commercial

EXISTING USE: Convenience Store w Apartment PROPOSED USE: (no change) (TO: RC)

IF RESIDENTIAL:

NO. OF DWELLING UNITS: 1  
 SINGLE FAM. \_\_\_\_\_ MULTI-FAM.

IF INDUSTRIAL/COMMERCIAL:

TYPE OF USE: convenience store  
 NO. OF SQ. FT. (GROSS FLOOR AREA) 900sf

IF INSTITUTIONAL:

NO. SQ. FT. \_\_\_\_\_  
 NO. STUDENTS/EMPLOYEES/MEMBERS: \_\_\_\_\_

\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\*

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).

RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT.

Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

Site is within The District and is within 1/2 mile of Mitchell Park.

SIGNATURE: [Signature] POSITION: PARK PLANNER DATE: 2/1/06

SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.

Please indicate why the service level is inadequate.

SIGNATURE: \_\_\_\_\_ POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_



**WASHINGTON COUNTY**  
 Dept. of Land Use & Transportation  
 Land Development Services Division  
 155 N. 1<sup>st</sup> Avenue, #350-13,  
 Hillsboro, OR 97124  
 Ph. (503) 846-8761 Fax (503) 846-2908  
 http://www.co.washington.or.us

**Request For Statement Of Service Availability**

- WATER DISTRICT: \_\_\_\_\_
- FIRE DISTRICT: \_\_\_\_\_
- TRI-MET *Administrative offices*
- TUALATIN HILLS PARK & REC. DISTRICT
- CITY OF 4012 SE 17th Avenue
- CLEAN WATER SERVICES Portland, OR 97202

Case File UB-396-PA  
 Exhibit C  
 Page 61 of 76

PRE-APPLICATION DATE: \_\_\_\_\_  
 Service Provider: **PLEASE RETURN THIS FORM TO:**  
**APPLICANT:**  
 COMPANY: Scott Fairbairn Painting + Carpentry  
 CONTACT: Scott Fairbairn  
 ADDRESS: 9501 SW Westhaven Dr  
Portland 97225  
 PHONE: 503 799 4571 cell

**OWNER(S):**  
 NAME: Scott P Fairbairn  
 ADDRESS: 9501 SW Westhaven Dr  
Portland OR 97225  
 PHONE: 503 799 4571 - cell -

Property Desc.: Tax Map(s): 151 2 AD Lot Number(s): Tr lot # 800

Site Size: 0.21 Acres  
 Site Address: 8998 SW Leahy Rd  
 Nearest cross street (or directions to site):  
The corner of Leahy Road and 90th

PROPOSED PROJECT NAME: Little Store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, PARTITION, SPECIAL USE)

Comprehensive plan amendment; amending designation from residential (TO: R12-1B) to commercial

EXISTING USE: Convenience Store w Apartment PROPOSED USE: (no change) (TO: RC)

IF RESIDENTIAL:	IF INDUSTRIAL/COMMERCIAL:	IF INSTITUTIONAL:
NO. OF DWELLING UNITS: <u>1</u>	TYPE OF USE: <u>convenience store</u>	NO. SQ. FT. _____
SINGLE FAM. _____ MULTI-FAM. <input checked="" type="checkbox"/>	NO. OF SQ. FT. (GROSS FLOOR AREA) <u>900 sf</u>	NO. STUDENTS/EMPLOYEES/MEMBERS: _____

**\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\***

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).  
**RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.**  
 (Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT.  
 Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

The project is within a 1/4 mile walk of TriMet's Line 60 and is therefore considered to be served by transit.

SIGNATURE: [Signature] POSITION: PLANNER II DATE: 3/8/06

SERVICE LEVEL IS INADEQUATE TO SERVICE THE PROPOSED PROJECT.  
 Please indicate why the service level is inadequate.

SIGNATURE: \_\_\_\_\_ POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_

MAR - 2 2006



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Land Development Services Division  
155 N. 1<sup>st</sup> Avenue, #350-13.  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
http://www.co.washington.or.us

**Request For Statement Of Service  
Availability**

PRE-APPLICATION DATE: 12/30/05

Service Provider: PLEASE RETURN THIS FORM TO:

**APPLICANT:**

COMPANY: Scott Fairbairn Painting + Carpentry  
CONTACT: Scott Fairbairn  
ADDRESS: 9501 SW Westhaven Dr  
Portland 97225  
PHONE: 503 799 4571 cell

**OWNER(S):**

NAME: Scott P Fairbairn  
ADDRESS: 9501 SW Westhaven Dr  
Portland OR 97225  
PHONE: 503 799 4571 -cell-

Property Desc.: Tax Map(s): 151 2 AD Lot Number(s): Tax lot # 800

Site Size: 0.21 Acres

Site Address: 8998 SW Leahy Rd  
Nearest cross street (or directions to site):

The corner Leahy Road and 90th

- WATER DISTRICT: Tualatin Valley Water Dist
- FIRE DISTRICT: PO Box 145
- TRI-MET Beaverton, OR 97015
- TUALATIN HILLS PARK & REC. DISTRICT
- CITY OF \_\_\_\_\_
- CLEAN WATER SERVICES

PROPOSED PROJECT NAME: Little Store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, PARTITION, SPECIAL USE)

Comprehensive plan amendment; amending designation from residential (10:R12-1B) to commercial

EXISTING USE: Convenience Store w Apartment PROPOSED USE: (no change) (10:RC)

IF RESIDENTIAL:

NO. OF DWELLING UNITS: 1  
SINGLE FAM. \_\_\_\_\_ MULTI-FAM.

IF INDUSTRIAL/COMMERCIAL:

TYPE OF USE: convenience store  
NO. OF SQ. FT. (GROSS FLOOR AREA) 900sf

IF INSTITUTIONAL:

NO. SQ. FT. \_\_\_\_\_  
NO. STUDENTS/EMPLOYEES/MEMBERS: \_\_\_\_\_

**\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\***

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).  
**RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.**  
(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT.  
Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: [Signature] POSITION: Manufacturing Services DATE: 03/06/06

SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.  
Please indicate why the service level is inadequate.

SIGNATURE: \_\_\_\_\_ POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_



**WASHINGTON COUNTY**  
Dept. of Land Use & Transp.  
Land Development Services  
155 N. First Ave., Suite 350-13  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
www.co.washington.or.us

**REQUEST FOR STATEMENT  
OF SERVICE AVAILABILITY FOR  
SHERIFF OR POLICE SERVICES**

(503) 846 2700  
 WASHINGTON COUNTY SHERIFF  
215 SW Adams  
Hillsboro OR 97124

PRE-APPLICATION DATE: 12/30/06

Service Provider: PLEASE RETURN THIS FORM TO:  
APPLICANT:  
COMPANY: Scott Fairbairn Painting & Carpentry  
CONTACT: Scott Fairbairn  
ADDRESS: 9501 SW Westhaven Dr.  
Portland OR 97225  
PHONE: 503 799 4571 cell

OWNER(S):  
NAME: Scott D. Fairbairn  
ADDRESS: 9501 SW Westhaven Dr  
Portland OR 97225  
PHONE: 503 799 4571 - cell

Property Desc.: Tax Map(s): Lot Number(s):  
151 2 AD 800

Site Size: 0.21 acres  
Site Address: 8998 SW Leaky Rd  
Nearest cross street (or directions to site):  
Corner of SW 90th + Leaky Rd

PROPOSED PROJECT NAME: Little Store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)  
Amend comprehensive plan designation from residential (R12-18) to commercial (C10RE)

EXISTING USE: Convenience store w/ apartment PROPOSED USE: (no change)

IF RESIDENTIAL: \_\_\_\_\_ IF INDUSTRIAL/COMMERCIAL: \_\_\_\_\_ IF INSTITUTIONAL: \_\_\_\_\_

NO. OF DWELLING UNITS: 1 TYPE OF USE: convenience store NO. SQ. FT. \_\_\_\_\_

SINGLE FAM. \_\_\_\_\_ MULTI-FAM.  NO. OF SQ. FT. (GROSS FLOOR AREA) 900 sf NO. STUDENTS/EMPLOYEES/MEMBERS: \_\_\_\_\_

\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\*  
PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).  
RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.  
(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)  
Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

Service level is adequate for emergency calls only. currently, the base level of police Services in Washington County is .50 officer per 1,000 population. The Enhanced Sheriff's Patrol District (ESPD) has increased the level to 1.0 officer per 1,000 population in specified areas.

SIGNATURE: [Signature] POSITION: Site Admin Sp. DATE: 3-1-06

SERVICE LEVEL IS INADEQUATE TO SERVE THE PROPOSED PROJECT.  
If the present or future service level is inadequate, please provide information documenting your inability to provide an adequate level of service. Please also provide information regarding whether the use of alternative means can be employed to provide an adequate service level. Documentation of adequacy and alternatives to provide an adequate service level may include but not be limited to the following:  
1. Contracting with private agency; 2. Contracting with other public agency; 3. Impact fees; 4. Any combination of these or other alternatives.

SIGNATURE: \_\_\_\_\_ POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_



**WASHINGTON COUNTY**  
Dept. of Land Use & Transp.  
Land Development Services  
155 N. First Ave., Suite 350-13  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
www.co.washington.or.us

**REQUEST FOR STATEMENT  
OF SERVICE AVAILABILITY FOR  
SCHOOLS**

PRE-APPLICATION DATE: 12/1/03

Service Provider: PLEASE RETURN THIS FORM TO:  
**APPLICANT:**  
COMPANY: Scott Fairbairn Painting + Carpentry  
CONTACT: Scott Fairbairn  
ADDRESS: 9501 SW Westhaven dr  
Portland OR 97225  
PHONE: 503 799 4571-cell-

**OWNER(S):**  
NAME: Scott D. Fairbairn  
ADDRESS: 9501 SW Westhaven dr  
Portland OR 97225  
PHONE: 503 799 4571-cell-

Property Desc.: Tax Map(s): 151 2AD Lot Number(s): 800

Site Size: 0.21 acres  
Site Address: 8998 SW Leahy Rd  
Nearest cross street (or directions to site):  
Corner of SW 90th + Leahy Rd

SCHOOL DISTRICT NO.: 48

\* COMPLETE BACK PAGE

16550 SW Merlo Rd  
Beaverton OR 97075-0200

PROPOSED PROJECT NAME: Little store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)

Amend comprehensive plan designation from residential (TO: R12-18) to commercial (TO: RC)

EXISTING USE: Convenience store with apartment PROPOSED USE: no change

IF RESIDENTIAL: NO. OF DWELLING UNITS: 1  
SINGLE FAM. \_\_\_\_\_ MULT-FAM.   
IF INDUSTRIAL/COMMERCIAL: TYPE OF USE: convenience store  
NO. OF SQ. FT. (GROSS FLOOR AREA) 900sf  
IF INSTITUTIONAL: NO. SQ. FT. \_\_\_\_\_  
NO. STUDENTS/EMPLOYEES/MEMBERS: \_\_\_\_\_

**\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\***

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).

**RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.**

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)  
Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SEE REVERSE SIDE OF THIS FORM ->

SIGNATURE: \_\_\_\_\_ POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_

SERVICE LEVEL IS INADEQUATE TO SERVICE THE PROPOSED PROJECT.  
If the present or future service level is inadequate, please provide information documenting your inability to provide an adequate level of service. Additionally, provide information regarding whether the use of alternative means can be employed to provide an adequate service level. Documentation of adequacy and alternatives to provide an adequate service level may include but not be limited to the following:

- 1. Amount of bonded indebtedness; 2. Use of double shifting; 3. Extended school periods; 4. Bussing to underutilized facilities; 5. Year-around school; 6. Construction of new facilities; 7. Portable Classrooms; 8. Impact Fees; 9. Any combination of these or other alternatives.

SIGNATURE: \_\_\_\_\_ POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_



# WASHINGTON COUNTY

Case File 06-398-PA  
Exhibit C  
Page 65 of 76

IN

Date: 12/30/05

## Washington County School District Service Analysis

RE: Plan Amendment, changing from TO: R12-18 to TO: RC  
(land use district) (map location) 1512AD Tax Lot 800

Dear Washington County School District No. 481

The Washington County Department of Land Use and Transportation requires a formal detailed analysis of certain Public Services to determine any adverse impact on those services by the above plan amendment.

In order to provide sufficient information for the staff's impact evaluation, your response to the following questions, in addition to the standard "Service Availability Statement", is required.

1. What is the location (in miles from the parcel(s) referenced above) of the nearest schools that would provide education services to future residents of the parcel(s) above?  
WEST TUALATIN VIEW .25 MILE  
CEDAR PARK MIDDLE SCHOOL 2.25 MILES  
SUNSET HIGH SCHOOL 3.18 MILES
2. Is bus transportation provided for students that would be located on the parcel(s) listed above?  
ELEMENTARY - NO  
MIDDLE & HIGH SCHOOL - YES
3. What are the names of the existing school facilities in your district, current enrollment of those schools, and maximum student capacity for each school that would serve the parcel(s) listed above?  
WEST TV ENROLLMENT - 328 CAPACITY 407  
CEDAR PARK " " - 868 CAPACITY 998  
SUNSET " " - 2,046 CAPACITY 1,704
4. Will the addition of  future single family dwellings cause any serious impact on the current educational services provided?  
THE ADDITION OF ANY HIGH SCHOOL STUDENTS WOULD HAVE A SERIOUS NEGATIVE IMPACT, IF THE PROPERTY HAD RESIDENTIAL UNITS ADDED IN THE FUTURE.

Thank you for providing the additional information for the plan amendment request.

SIGNATURE: [Signature] DATE: 3/8/06  
POSITION: FACILITIES PLANNING MGR

\* SINCE THIS COMPREHENSIVE PLAN AMENDMENT WOULD POTENTIALLY REDUCE THE NUMBER OF RESIDENTIAL UNITS TO COULD BE DEVELOPED ON THE SITE,  
BEAVERTON SCHOOL DISTRICT HAS NO OBJECTION TO THIS REQUEST.

Department of Land Use & Transportation • Planning Division  
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97214-3072  
phone: (503) 846-3964 • fax: (503) 846-4412

[Signature]



WASHINGTON COUNTY

Dept. of Land Use & Transportation
Land Development Services Division
155 N. 1st Avenue, #350-13,
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
http://www.co.washington.or.us

Request For Statement Of Service Availability

- Water District, Fire District: TV Fire + Rescue, Tri-Met, Tualatin Hills Park & Rec. District, City of, Clean Water Services

\* FIRE DISTRICT: COMPLETE BACK PAGE

PRE-APPLICATION DATE: 12/30/05

Service Provider: PLEASE RETURN THIS FORM TO:

APPLICANT:

COMPANY: Scott Fairbairn Painting + Carpentry
CONTACT: Scott Fairbairn
ADDRESS: 9501 SW Westhaven Dr
Portland OR 97225
PHONE: 503 799 4571 - cell

OWNER(S):

NAME: Scott D Fairbairn
ADDRESS: 9501 SW Westhaven Ct
Portland OR 97225
PHONE: 503 799 4571 - cell

Property Desc.: Tax Map(s): Lot Number(s):
1512AD Tarlot # 800

Site Size: 0.21 acres

Site Address: 8998 SW Leaky Rd
Nearest cross street (or directions to site):
Corner of SW 90th + Leaky Rd

PROPOSED PROJECT NAME: Little Store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, PARTITION, SPECIAL USE)

Amend comprehensive plan designation from residential (TO: R12-18) to commercial (TO: RC)

EXISTING USE: Convenience store with Apartment PROPOSED USE: (no change)

IF RESIDENTIAL: NO. OF DWELLING UNITS: 1
IF INDUSTRIAL/COMMERCIAL: TYPE OF USE: convenience store
IF INSTITUTIONAL: NO. SQ. FT.
SINGLE FAM. MULTI-FAM. NO. OF SQ. FT. (GROSS FLOOR AREA) 900 sf NO. STUDENTS/EMPLOYEES/MEMBERS:

\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\*

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).

RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT.
Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: POSITION: DATE:

SERVICE LEVEL IS INADEQUATE TO SERVICE THE PROPOSED PROJECT.
Please indicate why the service level is inadequate.

SIGNATURE: POSITION: DATE:



**WASHINGTON COUNTY**  
**OREGON**

Date: 12/30/05

**Washington County Fire District Service Analysis**

RE: Plan Amendment, changing from \_\_\_\_\_ to \_\_\_\_\_ Tax Lot 800.  
(land use district) (map location)

Fire District: TUALATIN VALLEY FIRE & RESCUE

Dear Washington County Fire District,

The Washington County Department of Land Use and Transportation requires a formal detailed analysis of certain Public Services to determine any adverse impact on those services by the above plan amendment.

In order to provide sufficient information for the staff's impact evaluation, your response to the following questions, in addition to the standard "Service Availability Statement", is required.

1. What is the location (in miles from the parcel(s) referenced above) of the fire station?

Approx 1 1/2 miles

2. What will be the average emergency response time to the parcel(s) referenced above?

4-6 min

3. What is the total number of personnel and equipment available for an initial attack on fire spread at the parcel(s) referenced above?

3 ENGINEER - 12 FIRE FIGHTER  
1 TRUCK - 4 FIRE FIGHTER  
1 RESCUE - 2 FIRE FIGHTER  
1 CHIEF OFFICER

4. Will the addition of NA ( ) single family dwellings cause any serious impact on the current services provided?

Thank you for providing the additional information for the plan amendment request.

SIGNATURE: Jerry Kerho DATE: 5-30-06  
POSITION: Deputy Fire Marshal



**WASHINGTON COUNTY**  
Dept. of Land Use & Transp.  
Land Development Services  
155 N. First Ave., Suite 350-13  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
http://www.co.washington.or.us

**REQUEST FOR STATEMENT  
OF DESIGN CONSIDERATIONS FOR  
SURFACE WATER MANAGEMENT (CWS)**

**CWS (CleanWater Services)**  
2550 SW Hillsboro Hwy  
Hillsboro, OR 97123-9379  
503-681-3600

**OTHER**

PRE-APPLICATION DATE: 12/30/05

**Service Provider. PLEASE RETURN THIS FORM TO:  
APPLICANT:**

COMPANY: Scott Fairbairn Planning & Consulting  
CONTACT: Scott Fairbairn  
ADDRESS: 9501 SW West Haven Dr  
Portland OR 97225  
PHONE: 503 744 4571 - cell -

**OWNER(S):**

NAME: Scott Fairbairn  
ADDRESS: 4501 SW West Haven Dr  
Portland OR 97225  
PHONE: 503 744 4571 - cell -

Property Desc: Tax Map(s): 1512AD Lot Number(s): 7ac lot 9800

Site Size: 0.21 acres

Site Address: 8498 SW Lecky Rd  
Nearest cross street (for directions to site):  
Corner of SW 90th & Lecky Rd

PROPOSED PROJECT NAME: Little Store

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)

Amend comprehensive plan designation from residential (R12-1B) to commercial (C10-RC)

EXISTING USE: Convenience store with apartment PROPOSED USE: Commercial / Residential  
(no change)

IF RESIDENTIAL:

NO. OF DWELLING UNITS: 1

SINGLE FAM. \_\_\_\_\_ MULTIFAM. X

IF INDUSTRIAL/COMMERCIAL:

TYPE OF USE: convenience store

NO. OF SQ. FT. (GROSS FLOOR AREA) 900 SF

IF INSTITUTIONAL:

NO. SQ. FT. \_\_\_\_\_

NO. STUDENTS/EMPLOYEES/MEMBERS \_\_\_\_\_

**ATTACH THE FOLLOWING INFORMATION TO THIS APPLICATION:**

1. Topographical map (minimum scale 1" = 200', contour interval no closer than 5 feet)
2. Development layout (streets, lots, parking areas, building configuration, pathways, creeks, wetland, landscape areas)
3. Vicinity map (minimum scale 1" = 1/4 mile)

**\*\*\*\*\*ATTENTION SERVICE PROVIDER\*\*\*\*\***

**PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).  
RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.**

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

TO BE COMPLETED BY GOVERNING JURISDICTION. DEVELOPMENT ACTION SUBMITTAL MUST CONSIDER:

Water Quality Facility required  Y  N  
Hydraulic and hydrological analysis required  Y  N

Water Quantity Facility required  Y  N  
Vegetated corridor required  Y  N

COMMENTS/EXPLANATION:

SIGNATURE: Scott Fairbairn

POSITION: ET2

DATE: 3/20/06

MAR 16 2006  
By \_\_\_\_\_ File Number

06-000875



**Sensitive Area Pre-Screening Site Assessment**

Jurisdiction Washington County Date March 16, 2006  
 Map & Tax Lot Map 15W 2AD Owner Scott Fairbairn  
 Site Address Lot 800 Applicant (Representative) Angela Burton Assoc  
2998 SW Lehigh Road Company Frank Angelo  
Complete Address Address 1020 SW Plaza Suite 201  
 Proposed Activity change from 10:212-19 to City State Zip Portland, OR 97205  
10:212; no development Phone 503.227.8664  
of change to the site Fax 503.227.8679

By submitting this form the Owner, or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site.

Official use only below this line			Official use only below this line		
Y	N	NA	Y	N	NA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sensitive Area Composite Map Map # <u>1516A</u>			Stormwater Infrastructure maps QS # <u>3120</u>		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Locally adopted studies or maps Specify _____			Other Specify <u>2004 Aerial</u>		

Based on a review of the above information and the requirements of Clean Water Services Design and Construction Standards Resolution and Order No. 04-9:

- Sensitive areas potentially exist on site or within 200' of the site. THE APPLICANT MUST PERFORM A SITE CERTIFICATION PRIOR TO ISSUANCE OF A SERVICE PROVIDER. If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Sensitive areas do not appear to exist on site or within 200' of the site. This pre-screening site assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 04-9, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.
- The proposed activity does not meet the definition of development. NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewer Comments:

Based on review of 2004 aerial potentially sensitive areas do NOT appear to exist within 200 feet of the site

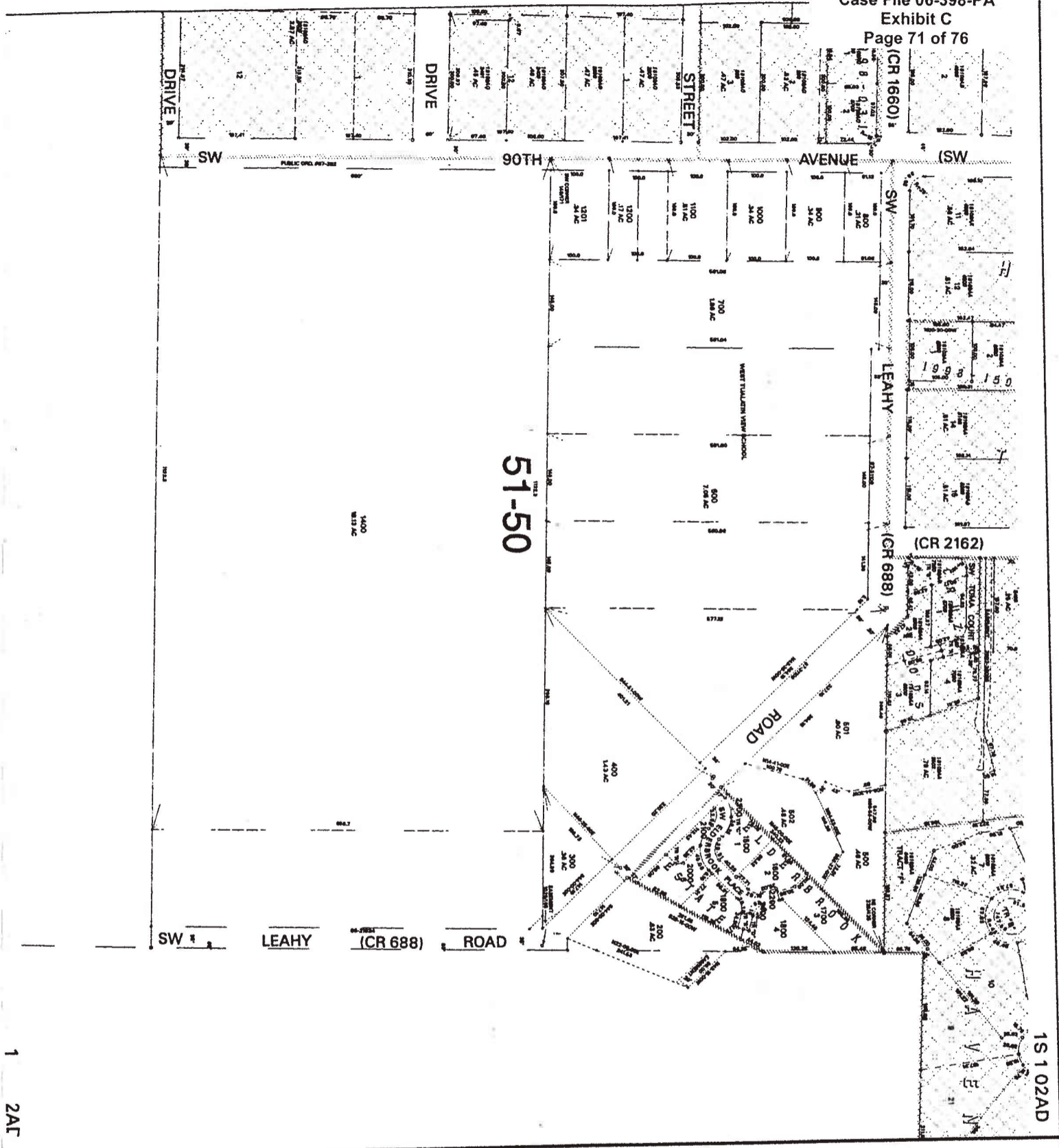
Reviewed By: Chak Bruckallan Date: 3/20/06

Post-it <sup>®</sup> Fax Note	7671	Date	3/20/06	# of pages	2
To	Frank Angelo	From	Chak Bruckallan		
Co./Dept.		Co.	CWS		
Phone #		Phone #	503-681-5100		
Fax #	503-227-3679	Fax #			

**Official use only**  
 Returned to Applicant  
 Mail \_\_\_\_\_ Fax  Counter \_\_\_\_\_  
 Date 3/20/06 By CAJ

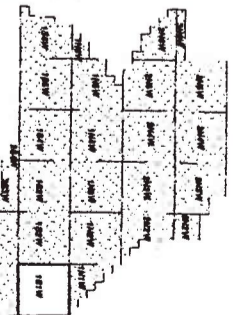
# **ATTACHMENT F**

## Tax Map



1S 1 02AD

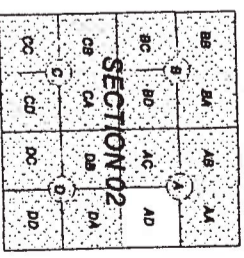
1S 1 02AD



WASHINGTON COUNTY OREGON  
 SECTION 02 T1S R1W M.1  
 SCALE 1" = 100'

01	02	03	04	05	06	07	08	09	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



Cancelled Trades For: 1S102AD  
 15A, 10L

CARTOGRAPHY

PLAT DATE: October 08, 2005  
 FOR ASSESSMENT PURPOSES  
 ONLY - FOR OTHER USE

Map users obtained by other parties are prohibited from being used for purposes other than those intended by the original cartographer. Please contact the appropriate map for the most current information.

1 2A

1 2A

## **ATTACHMENT G**

Original Application Cover Letter



620 SW Main Suite 201  
Portland, Oregon 97205  
Tel: 503 224 6974  
Fax: 503 227 3679  
www.angeloaton.com

February 13, 2006

Brent Curtis  
Planning Manager  
Washington County  
Department of Land Use and Transportation  
155 N. First Avenue, Suite 350  
Hillsboro, Oregon 97124-3072

Re: Comprehensive Plan Amendment / Scott Fairbairn

Dear Brent:

We are filing a Plan Amendment application on behalf of Scott Fairbairn, owner of The Little Store at the intersection of SW Leahy and SW 90<sup>th</sup> in the Cedar Mill area. Our discussions with staff have indicated that the County would be willing to sponsor a Director's Initiated Plan Amendment for the property from the current Transit-Oriented: Residential 12-18 (TO: R12-18) to Neighborhood Commercial (NC) to recognize a historical mistake related to the property's plan designation. This mistake originally occurred when the Cedar Hills-Cedar Mill Community Plan was adopted in 1983. When this Community Plan was adopted The Little Store was operating on this property and, therefore, the property should have been designated as NC in recognition of the use on the property. Staff has acknowledged this circumstance.

Since 1983, The Little Store has continued to operate on the property as a retail business. The Sunset Station Area Plan adoption in 1997 amended the plan designation to TO: R12-18 on the subject property and those parcels immediately adjacent to The Little Store. The opportunity to correct the original mistake in plan designation on the property was missed in 1997 when the Transit-Oriented plan designations were applied to this and the surrounding property and a residential plan designation (TO: R12-18) was again mistakenly placed on The Little Store's property.

We appreciate the staff's willingness to provide a Director's Initiated Plan Amendment to Neighborhood Commercial but believe the appropriate plan designation is Transit-Oriented: Retail Commercial (TO: RC). Staff, however, has indicated that it is not willing to provide a Director's Initiated Plan Amendment to TO: RC and explained its reasoning to the applicant in a meeting on February 10th. Therefore, the applicant has filed a property-owner initiated plan amendment request with the \$2,100.00 fee to amend the plan designation from TO: R12-18 to TO: RC. The basis of this application will be that a mistake was made in both the original and subsequent plan designations on the property.

Letter to Brent Curtis  
Scott Fairbairn Plan Amendment  
Page 2

We continue to believe that while the original mistake was made when the Cedar Hills-Cedar Mill Community Plan was adopted in 1983, this mistake was perpetuated in 1997 with the adoption of the Sunset Station Area Plan. We believe that the property owner should be entitled to a Director's Initiated Plan Amendment to TO: RC, which is the plan designation that is most appropriate for the property given the adjacent property plan designations and the fact that The Little Store is located within the Sunset Station Area planning area. The applicant recognizes that under either scenario, Director or Property Owner Initiated, he will be required to submit findings in support of the amendment. The biggest difference, of course, is the fee (\$2,100.00) that is required with the Property Owner Initiated request but waived through a Director's Initiated plan amendment.

In order to meet the February 15<sup>th</sup> deadline, the applicant has submitted the full fee, the application form and fee contract. We will be preparing the complete application over the next month. However, we request that you reconsider your position on providing a Director's Initiated Plan Amendment for The Little Store property to TO: RC and, if you agree with our request, refund the submitted fee to Scott Fairbairn. We believe that if this circumstance rises to the level of a Director's Initiated Plan Amendment for a Neighborhood Commercial plan designation, it qualifies for similar treatment for a Transit-Oriented: Retail Commercial plan designation.

Thank you for your consideration in this matter.

Sincerely,

Frank Angelo  
Principal

cc. Scott Fairbairn

## **ATTACHMENT H**

### County Response Letter



February 17, 2006

Angelo Eaton & Associates  
Mr. Frank Angelo  
620 SW Main Street, Suite 201  
Portland, OR 97205

RE: Comprehensive Plan Amendment / Scott Fairbairn

Dear Frank:

I am in receipt of your letter dated February 13, 2006 in which you request on behalf of your client that the County provide a Director's initiated plan amendment from TO:R12-18 to TO:RC. As noted in your letter, the County is willing to do so for a plan amendment to NC, but not TO:RC. The decision reached after discussing this request with staff is that we can not provide a Director's initiated plan amendment to TO:RC, as requested.

The position of the Planning Division is that your client's property was designated NC on the 1983 Cedar Hills-Cedar Mill Community Plan. However, some inconsistencies have occurred over time through the updating and reprinting of the plan. Such inconsistencies have resulted in the property not always being designated NC, but rather R-5. Therefore, we have concluded that a mistake occurred in not consistently designating the property NC on the Cedar Hills-Cedar Mill Community Plan map.

As a result, we are willing to provide a Director's initiated plan amendment to NC. However, we have no written documentation or maps from 1997 that indicate that the TO:RC designation was ever considered for the property. To the contrary the 1983 Cedar Hills-Cedar Mill Community Plan designated the property NC. For these reasons, we can not support the request for a Director's initiated plan amendment to TO:RC.

Please feel free to contact me at 503-846-3547 should you have any further questions regarding this matter.

Sincerely,

Brent Curtis,  
Planning Division Manager

# Memorandum

**Date:** November 1, 2006  
**To:** Washington County Planning Commission  
**From:** Frank Angelo, Principal  
**Re:** Fairbairn/Little Store Plan Amendment (Casefile No. 06-398-PA)

---

This memo summarizes site conditions for the Little Store property owned by applicant Scott Fairbairn and future dedication requirements that will apply to the property. It also compares different development standards that may be applied to the site given its existing Comprehensive Plan designation as Transit Oriented Residential 12-18 units per acre (TO:R12-18) and potential designations as Transit Oriented Retail Commercial (TO:RC) or Neighborhood Commercial (NC).

## Existing Conditions

As illustrated in Attachment A, the existing dimensions of the Little Store lot are as follows.

Width:	approx. <b>149 ft.</b>
Depth:	approx. <b>61 ft.</b>
Area:	approx. <b>9,089 sq. ft. (sf)</b> or <b>0.21 acres</b>

The existing building includes a convenience store on the ground floor and one apartment unit on the second floor. Existing setbacks and the area of the building are as follows.

Existing front setback (from SW Leahy):	approx. <b>17 ft.</b>
Existing side setback (from SW 90 <sup>th</sup> ):	approx. <b>45 ft.</b>
Existing area:	approx. <b>900 sf</b>

**Required Right-of-Way Dedications**

The following right-of-way (ROW) dedications were specified as part of the development conditions presented in the County's Traffic Impact Statement (Attachment B). These dedications will be required of any development or redevelopment on the site.

	<b>Total ROW Required (from centerline)</b>	<b>Existing ROW</b>	<b>ROW Dedication</b>
SW Leahy (Collector)	37ft.	20 ft.	<b>17 ft.</b>
SW 90 <sup>th</sup> (Neighborhood Route)	30 ft.	20 ft.	<b>10 ft.</b>

As shown in Attachment C, this dedication will result in the following buildable lot dimensions and will reduce the lot size by about **32%**.

Width:	approx. <b>139 ft.</b>
Depth:	approx. <b>44 ft.</b>
Area:	approx. <b>6,116 sq. ft. (sf)</b> or <b>0.14 acres</b>

**Washington County Development Standards**

The following table summarizes pertinent standards from the Washington County Development Code that would apply to the property if it retained its current TO:R12-18 designation or was amended to TO:RC or NC.

	TO:R12-18	TO:RC	NC
<b>Minimum lot area</b>	2,000 sf	None	8,500 sf
<b>Minimum average lot width</b>	20 ft	None	85 ft
<b>Minimum average lot depth</b>	60 ft	None	85 ft
<b>Minimum building height</b> (beyond 1,300 ft from a station platform)	None	None	None
<b>Maximum building height</b> (height exceptions for architectural features; possible height limits per Sect. 431-8)	40 ft	60 ft	35 ft
<b>Yard depth</b>			
<i>Frontage minimum</i> (except to accommodate utilities)	10 ft	None	20 ft
<i>Frontage maximum</i> (shall apply to at least 50% of 1 <sup>st</sup> floor of building facing pedestrian street per Sect. 431-3.8, or may be exceeded if needed mitigation for transportation noise and vibration demonstrated)	15 ft	10 ft	(Rear yard min.: 20 ft)
<i>Interior minimum</i> (except as necessary to comply with Sect. 411 and 431 screening and buffering standards and CABO building code standards)	None	None	Side yard on corner lot min.: 20 ft  Side yard adjacent to residential district: standard for residential district (TO:R12-18: None)
<i>Interior maximum</i>	None	None	

Source: Article III, Section 375 – Transit Oriented Districts, Tables B and C and Section 311 – Neighborhood Commercial District (NC)

If the designation of the Little Store property was changed to NC, the property would violate four of seven development standards once ROW dedications were made.

- Minimum lot area
- Minimum average lot depth
- Front yard setback
- Rear yard setback

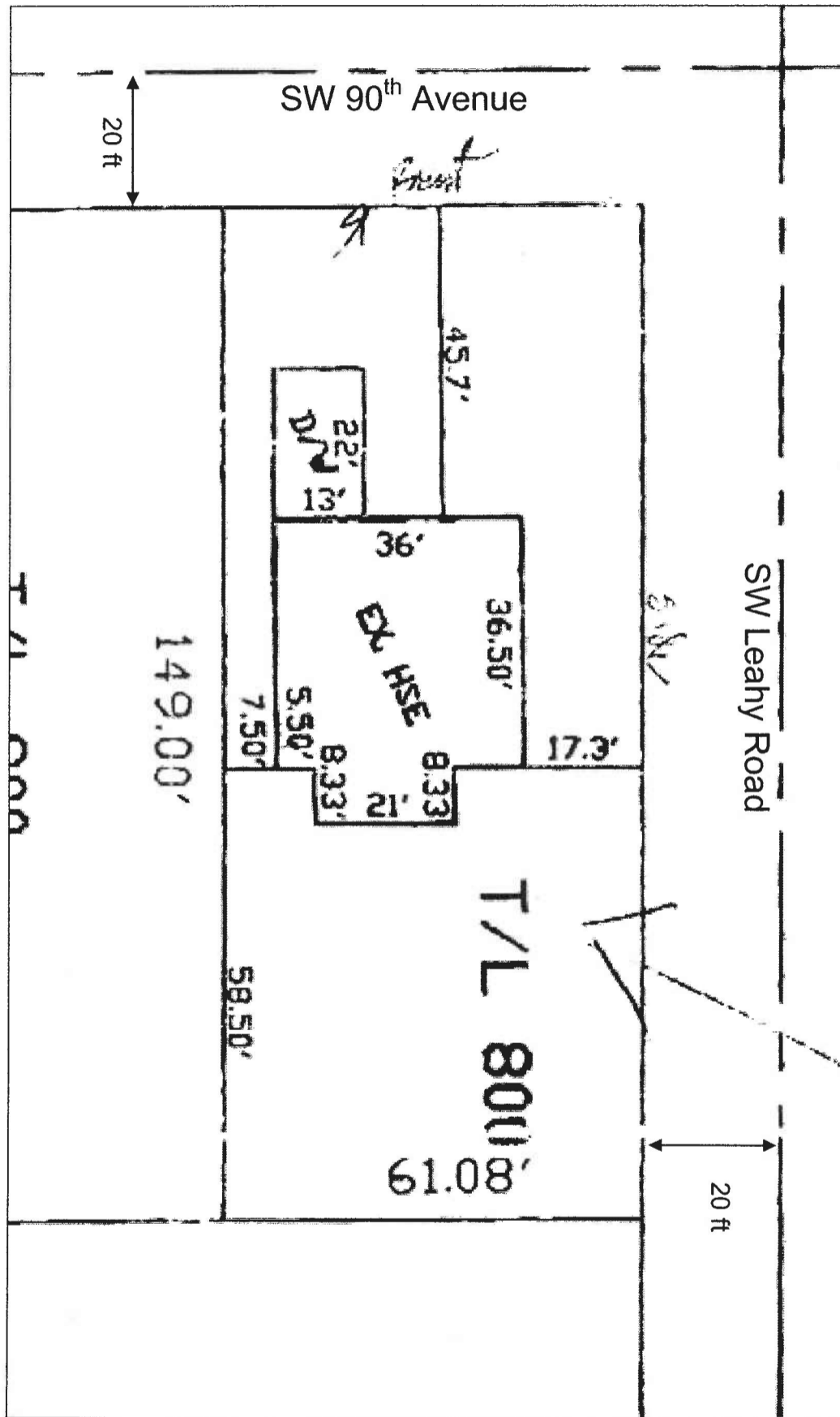
If the current TO:R12-18 designation of the Little Store property was retained, Section 375-6 of the Development Code (Change or Expansions of Existing Uses or Structures in Transit Oriented Districts) allows for up to a 20% increase in gross floor area and the potential waiver of development standards. However, a 20% increase in gross floor area would add approximately only 180 square feet to the existing development, which does not encourage or lend itself to redevelopment. An increase of more than 20% of the existing floor area would be prohibited because retail businesses and food markets are prohibited uses in the district (Attachment D).

Attachment E depicts a conceptual redevelopment layout given required right-of-way dedications. Redevelopment of the site in this manner would accommodate small-scale ground-floor retail use, parking, and four residential units on the second floor. An elevation and sketch of potential redevelopment is provided in Attachment F.

**List of Attachments**

- Attachment A: Existing Conditions**
- Attachment B: Washington County Traffic Impact Statement (TIS)**
- Attachment C: Right-of-Way Dedications and Lot Dimensions**
- Attachment D: Table A. Permitted and Prohibited Uses in Transit Oriented Districts**
- Attachment E: Conceptual Redevelopment Conditions**
- Attachment F: Conceptual Redevelopment – Streetfront Elevation Sketch**

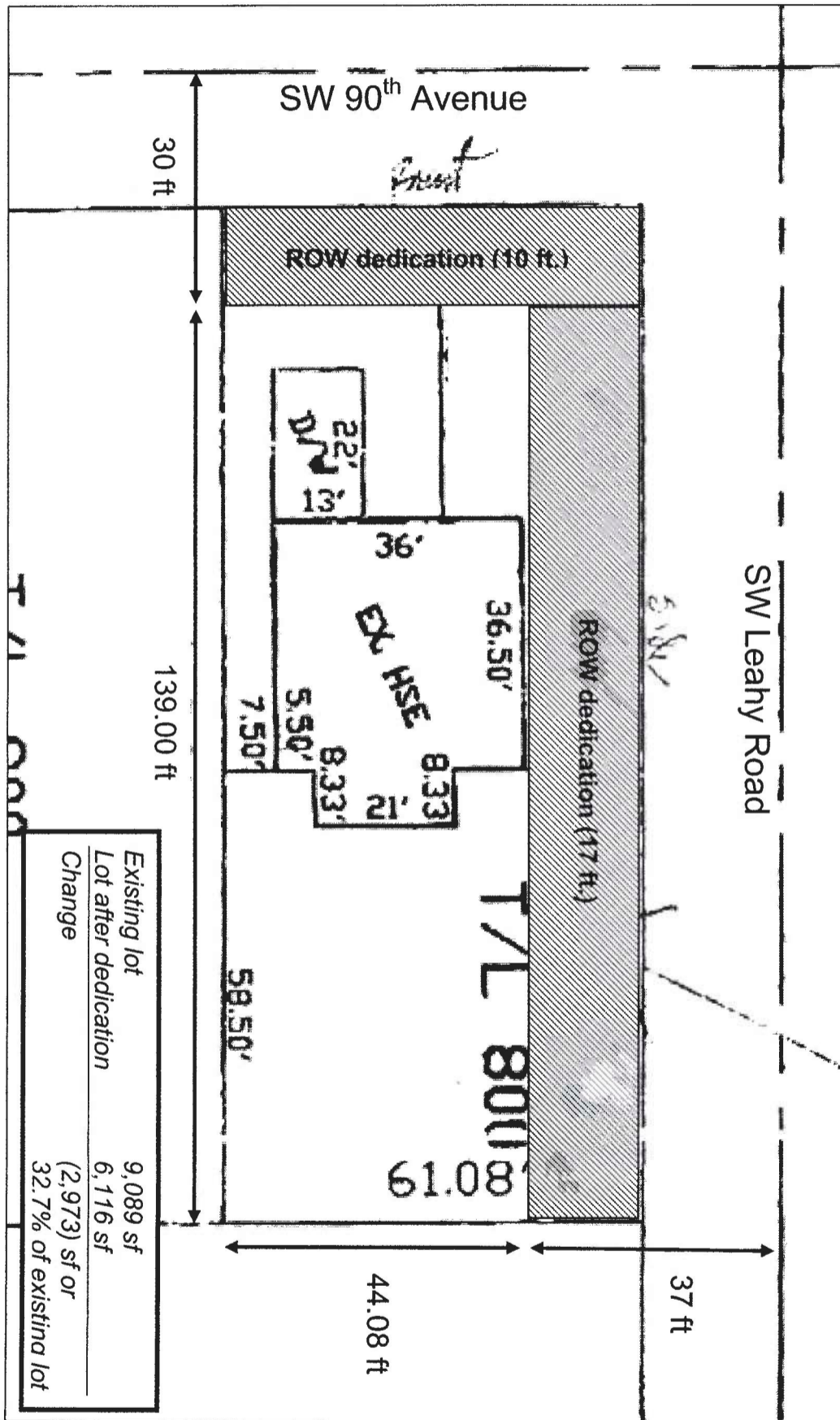
Attachment A. Existing Conditions



## Attachment B

- B. **Land Development Services** - The following are development conditions that may be required by The Department of Land Use and Transportation. These requirements, supported by findings of fact, will be the basis for recommendations to the Review Authority or Hearings Officer regarding your Land Use Application.
1. Dedicate additional right-of-way to provide 37 feet from centerline of SW Leahy Road adjacent to the site, including adequate corner radius.
  2. Dedicate additional right-of-way to provide 30 feet from centerline of SW 90th Avenue adjacent to the site, including adequate corner radius.
  3. Establish a non-access restriction along the site's frontage of SW Leahy Road, except at any access approved through the development review process.
  4. SW Leahy Road is a collector, with a minimum access spacing standard of 100 feet. The current access to SW Leahy Road is unrestricted along the site's frontage. The existing access does not meet this standard. The access needs to be relocated to the east side of the site.
  5. SW 90<sup>th</sup> Avenue is a Neighborhood Route, with a minimum access spacing standard of 50 feet. The existing access to SW 90<sup>th</sup> Avenue does not meet this standard. Lots with less than seventy (70) feet of frontage shall not be permitted a separate direct access to a Neighborhood Route. Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems. If a 25% increase in vehicle trips will occur, a Type II Hardship Relief Variance to the access spacing standard must be requested and approved.
  6. Sight distance (300 feet required in both directions) along the sites frontage of SW Leahy Road is restricted by a large fir tree.
  7. Sight distance (250 feet required in both directions) at the existing access of SW 90th Avenue will be adequate upon vegetation removal.
  8. Construct a half-street improvement to County standard along the site's frontage of SW Leahy Road. (A half-street improvement includes half width pavement including bike lane as well as curb, storm drainage, and sidewalk.)
  9. Construct a half-street improvement to County standard along the site's frontage of SW 90th Avenue. (A half-street improvement includes half width pavement as well as curb, storm drainage, and sidewalk.)
  10. Eliminate parking within right-of-way and provide an on-site parking lot.
  11. Obtain a Facility Permit from the Department of Land Use and Transportation for construction of all required public improvements.
  12. This existing development generates approximately 130 average daily vehicle trips based on ITE Code 850.
  13. Additional requirements such as off-site improvements pursuant to R & O 86-95 may apply to specific development at the Development Review stage (and/or upon the review of an Access Report).
  14. **A TRAFFIC STAFF REPORT MAY BE DONE AND THIS SITE MAY BE REVIEWED FOR REQUIRED TRAFFIC SAFETY IMPROVEMENTS, WHICH MAY RESULT IN ON- OR OFF-SITE ROAD IMPROVEMENTS BEING REQUIRED OF THIS DEVELOPMENT.**

Attachment C. Right-of-way Dedications and Lot Dimensions

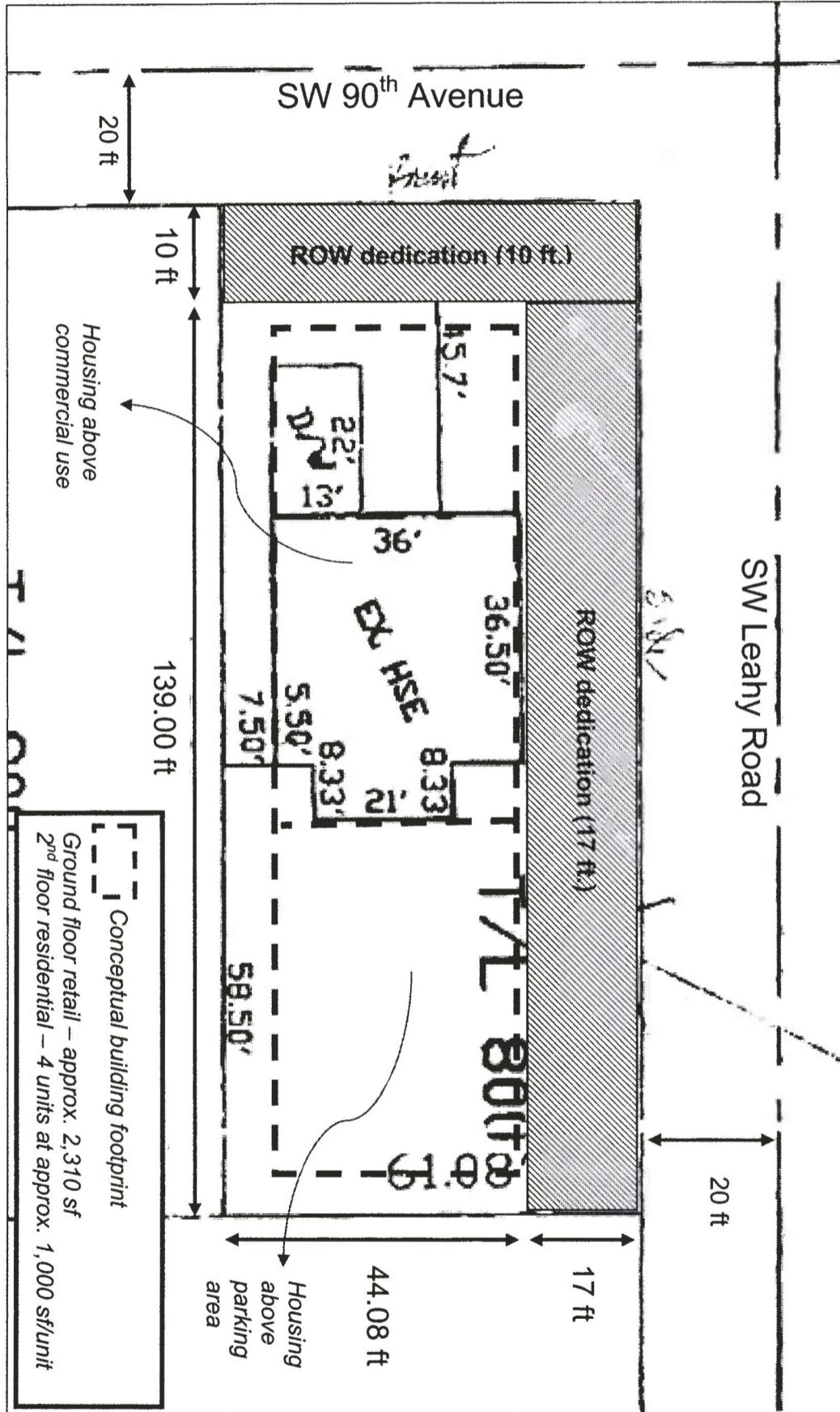


375-6

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT									
	TO:RO	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120	
Commercial Uses:		(1)	(2)				(3)	(3)	(3)	
Retail Business ≤ 5,000 sq. ft. floor area (23.b.)	II	II	II	N	N	N	III	III	III	
Retail Business > 5,000 sq. ft. floor area	II	II	III (4)	N	N	N	N	N	N	
Food Market (5)	II or III	II	N	N	N	N	N	N	N	
Bulk Product Sales	N	N	N	N	N	N	N	N	N	
Hotels	II (6)	II	II	N	N	N	N	N	N	
Motels	N	N	N	N	N	N	N	N	N	
Service Stations (7)	II	II	II	N	N	N	N	N	N	
Car Washes	N	N	N	N	N	N	N	N	N	
Storage Facilities (e.g., mini-warehouses, vehicle storage)	N	N	N	N	N	N	N	N	N	
Short-Term Commercial Parking Facility	N	II (8)	N	N	N	N	N	N	N	
Kennels	N	N	N	N	N	N	N	N	N	
Commercial Schools (e.g., vocational, music, dance)	II (9)	II	II	N	N	N	N	N	N	
Vehicle Rental Without Storage Facilities	II	II	N	N	N	N	N	N	N	
Theaters (not including drive-in theaters)	N	II (10)	N	N	N	N	N	N	N	
Expansion of a Type II or III use	I	I	I	N	N	I	I	I	I	
Change of use for a Type II or III use	I	I	I	N	N	I	I	I	I	
Storage of materials and display of merchandise outdoors	N (31)	N	N	N	N	N	N	N	N	

Attachment E. Conceptual Redevelopment Conditions




# Attachment F

Case File 03-398-PA  
Exhibit D  
Page 11 of 11

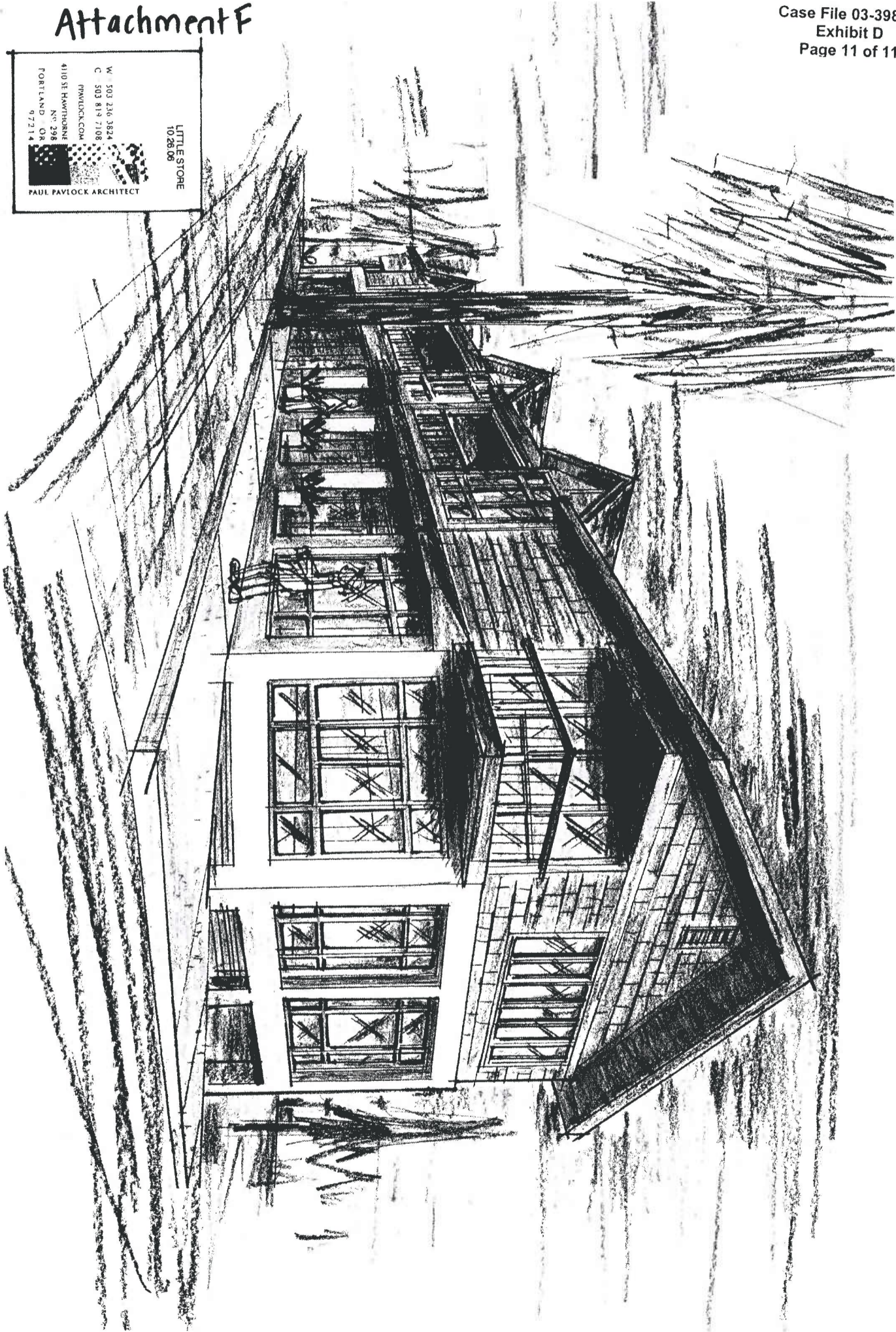
LITTLE STORE  
10/26/06

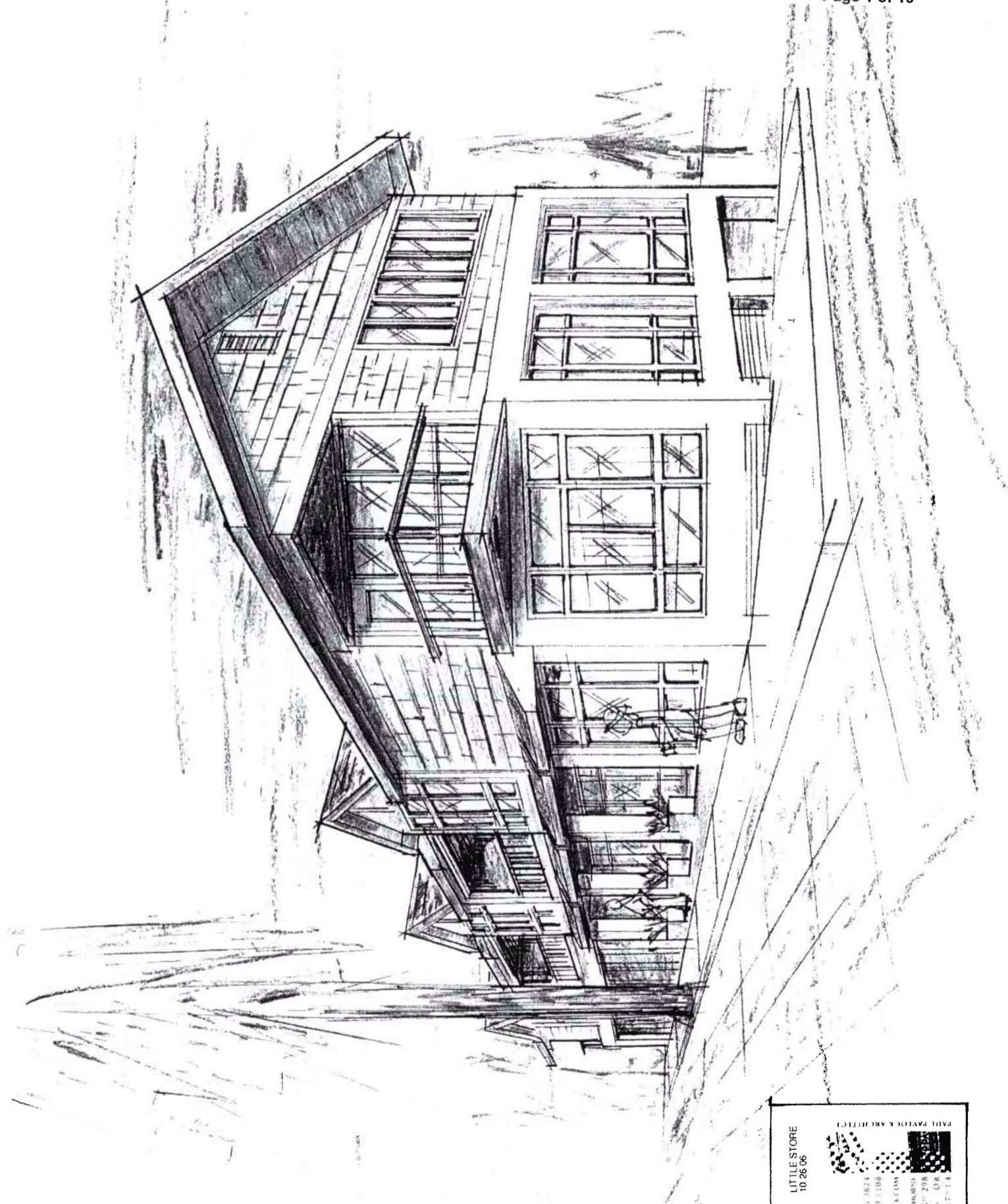
W. 503.236.3824  
C. 503.819.7108  
PAVLOCK.COM

4100 SE HAWTHORNE  
NO. 298  
PORTLAND, OR  
97214




PAUL PAVLOCK ARCHITECT





LITTLE STORE  
10.26.06



PAUL PATTON & ARCHITECT  
W. 503.256.3824  
E. 503.819.1108  
PPA@PAULK.COM  
410 N. HASTINGS  
NO. 298  
PORTLAND, OR  
97214

To: Washington County Planning Commission  
Date: 31 October 2006  
Re: 06-398-PA

I have been involved in Citizen Participation Organization #1 since 1981. I was elected Chairman of CPO 1 in 2001 and have continuously served in that role since that time. I am writing this letter as a citizen, not as representative of the CPO.

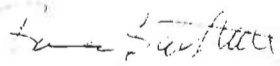
I have read the Staff Report on 06-398-PA and have some understanding of the issues. The crux of the issues Staff responds to is the mis-application of a residential zone to a previously approved commercial zone. I see on the original 1983 Cedar Hills-Cedar Mill Community Plan, the zone applied to the property was Neighborhood Commercial. When the Transit Oriented zones were applied in 1997, a residential zone was mistakenly applied.

In addition, I would like to point out that in 1983 when the original zoning was applied, both county staff and CPO members did not foresee the growth ahead of us. **Nor did we know that the 1-2 acre NC sites we selected throughout the CPO were going to be found to be too small to be easily economically viable** (Wash. Co. Neighborhood Commercial Study – SRI/Shapiro June 30, 1995). A 4-5 acre site is much more likely to succeed economically.

If this data had been factored into planning for the 1997 Sunset Station Community Plan, it is quite likely the TO:RC zone would have been designated for the applicant's property. High density uses, such as the applicant proposes, can more readily be developed in TO:RC zones, while they are significantly more difficult to develop in NC zones. Perhaps this oversight is actually the larger mistake we all made and the one that should be corrected through a Director's Initiated Plan Amendment.

In order to allow the applicant to redevelop the site and provide services which the neighbors desire and the CPO intended to be provided on the site, I feel a TO:RC zone is most appropriate, not a NC zone. The setback requirements of NC zones are substantially greater than those of TO:RC and would essentially preclude redevelopment of the site, except for the granting of several variances to the NC code. The granting of variance requests is certainly not guaranteed. The applicant faces a most difficult situation if the NC zone is reapplied, and a variance request is made but not granted.

Sincerely,



Bruce Bartlett

October 30, 2006

To The Washington County Planning Commission:

We have lived near the "Little Store" for 24 years. The West Haven area is unique because of the "Little Store." It is a neighborhood landmark and is a part of its history. It's been a place for kids to walk or ride their bikes to get a treat after school from West TV Elementary School and Catlin Gabel for generations. It's a place for the many service people, from the mailman to the cable repairman, in the area to stop and get a quick snack or drink. It's a place for people walking to St. Vincent Hospital or the Max Light Rail to pick up a quick item.

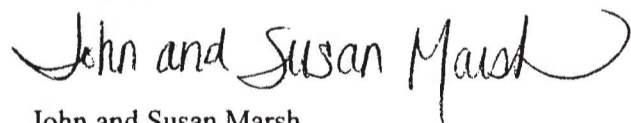
Because of its location at the 4-way stop, it seems to be the center of the neighborhood where people can meet and see their neighbors. But in its current condition, the "Little Store" is not living up to its potential. With improvements to update it and the parking, it could be so much more to the community.

Why put in more residential at this location when there are already two new developments (on West Haven-37 houses and on Taylor- 25 houses) planned within ½ mile of the store? These developments will add 62 new houses to the immediate area. A small store/retail space would add a much needed service and compliment these new developments. When other new developments are trying to get that small community feeling by adding stores within walking distance, why would we want to take that opportunity away from ours?

We hope you thoroughly consider changing the properties designation to transit-oriented retail commercial. Please allow the owner, Scott Fairbairn, to improve upon the "Little Store" and keep an important part of our neighborhood for future generations.

Thank you for your time and consideration.

Sincerely,



John and Susan Marsh  
670 SW 95<sup>th</sup> Ave.  
Portland, OR 97225

October 31, 2006

To the Washington County Planning Commission,

I have lived in this neighborhood for a little over 1 year, and part of the charm of this neighborhood is that the Little Store is part of it. Unfortunately, the Little Store is in dire need of a complete overhaul due to years of neglect.


I support the fact that owner, Scott Fairbairn, is ready and willing to bring a new and improved Little Store back to the neighborhood, by means of building improvements as well as all other improvements and/or additions that this may entail.

I appreciate that the location of the Little Store is within this neighborhood and is within walking distance. I also appreciate the fact that after I pick up my child from West TV, we can stop into the Little Store for a quick after-school snack, as well as any potential items that may be needed for a later meal and/or gathering. As a single mother, the convenience of the Little Store is one less headache for me.

Long and short, I support the actions that will allow Scott Fairbairn to keep the Little Store in its present location and make any and all improvements that may be necessary. I also support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments.

Thank you for allowing me the opportunity to express my opinion in this matter.

Sincerely,

  
Michelle Brunk  
9700 SW Morrison St.  
Portland, OR 97225

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for 37 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME  
ADDRESS

Rebecca Crow  
(Rebecca Crow)  
9721 SW Morrison St.  
Portland, OR 97225

Please excuse  
The Taco on  
The back of the  
plan - gift of my  
3 yr. old grandsons.  
I think I could  
have found 10  
more signatures, at  
least. Good luck. Card

DATE 10/31/06

To the Washington County Planning Commission:

I have lived near the Little Store for 6 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

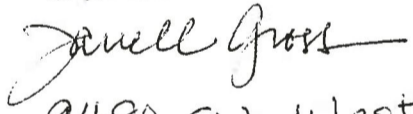
The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME  
ADDRESS

Janell Gross  
  
9480 SW West Haven Dr  
Portland OR 97225

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for 57 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME

ADDRESS

*Joseph J. Muta - Suzanne L. Muta*  
9490 SW Morrison St  
Portland, OR 97225

*Two of our sons owned the store from 79 to 85  
& one son 85-95. It is an icon in our neighborhood.  
We want it to stay & grow!*

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for 39 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME  
ADDRESS

Annette Halverson / Roy Halverson  
725 SW 95<sup>th</sup>  
Portland, OR

We've used the store for over 39 yrs,  
while raising our family. It's  
very convenient for the neighborhood.

DATE 10/10/16

To the Washington County Planning Commission:

I have lived near the Little Store for 22 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME  
ADDRESS

  
Scott Fairbairn  
7700 NE 1st Ave  
Seattle, WA 98105

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for 54 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME

ADDRESS

*Glenn & Joanne Stroup*  
*Joanne Stroup*  
*885 S.W. 95<sup>th</sup>*  
*Alt. Co. 97225*

*We have enjoyed the little store  
for 54 years and would love to see it  
improved and stay for all to enjoy. My  
husband worked on some of the changes  
in past years.*  
*Joanne*

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for ~~47~~ years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME *Kay & Craig Aumutt*  
ADDRESS *9923 SW ~~massachusetts~~*  
*Pld OR 97225*

*It would be a great addition  
to our neighborhood!*

*K. Aumutt*

DATE 10-31-06

To the Washington County Planning Commission:

I have lived near the Little Store for 50 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely, 

NAME ROGER NOYES

ADDRESS 9021 SW WESTHAVEN DR  
PORTLAND OR 97225

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for 38 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME  
ADDRESS

*Carol A Reuk*  
Carol Reuk  
9685 SW Morrison St.  
Ptd. Or, 97225

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for 9 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

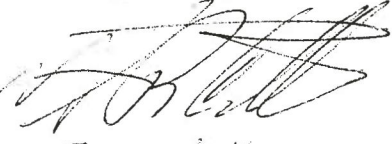
The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME  
ADDRESS

  
Scott Collins  
10902 SW Barnes  
PTL, OR 97225

"Sunrise Bayels"

DATE 12/31/06

To the Washington County Planning Commission:

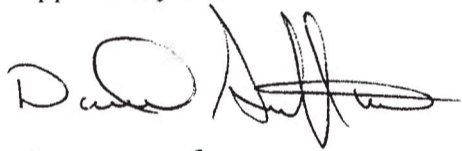
I have lived near the Little Store for 4<sup>1</sup> years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,



NAME  
ADDRESS

DAVID SCHWARTZBERGER  
9487 SW WESTHAVEN DR  
PORTLAND, OR 97225

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for 40 years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME  
ADDRESS

Coia J. Schlotterbeck  
620 SW 75th Ave  
Portland, OR 97225

The Little Store was a main  
part of my life. I walk  
to work every day. It is  
a great place to go for  
groceries and other needs.

DATE

To the Washington County Planning Commission:

I have lived near the Little Store for \_\_\_ years. I appreciate that the Little Store has been a long-time part of the neighborhood.

The store is very convenient to me and I am able to walk, bike, or drive by on my way around or into and out of the neighborhood.

I support changing the property's designation from transit-oriented residential to transit-oriented retail commercial that will allow the Little Store to continue as a combination of a store and apartments. I support the legislative action that will allow the owner Scott Fairbairn to keep the store there and make improvements to the building. It is important to me that these improvements to the building be allowed, as well as improvements to the parking and access to the property, and that sidewalks and other amenities be added. In these ways, the Little Store should be able to continue as a unique part of this neighborhood.

Thank you for the opportunity to comment.

Sincerely,

NAME *Erin Crawley Fairbairn*  
ADDRESS *9100 SW Washington Street*  
*Portland, OR 97225*

*I went to Cuttin Gabel for 13 years and grew up walking to the little store and it is a part of the community. We will all love to see it improve and continue to be a part of our neighborhood.*

*Erin J. Fairbairn*

4MW 4M ■ THE OREGONIAN, THURSDAY, AUGUST 14, 1986

## Store preserves country flavor

By JOHN GUERNSEY  
of The Oregonian staff

CEDAR HILLS — The Little Store is a nostalgic corner of old-time grocery charm in a growing and impersonal world of supermarkets and quick-stop mini-markets.

"We try very hard to keep the homey and personal mood in The Little Store," said David Muta, 28, who has operated the bend-in-the-road store on Southwest Leahy Road for seven years.

"We" is himself and Nasty the cat, who joined the staff about three years ago "when she showed up at the store pregnant, thin, hungry and in need of a home," Muta said.

"I know the desired store mood we're preserving because I grew up about a block from here," Muta said. "I've been coming in this store for longer than I can remember. Hanging

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"I like the summers best because that's when more people drop by just to talk."

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around here, sipping pop and talking with people was a big part of my boyhood.

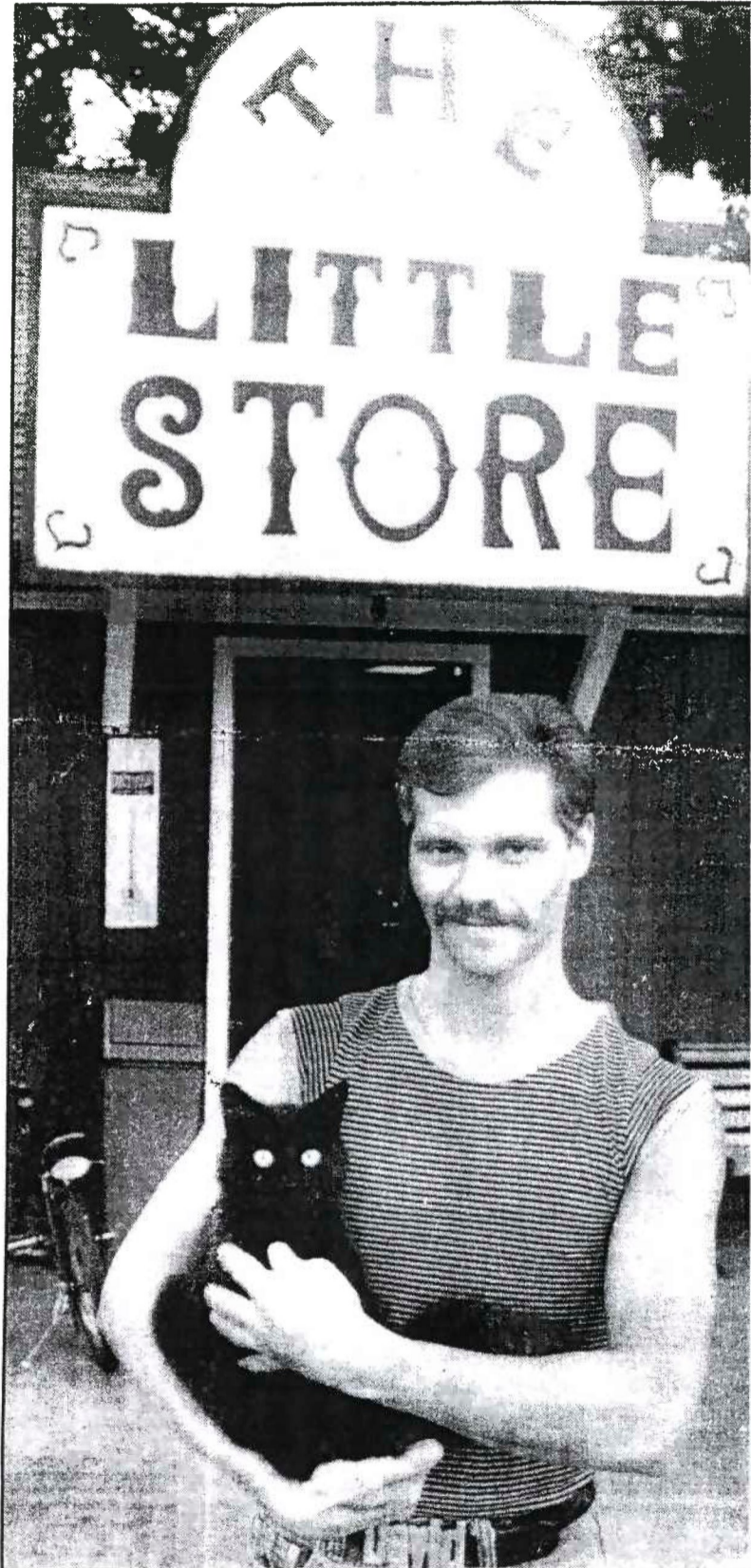
"We're making a few changes, like adding a deli with hamburgers, soups and salads. But you can bet the personal flavor of the store will not be lost with any changes or additions."

The benches out front give customers and Muta a place to sit around talking sports and politics or just waving to passing motorists. "We know just about everyone who drives by because most of them live around here and are our regular customers," Muta said.

"Sometimes when I'm not inside, customers leave the money for what they bought on the counter. Other times they call me to make change," added Muta, who lives in a small apartment atop the store.

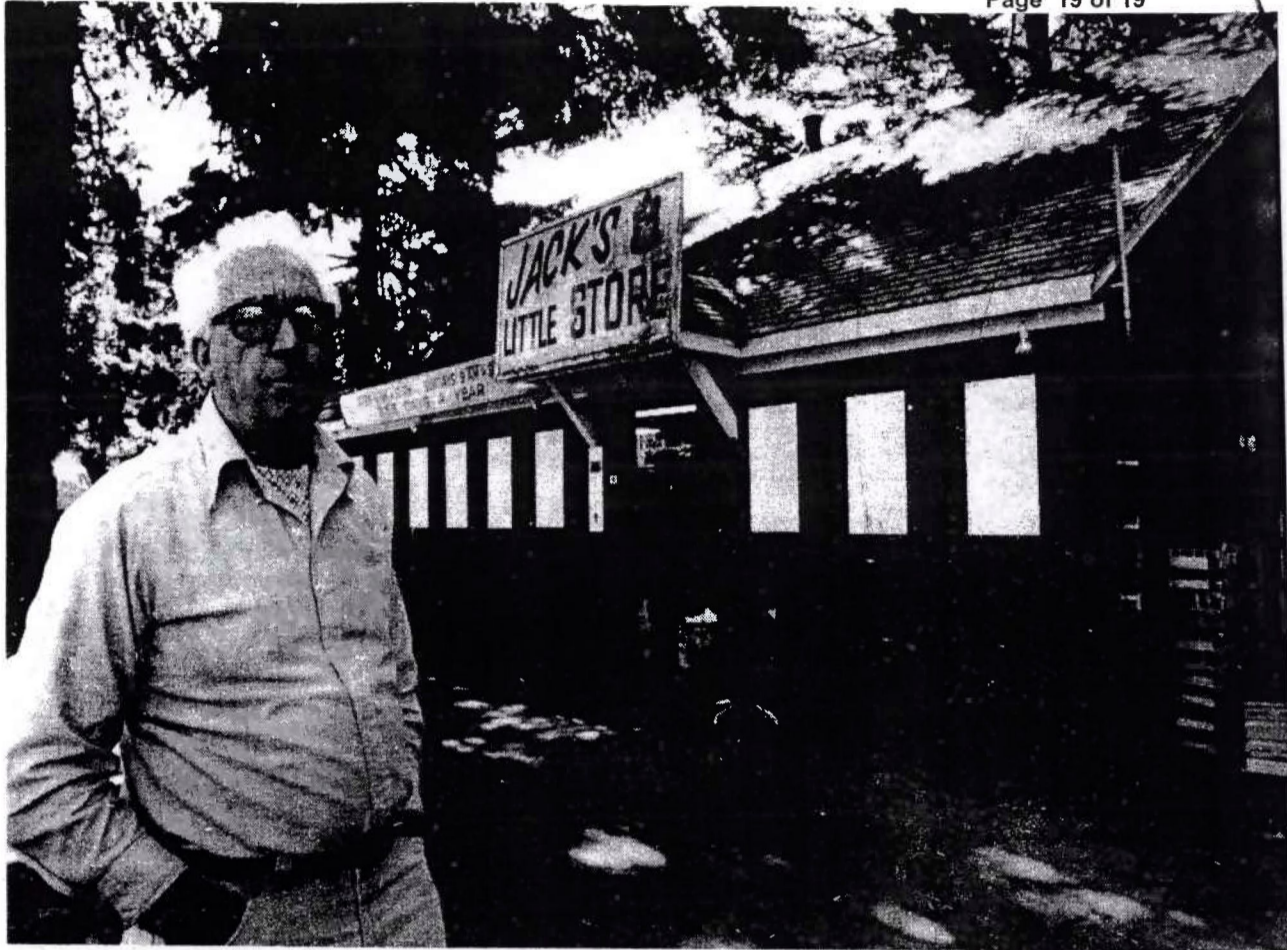
A gasoline pump flanks the store, but the last time the store sold gasoline was when it was at \$1.16 per gallon. "I hope to get a new pump and start selling gas again," said Muta, moving Nasty from in front of the cash register so he could ring up a sale.

When parents in the neighborhood can't locate one of their children, the first place they phone is the store. And when dogs follow their masters to the store, but for some reason don't go



The Oregonian/ROBERT BAC

David Muta, owner of The Little Store on Southwest Leahy Road, insists that the real operator of the neighborhood store is Nasty the cat. "Nasty just lets me and the other folks hang around here," Muta says.



ROBERT BACH/Oregon Journal

**LITTLE STORE, LARGE BILL** — Jack Burke says he was floored when he received the results of the last appraisal of the property his store occupies. The 300 percent rise in the property's value is the result of the

price nearby land commands on the open market, county officials say. Burke says he has trouble believing the parcel, near St. Vincent Hospital, could increase so much in value.

## Property assessments triple

By **JOE MATY**  
Journal Correspondent

When Jack Burke got notice of reassessment of his property in the mail in May, he was "floored."

"I couldn't believe it," Burke said, recalling notification from the Washington County office of assessment and taxation that the property where his store is located had been given a value almost seven times its last assessment six years ago.

Soon after, Burke found he wasn't alone. "Neighbors would ask me what my property assessment was when they came in the store," he said. "Then we decided to get together and do something about it."

What the neighbors around SW Westhaven Drive near St. Vincent Hospital did was form a group to protest the new values given their properties — values that would raise property taxes and "tax them right out of their homes," as one woman told the county board of equalization last week. The board hears complaints of people who disagree with assessments given their properties.

In the case of the Westhaven neighbor-

hood, assessments ran on the order of 300-percent increases since the last assessment in 1973.

Adeline Robinson, a resident on Spring Crest, told the three-member board that the situation is made more inequitable because many of the residents in the area are retired or are approaching retirement, and the high assessments and subsequent taxes will be a burden. "They bought into the area years ago because it was affordable," Mrs. Robinson said.

The area still retains a rural nature, lacking sewers, improved streets and sidewalks.

Assessment increases, generally running from previous \$6,000 to \$7,000 per lot values to \$26,000 or more, are based on rises in the values of properties in surrounding areas, county officials said. However, residents claim their area is not comparable.

"We don't have sewers or fire hydrants or good streets," Burke said.

"This is poverty pocket down here," Ethel Rennie, another resident on Westhaven, said half-seriously. The Rennies'

property rose in assessed value from about \$9,000 six years ago to more than \$29,000 this year.

Burke claimed that assessment was done "from a car."

"I saw the guy who assessed. He never got out of his car to look at the houses or do any measuring," Burke contended.

An official with the county assessment office declined to comment on the method used in assessment.

"I'd rather not say," chief Washington County appraiser Douglas Morilon said. "I heard the same story, probably from the same guy." The appraiser who valued the Westhaven properties was not available for comment.

Burke said his home's assessment was increased about \$2,000. "I could go along with that," he said. "It was the appraisal of the land that I kicked about." The lot where Burke's store is located was given a value of \$40,000 this year. In 1973 it had been valued at \$6,700, he said. Two other properties he owns in the area were assessed at about triple their former values, he added.

**FINDINGS**

**Plan Amendment From  
Transit-Oriented Residential (TO:R12-18) District to  
Transit-Oriented Retail Commercial (TO:RC)  
for one (1) parcel fronting SW Leahy Road  
Casefile No. 06-398-PA**

**January 3, 2007**

**A. General Findings**

On November 1, 2006 the Planning Commission (Commission) voted 7 to 1 to tentatively approve the proposed Plan Amendment change from Transit-Oriented Residential (TO:R12-18) to Transit-Oriented Retail Commercial (TO:RC) for one parcel which fronts SW Leahy Road. The Commission then directed the applicants to prepare written findings in support of the tentative decision and continued the item to January 3, 2007, at which time they will finalize their decision. The subject parcel ("the Little Store" site) is located at 8998 SW Leahy Road, on the southeast corner of SW 90<sup>th</sup> Avenue and SW Leahy Road in the Cedar Hills-Cedar Mill community.

A convenience grocery store and one apartment unit on the second floor are the existing uses on the site, currently a 0.21-acre parcel. The existing use does not constitute a permitted use in the TO:R12-18 District. However, pursuant to CDC Section 375-6 the existing commercial use, if it were lawfully in existence prior to November 28, 1997 would be considered an approved use. Properties surrounding the Little Store are developed as single-family homes, and are designated as R-5 north across SW Leahy Road and west across SW 90<sup>th</sup> Avenue and as TO:R12-18 on the same block and east and south of the site (Attachment A).

The site has been in commercial use since the 1950s although the property was designated as residential when zoning was first adopted for the area. This inconsistency was addressed during development of the Cedar Hills-Cedar Mill Community Plan and reconciled in 1983 upon adoption of the plan in which the site was designated as Neighborhood Commercial (NC). However, the property was not consistently mapped as NC on one of the subsequent community plan map updates. Both the 1984 and 1987 updates designated the property as NC, while the 1990 update erroneously designated the property as R-5 Residential.

County staff concurred that a mistake occurred in the reprinting of the third tabloid version of the community plan with the designation of the property as R-5 Residential. However, staff contends that there is no certainty that the County would have converted the property's NC designation to a transit oriented district (TO:RC) even if the NC designation had been consistently mapped on the 1990 update and reprinting of the community plan map. There is no guarantee that any transit oriented district would have been applied. Additionally, not all NC designated lands in station areas were converted to TO:RC. However, it is the Commission's position that if the NC designation had been correctly applied to the property following the 1990 community plan update, the Little Store site would have appropriately

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been converted to Transit Oriented Retail Commercial (TO:RC) instead of a transit oriented residential designation (TO:R12-18) when the Sunset Station Area Plan was adopted on November 28, 1997 (A-Engrossed Ordinance 484).

The applicant provided analysis of development and redevelopment conditions from which the Planning Commission determined that the TO:RC comprehensive plan designation was more suitable for the Little Store site than the TO:R12-18 or NC designations. This analysis is summarized in a memo that was presented to the Commission at its hearing on November 1, 2006 (Attachment B).

Some of the key findings from the analysis of development conditions on the subject site address site size before and after required right-of-way dedications, lot depth, front and rear yard setbacks, and allowed uses. The existing Little Store site measures about 149 wide and 61 feet deep, for a total of 9,089 square feet (0.21 acres) in area. Following right-of-way dedications that will be required by the County to comply with its Transportation Plan and street standards, the lot size will be reduced to approximately 139 feet by 44 feet, or 6,116 square feet (0.14 acres). (See the County's Traffic Impact Statement (TIS), Attachment C, for right-of-way requirements.) This constitutes a reduction of almost one-third (32%) of the original lot size.

The analysis found that following right-of-way dedications the lot would no longer comply with development standards (lot size, lot depth, front setback, and rear setback) required for lots with NC designations. Under County Development Code provisions for changing or expanding existing uses and structures in transit oriented districts (CDC Section 375-6), development standards could be modified or waived if the existing transit oriented designation (TO:R12-18) were retained. However, these code provisions would limit the expansion of the existing uses (retail business and food markets) to only 20% of the gross floor area because the existing uses are prohibited under the existing designation. An increase of 20% gross floor area would add only 180 square feet to potential development and redevelopment.

The public record and attachments to these findings provide adequate support that the application complies with all the relevant Washington County Comprehensive Framework Plan Policies and Implement Strategies including provisions for the planning process, regional planning, managing growth, housing, transportation, and public facilities (Policies 1, 2, 14, 18, 21, 22, 30, 31, 32, and 40).

When assumed to be developed at the greatest intensity allowed by the proposed designation, the plan amendment has been found to have no significant effect on the transportation system. The subject site will meet with all relevant transportation policy requirements in the Comprehensive Framework Plan (Policy 32) and the County's Transportation Plan (Policies 1, 2, 3, 4, 5, 6, 8, 10, 12, 14, 15, and 19) upon complying with conditions of development approval specified in the County's TIS (Attachment C) during subsequent development application procedures.

It is the Planning Commission's conclusion that a mistake was made during the 1990 update of the Cedar Hills-Cedar Mill Community Plan when the property was designated R5 (See discussion under Policy 1(f) below). It is also the Planning Commission's conclusion

that had the NC designation been appropriately applied to the property in 1990 that the NC designation would have been converted to TO:RC during the 1997 Sunset Station Area Planning process.

**B. Statewide Planning Goals**

**Finding:** Goals applicable to this proposal are addressed under related policies from the Washington County Comprehensive Framework Plan for the Urban Area.

**C. Transportation Planning Rule (OAR 660-0012-0060)**

**Finding:** The Oregon Transportation Planning Rule (TPR), OAR 660-012-060 requires an analysis of the impact of a proposed plan amendment on the planned transportation system to determine whether the proposal will “significantly affect” the planned transportation system in the area. Pursuant to the OAR, the proposed plan amendment would “significantly affect” SW Leahy Road or SW 90<sup>th</sup> Avenue if it did any of the following:

- 1) Changes the functional classification of an existing or planned transportation facility;
- 2) Changes standards implementing a functional classification system;
- 3) Allows types or levels of land use which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
- 4) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

The proposed plan amendment would increase the allowed intensity and density over existing conditions, yet the potential increase in trip generation will have limited negative impacts to the transportation system. (See the traffic analysis in Attachment D and findings in the County’s TIS in Attachment C). The proposed plan amendment is consistent with the identified function, capacity, and level-of-service of affected transportation facilities. Therefore, the plan amendment complies with the TPR regulations.

*(These findings also pertain to Statewide Planning Goals 11, Public Facilities and Services, and 12, Transportation.)*

**D. Urban Growth Management Functional Plan**

Section 3.07.830.A. of Title 8 of Urban Growth Management Functional Plan (UGMFP) requires that all comprehensive plan changes submitted after February 19, 1997 “... shall be consistent with this functional plan.”

**1. Title 1, Requirements for Housing and Employment Accommodations, states:**

**FUNCTIONAL PLAN POLICIES IN TITLE 1 SEEK WAYS TO INCREASE THE CAPACITY WITHIN THE URBAN GROWTH BOUNDARY, SUCH AS CHANGING**

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**LOCAL ZONING TO ACCOMMODATE DEVELOPMENT AT HIGHER DENSITIES IN LOCATIONS SUPPORTIVE OF THE TRANSPORTATION SYSTEM.**

**Finding:** Under the current designation, a maximum residential density of 18 units per acre is allowed and a minimum residential density of 12 units per acre is required. In accord with CDC Section 300-2 residential densities are based on the gross acreage of the development site, which in this case is 0.21 acres. Consequently, a minimum of 3 units would be required ( $0.21 \text{ acres} \times 12 = 2.52 = 3 \text{ units}$ ) and a maximum of 4 units per acre would be allowed ( $0.21 \text{ acres} \times 18 = 3.78 = 4 \text{ units}$ ) if the property were to develop under the existing land use designation. No new retail commercial uses are allowed in the TO:R12-18 district; however the long-standing commercial use can remain in operation to the extent that the use complies with CDC Section 375-6 and all other applicable development regulations.

Residential uses are permitted in the TO:RC district provided that they are developed as part of a mixed-use development and located above the retail commercial use. Under the proposed designation, a minimum FAR of 0.25 would be required. Based upon the existing gross acreage of the site, a minimum of 2,287 square feet of retail commercial space ( $0.21 \text{ acres} \times 43,560 \text{ sq. ft.} \times 0.25 = 2,287 \text{ sq. ft. of floor area}$ ) would be required. Additionally, there is essentially no maximum FAR imposed on the property if developed under the TO:RC designation, provided that the transportation system serving the development has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.

Both transit oriented districts allow residential uses (e.g., apartments). Retaining the TO:R12-18 designation would result in a maximum of 4 residential units (and no new commercial uses) if the property was redeveloped and all existing uses removed. A change to TO:RC would result in a minimum of almost 2,300 square feet of retail commercial uses. Residential units are optional in the TO:RC district. However, as the applicant proposes for redevelopment, the minimum 2,300 square foot commercial footprint and required parking will adequately accommodate four residential units above the ground floor.

**2. Title 2, Regional Parking Policy, states:**

**VEHICLE MILES TRAVELED PER CAPITA AND RESTRICTIONS ON CONSTRUCTION OF NEW PARKING SPACES AS A MEANS OF RESPONDING TO TRANSPORTATION AND LAND USE IMPACTS OF GROWTH. THE METRO 2040 GROWTH CONCEPT CALLS FOR MORE COMPACT DEVELOPMENT AS A MEANS TO ENCOURAGE MORE EFFICIENT USE OF LAND, PROMOTE NON-AUTO TRIPS AND PROTECT AIR QUALITY...**

**Finding:** Title 2 of the UGMFP establishes the Regional Parking Policy for the region. Title 2, Section 2 includes performance standards implementing the Regional Parking Policy. Among other things, the policy, a) establishes parking minimums which cities and counties cannot require more than, b) establishes parking maximums which cities and counties cannot allow more than, c) establishes a variance process, and d) provides

definitions of the type of parking subject to these requirements. The County responded to the UGMFP Parking requirements (Title 2) in the form of Ordinance 551, which amended Community Development Code (Code) standards regulating parking. Ordinance 551 was adopted on June 6, 2000 and became effective on July 6, 2000.

The plan amendment application does not include a request to amend any of the new parking provisions designed to meet Title 2 nor does it affect the County's current parking standards. In addition, the applicant is not proposing development of the site at this time; therefore parking requirements will be reviewed through subsequent development applications.

**3. Title 6, Regional Accessibility, states:**

**IMPLEMENTATION OF THE 2040 GROWTH CONCEPT REQUIRES THAT THE REGION IDENTIFY KEY MEASURES OF TRANSPORTATION EFFECTIVENESS WHICH INCLUDE ALL MODES OF TRANSPORTATION. DEVELOPING A FULL ARRAY OF THESE MEASURES WILL REQUIRE ADDITIONAL ANALYSIS...**

**Finding:** Because the Little Store site was mistakenly designated as residential (R-5) after the 1990 update of the Cedar Hills-Cedar Mill Community Plan, this designation was converted to transit oriented residential (TO:R12-18) when the County adopted the Sunset Station Community Plan, A-Engrossed Ordinance 484, in 1997. The transit oriented residential (TO:R12-18) district was applied to the vicinity of the Little Store site to take into account the predominantly residential character of the neighborhood while ensuring adequate and appropriate residential densities supportive of Westside MAX. (See the vicinity and comprehensive plan designation map in Attachment A.)

If the NC designation had been consistently applied to the subject parcel at the time the Sunset Station Community Plan was adopted, it is possible that the Little Store site would have been converted to transit oriented retail commercial (TO:RC). The TO:RC designation recognizes the established commercial use of the site as well as the type of densities and development characteristics that were the objectives of developing station area plans.

**E. Washington County Comprehensive Framework Plan for the Urban Area**

**1. Policy 1, the Planning Process, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH AN ONGOING PLANNING PROGRAM WHICH IS A RESPONSIVE LEGAL FRAMEWORK FOR COMPREHENSIVE PLANNING AND COMMUNITY DEVELOPMENT AND ACCOMMODATES CHANGES AND GROWTH IN THE PHYSICAL, ECONOMIC AND SOCIAL ENVIRONMENT, IN RESPONSE TO THE NEEDS OF THE COUNTY'S CITIZENS.**

**IT IS THE POLICY OF WASHINGTON COUNTY TO PROVIDE THE OPPORTUNITY FOR A LANDOWNER OR HIS/HER AGENT TO INITIATE QUASI-JUDICIAL**

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**AMENDMENTS TO THE COMPREHENSIVE PLAN ON A SEMI-ANNUAL BASIS. IN ADDITION, THE BOARD OF COMMISSIONERS, THE PLANNING DIRECTOR OR THE PLANNING COMMISSION MAY INITIATE THE CONSIDERATION OF QUASI-JUDICIAL MAP AMENDMENTS AT ANY TIME DEEMED NECESSARY.**

Applicable Implementing Strategy (portion):

**f. A quasi-judicial plan amendment to the Community Plan Maps, including the implementing tax maps, shall be granted only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan, the Community Plan Overview and sub-area description and design elements, complies with the applicable regional functional planning requirements established by Metro, and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that in no way precludes full application of the Growth Management Policies to development permits as provided in the Code. In addition, the proponent shall demonstrate one of the following:**

- 1. A mistake in the current designation such that it probably would not have been placed on the property had the error been brought to the attention of the Board during the adoption process;**

**Finding:** As is demonstrated in the preceding findings, the proposed plan amendment meets the relevant regional functional planning requirements (Titles 1, 2, and 6) established by Metro. Similarly, subsequent findings demonstrate compliance with locational criteria in the Comprehensive Framework Plan (Policy 18) and the development code (Section 375) as well as the Country Transportation Plan, the Cedar Hills-Cedar Mill Community Plan Overview, and Westhaven subarea description and design elements.

This report also provides findings for Washington County Comprehensive Framework Plan Policy 14 (Managing Growth) that adequate public services can be provided to the Little Store site given a plan amendment to a TO:RC designation. The County's TIS (Attachment C) specifies the conditions for approval that future development applications on the Little Store site will have to fulfill in order to comply with the Comprehensive Framework Plan transportation policies (Policy 32) and the standards in the Transportation Plan. These conditions address right-of-way dedication, access, and sight distance.

In addition to demonstrating compliance with the regional functional planning requirements and other policies in the Comprehensive Framework Plan, a plan amendment is allowed only if the applicant also demonstrates one of the six requirements set forth under Policy 1(f) are met. Subsection (1) of this section permits a plan amendment if the applicant demonstrates "[a] mistake in the current designation such that it probably would not have been placed on the property had the error been

brought to the attention of the Board during the adoption process.” A “mistake” under this provision is not intended to second guess the policy choice of the Board of Commissioners exercised during the adoption of the original plan designation and is typically limited to clerical errors. This is consistent when read in context with other provisions that permit a plan amendment. For example a “change in circumstances” under Subsection (4) or the “lack of appropriately designated suitable alternatives” under Subsection (2) separately address policy reasons for permitting a change to the underlying District.

Once the applicant demonstrates a “mistake” the Planning Commission may then consider other policy reasons relevant to determining what appropriate designation should be provided. However, this criteria is somewhat silent as to what a particular property should be designated if the current land use designation is removed. Nonetheless, staff would consider a reversion to the former land use designation, which in the case of the current request would be NC, to be the most logical and practical result if it were determined that it was a mistake to designate the property TO:R12-18. Whether other information outside of a clerical error may qualify as a “mistake” is narrowly construed on a case-by-case basis to assure consistency with the original policy choices made by the Board and to provide meaning to the narrow bases for allowing other plan amendments under Subsections (2) through (6).

In this case the County Planning Division acknowledged that the Little Store site was mistakenly designated as residential (R-5) during the 1990 update of the Cedar Hills-Cedar Mill Community Plan. This mistake resulted in the subject site being converted to transit oriented residential (TO:R12-18) when the County adopted the Sunset Station Community Plan (A-Engrossed Ordinance 484) in 1997. Had the subject property been correctly designated as NC at the time of station area planning, staff noted that it is possible that it could have been converted to a corresponding transit oriented commercial designation (TO:RC) but that such conversion would not have been automatic. It is the Planning Commission’s conclusion that had the NC designation been correctly applied to the property in 1990 that the NC designation would have likely been converted to TO:RC, and that TO:RC is the most appropriate designation for the site.

Note that information regarding whether there is a better designation that would permit a more economically viable option for developing the property is not relevant in deciding whether a “mistake” occurred in the original plan designation. Although that information may be relevant in choosing another designation once the Planning Commission identifies a “mistake” under Policy 1(f) it is not an independent ground for considering a plan amendment in the first instance under Subsections (1) through (6).

*(These findings also pertain to Statewide Planning Goal 2, Land Use Planning, Goal 9, Economic Development, Goal 11, Public Facilities and Services, and Goal 14, Urbanization.)*

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**2. Policy 2, Citizen Involvement, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE CITIZEN PARTICIPATION IN ALL PHASES OF THE PLANNING PROCESS AND TO PROVIDE OPPORTUNITIES FOR CONTINUING INVOLVEMENT AND EFFECTIVE COMMUNICATION BETWEEN CITIZENS AND THEIR COUNTY GOVERNMENT.**

**Finding:** A quasi-judicial plan amendment such as this must be considered through a Type III procedure. In accordance with Code Section 204-1, the County placed a legal notice of the hearing in a newspaper of general circulation (The Oregonian) at least ten days prior to the November 1, 2006 Planning Commission hearing date (published October 19, 2006). In addition, pursuant to Code Section 204-4, a notice of the public hearing for this application was sent to all owners of record of property within 500 feet of the subject property. This notice was sent at least 20 days prior to the hearing (mailed October 12, 2006).

A copy of the plan amendment application was mailed to the representative for the local Citizen Participation Organization (CPO 1) on August 18, 2006. Finally, the staff report was available to all interested parties seven days prior to the hearing as required by Code Section 203-6.2. Based upon these actions, the requirements of Policy 2 have been met.

*(These findings also pertain to Statewide Planning Goal 1, Citizen Involvement.)*

**3. Policy 14, Managing Growth, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH IN UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.**

**Finding:** Copies of statements of service availability from the service providers to the site are included in the applicant's submittal. These statements are from the Tualatin Valley Water District (TVWD), Tualatin Valley Fire & Rescue (TVF&R), Clean Water Services (CWS), Beaverton School District #48J (BSD #48J), the Washington County Sheriff's Office, Tualatin Hills Park & Recreation District (THPRD), and TriMet. Of the service providers commenting, only water (TVWD), sanitary sewer & drainage (CWS), fire (TVF&R) are classified as critical services. Schools (BSD #48J) and police (Washington County Sheriff) constitute essential services, while transit service (TriMet) and parks (THPRD) are desirable services. All of the critical and essential services are or can be provided to serve the property as well as future residential development should the plan amendment be approved.

The completed TIS (Attachment C) submitted with the application stated that the existing site access is currently nonconforming. Access along SW Leahy Road is unrestricted and does not meet access spacing standards, nor is sight distance adequate. A large fir tree restricts sight distance. Access needs to be relocated to the

east side of the site and adequate sight distance provided along SW Leahy Road. Access along SW 90<sup>th</sup> Avenue also does not meet access spacing standards, nor is sight distance adequate.

Sight distance is restricted by existing vegetation. Access to SW 90th Avenue needs to be brought into compliance with the access spacing standards as well as adequate sight distance provided and maintained along SW 90th Avenue. The applicant will be required to make the necessary improvements regarding site access through a subsequent development review application.

Land Development Division staff included in the TIS conditions requiring the applicant to construct a half-street improvement to County standard along both street frontages. A half-street improvement includes half-width pavement as well as curb, storm drainage, and sidewalk. The required half-street improvements will improve pedestrian safety in the area.

Based upon the service provider letters and supplemental analysis provided, staff finds that an efficient, economic provision of public facilities and services can be provided to serve the property under the proposed TO:RC District.

*(These findings also pertain to Statewide Planning Goal 11, Public Facilities and Services.)*

**4. Policy 18, Plan Designations and Locational Criteria for Development, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO PREPARE COMMUNITY PLANS AND DEVELOPMENT REGULATIONS IN ACCORDANCE WITH LAND USE CATEGORIES AND LOCATIONAL CRITERIA CONTAINED IN THE COMPREHENSIVE FRAMEWORK PLAN.**

**Transit Oriented Districts**

The land use districts described below are intended for application in station communities and town centers, and along main streets and corridors, as defined by the Metro 2040 Growth Concept. The land use and design provisions of these districts shall direct and encourage development that is transit oriented. Transit oriented development generally has the following characteristics:

- designed to encourage people to walk;
- contains a mix of land uses;
- density consistent with the type of transit service provided to the area;
- interconnected to the street system;
- includes narrowed neighborhood streets; and
- designed to accommodate transit stops and access.

Each of the following transit oriented district addresses these characteristics through its land use and design provisions:

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**Transit Oriented - Residential District, 12-18 units per acre (TO:R12-18)**

The TO:R12-18 District is generally applied to property beyond one-quarter mile of LRT stations, in regional and town centers, and along designated main streets and corridors. Developments in the district could include duplexes, triplexes, fourplexes, townhouses and rowhouses, and low rise apartments (1-3 stories).

Single family residences may also be developed in the district on small lots, as long as the minimum density standard is met. The required minimum density for development in the district is 12 dwelling units per acre. The maximum allowed density is 18 dwelling units per acre.

As with the TO:R9-12 District, group residences such as assisted living apartments and nursing homes are allowed if located and designed to be compatible with surrounding residences. For such developments, the minimum FAR is 0.5.

**Finding:** Although the property was designated NC in 1983 through the Cedar Hills-Cedar Mill community planning process (Ordinance 265), the NC designation was not consistently applied to the property during the 1990 update of the community plan maps. Consequently, during the station community planning in 1997, the property was mistakenly thought to be R-5 Residential, which was the land use designation of surrounding residential properties. As a result, the County applied the TO:R12-18 District to the property at the same time that it applied the TO:R12-18 District to other existing R-5 properties along either side of SW 90th Avenue (south of SW Leahy Road).

Given the proximity to the Sunset Light Rail Station, the County determined that increased residential densities in this area were needed to help support light rail and to comply with Metro's Title 1. As it is, the Little Store site is on the edge of the Sunset Station Area and transit oriented district. Transit oriented districts are subject to specific design standards designed to result in higher quality development that was transit and pedestrian friendly.

**Transit Oriented - Retail Commercial District (TO-RC)**

The TO-RC District is primarily intended to provide the goods and services needed by people living and working in or near LRT station communities, regional and town centers, main streets and corridors. Uses in the district must be pedestrian oriented in design and function. Auto-oriented uses, such as motor vehicle service stations, may be allowed if appropriately designed, and in compliance with minimum FAR standards...Hotels, apartments, and town houses are also allowed on the upper floors of a building with first floor retail commercial uses.

In a station community, the minimum FAR in the TO-RC District is 0.5 within one-quarter mile of an LRT station, 0.35 between one-quarter mile and one-half mile from an LRT station, and 0.25 beyond one-half mile from an LRT station.

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**Finding:** The Little Store site provides a mix of land uses, encouraged in transit oriented districts, with a store on the ground floor and an apartment on the second floor. The 0.25 FAR standard in the TO:RC district will result in denser development than is currently found on the Little Store site, however not so dense as to be incompatible with existing development in the surrounding neighborhood.

The subject site is directly accessible by bus and motor vehicle. It is also pedestrian oriented because of the small scale of its building and lot, narrow neighborhood streets, limited setback of the store entrance from the street, the presence of trees around the store, and its corner location. The site is surrounded by residences that are within a short walking distance. In the case of future development or redevelopment of the site, sidewalks and bicycle lanes will be required as conditions of development approval. (See Attachment C.)

If the County had correctly applied the NC designation to the subject site on the 1990 update of the Cedar Hills-Cedar Mill Community Plan, the site may have been converted to its transit oriented commercial counterpart (TO:RC) when the Sunset Station Area Plan was adopted in 1997. However, because the site was located in the Sunset Station Area and was incorrectly designated R-5 at the time of station area planning, it was converted to a transit oriented residential designation (TO:R12-18) instead in order to facilitate residential development supportive of light rail and compliant with Metro's housing allocation (Table 1 of Title 1).

Given its location within a station area and surrounding residential development, application of the TO:R12-18 district to the subject property is appropriate. The TO:RC designation would also be appropriate – relative to Policy 18 – given the transit oriented designations applied to this and other property located within the Sunset Station Area and the site's historic and existing commercial use. Both designations are appropriate in a station community. However, as addressed in findings for Policy 1.f.i., the TO:R12-18 district will not allow for economically viable redevelopment of the site.

*(These findings also pertain to Statewide Planning Goal 2, Land Use Planning.)*

**5. Policy 21, (Urban Area Housing) Housing Affordability, States:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE THE HOUSING INDUSTRY TO PROVIDE AN ADEQUATE SUPPLY OF AFFORDABLE HOUSING FOR ALL HOUSEHOLDS IN THE UNINCORPORATED URBAN COUNTY AREA.**

**Finding:** As stated previously, under the current designation a maximum residential density of 18 units per acre is allowed and a minimum residential density of 12 units per acre is required. However, the TO:R12-18 District does not allow [new] retail commercial. The existing commercial use can continue to operate for as long as the proprietor chooses to do so provided the use has been determined to be an approved use in accord with Section 375-6 and complies with all applicable sections of the Community Development Code. The existing apartment unit constitutes a conforming

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use. Consequently, a change in designations from TO:R12-18 to TO:RC is not necessary in order to continue operating the existing commercial use.

A minimum of three units would be required and a maximum of four units per acre would be allowed if the property were to develop under the current land use designation given the existing gross acreage of the lot. Residential uses are permitted in the TO:RC District provided that they are developed as part of a mixed-use development and located above the retail commercial use. Under the proposed designation, a minimum FAR of 0.25 would be required. As such a minimum of 2,287 square feet of retail commercial space (0.21 acres x 43,560 sq. ft. x 0.25 = 2,287 sq. ft. of floor area). It is important to note that densities and floor area ratios are based upon the existing gross acreage of the site. Additionally, there is essentially no maximum FAR imposed on the property if developed under the TO:RC designation, provided that the transportation system serving the development has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.

Retaining the TO:R12-18 designation would result in a maximum of four residential units if the property was redeveloped, while a change to TO:RC would result in a minimum of almost 2,300 square feet of retail commercial uses (residential units are optional in the TO:RC District). Given the minimum commercial footprint and required parking, the applicant can develop four attached housing units above the ground floor. The NC district also allows dwelling units as part of a mixed-use development. However residential densities of mixed-use NC developments are limited to 15 units per acre (CDC Section 311-3.6 C.). This means a maximum of 3 dwelling units (0.21 acres x 15 = 3.15 = 3 units) would be allowed on the site if it was designated NC.

In Washington County's Final Periodic Review Order for the Urban Area, it was calculated that in 1989 there was an opportunity to construct new housing on the remaining residential land in the urban unincorporated area, given 1989 designations, at an overall density of 8.6 units per acre (110,842 potential units divided by 12,848 vacant acres). Urban plan amendments since 1989 have only resulted in a small number of acres of residential land lost to non-residential plan designations. Legislative and quasi-judicial plan amendments since 1989 have resulted in an overall gain of 390 dwelling units.

If approved, the plan amendment would have a negligible impact on the current overall average for new housing in the urban unincorporated area and essentially no impact if the plan amendment is approved and essentially no impact if the plan amendment is approved and the applicant constructs four dwelling units above the commercial use, as proposed.

*(These findings also apply to Statewide Planning Goal 10, Housing.)*

6. **Policy 22, (Urban Area Housing) Housing Choice and Availability, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE THE HOUSING INDUSTRY TO MAKE A VARIETY OF HOUSING TYPES AVAILABLE, IN SUFFICIENT QUANTITIES, TO THE HOUSING CONSUMER.**

**Finding:** The subject of this policy is the potential ratio of attached and detached dwelling units developed on vacant residential land in the urban unincorporated area. In the Final Periodic Review Order for the Urban Area, it was calculated that in 1989 the potential ratio was 47.3 percent single-family residences to 52.7 percent multi-family residences (52,416 single-family units/58,426 multi-family units, a difference of 6,010 units).

Urban plan amendments since 1989 have not changed this ratio significantly. Multi-family dwelling units are allowed in the TO:R12-18 District as well as in both the NC and TO:RC Districts, when provided as part of mixed-use developments. If the subject property were redeveloped under the TO:R12-18 designation, a minimum of 3 dwelling units is required and a maximum of 4 dwelling units is allowed. The existing commercial uses could be retained in a subsequent redevelopment in the TO:R12-18 provided, as stated previously, that the existing commercial use was determined (through a separate land use review process) to be an approved use pursuant to CDC Section 375-6. However expansion of the commercial use would be limited to 20% of the existing gross floor area per CDC Section 375-6, and this would not necessarily allow for economically viable redevelopment of the site.

While not required in the TO:RC district, the applicant does propose to redevelop the site with multiple housing units above the ground floor commercial use. Given roughly 2,300 square feet of commercial footprint required for the site in a TO:RC district and required off-street parking, the subject site can accommodate four multi-family dwelling units above the ground floor if redeveloped.

*(These findings also apply to Statewide Planning Goal 10, Housing.)*

7. **Policy 30, (Public Facilities and Services) Schools, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO COORDINATE WITH SCHOOL DISTRICTS AND OTHER EDUCATIONAL INSTITUTIONS IN PLANNING FUTURE SCHOOL FACILITIES TO ENSURE PROPER LOCATION AND SAFE ACCESS FOR STUDENTS.**

**Finding:** According to the School District's Service Provider Letter dated March 8, 2006, the District does not object to the proposed plan amendment. The District concluded that the proposed amendment would potentially reduce the number of residential units that could be developed on the site. Notwithstanding, multi-family dwelling units generate fewer students than do detached dwelling units.

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*(These findings also pertain to Statewide Planning Goal 11, Public Facilities and Services.)*

**8. Policy 31, (Public Facilities and Services) Fire and Police Protection, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF FIRE AND POLICE PROTECTION.**

**Finding:** The service provider letters from Tualatin Valley Fire & Rescue and the Washington County Sheriff's Department dated March 3, 2006 and March 1, 2006, respectively, stated that these providers could adequately serve the property.

*(These findings also pertain to Statewide Planning Goal 11, Public Facilities and Services.)*

**9. Policy 32, Transportation, states:**

**IT IS THE POLICY OF WASHINGTON COUNTY TO REGULATE THE EXISTING TRANSPORTATION SYSTEM AND TO PROVIDE FOR THE FUTURE TRANSPORTATION NEEDS OF THE COUNTY THROUGH THE DEVELOPMENT OF A TRANSPORTATION PLAN AS AN ELEMENT OF THE COMPREHENSIVE PLAN.**

**Finding:** The application included a County TIS. (See Attachment C, which includes the Transportation Staff Report for this plan amendment).

**10. Policy 40, Regional Planning Implementation, states:**

**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.**

**Finding:** Plan Policy 40 was adopted through A-Engrossed Ordinance 561, which became effective on November 30, 2000. A-Engrossed Ordinance 561 applied the 2040 Growth Concept Design Types to all of the unincorporated, urban areas of Washington County. There are nine design types: Regional Center, Town Center, Town Center-Area of Interest, **Station Community**, Neighborhoods, Main Street, Transit Corridor, Employment or Industrial Areas. The Neighborhood design type applies to the property.

The Station Community design type is defined as areas "*...adjacent to, or within easy walking distance of light rail stations. Along with the Regional Centers and Town Centers, Station Communities are home to the most intensive land uses. These areas are designated for higher density, transit supportive uses. The primary uses include retail and service businesses, offices, mixed-use projects, higher-density housing, and rowhouses. Station communities will have wide sidewalks and "street-side" facilities to*

*make these areas "pedestrian friendly. Station Communities will evolve into higher intensity areas that are focal points of public transit."*

Both the higher density residential uses planned for the property and the proposed transit oriented retail commercial uses requested for the property are appropriate and allowed in the Station Community design type.

*(These findings also pertain to Statewide Planning Goal 2, Land Use Planning.)*

**F. Washington County Transportation Plan and Transportation Planning Rule**

**Finding:** The County's TIS (Attachment C), incorporated by reference into this staff report, contains discussions of whether the plan amendment complies with the Transportation Plan as well as the Transportation Planning Rule. Based on the applicant's written materials and the findings in this report, staff concludes that this proposed plan amendment will not "significantly affect" a transportation facility as defined in OAR 660-12-0060. Staff finds the plan amendment is consistent with the Transportation Plan and the Transportation Planning Rule. (See Attachment C.)

*(These findings also pertain to Statewide Planning Goals 11, Public Facilities and Services and 12, Transportation.)*

**G. Cedar Hills-Cedar Mill Community Plan**

**Community Plan Overview, Applicable General Design Elements:**

**5. All new subdivisions, attached unit residential developments, and commercial developments shall provide for pedestrian/bicycle pathways which allow public access thorough or along the development and connect adjacent developments and/or shopping areas, schools, public transit and park and recreation sites. The pedestrian-bicycle system is especially important in providing a link between existing and planned high density residential areas along Barnes Road with the transit center at Highway 26-217. This system may include off right-of-way segments.**

**Finding:** The applicant will be required to construct half-street improvements, including sidewalks, along both street frontages at such time as redevelopment occurs. The functional classification of SW 90th Avenue and SW Leahy Road requires on-street bicycle facilities when street improvements (e.g., half-street improvements) are made. These improvements will result in safer pedestrian circulation along the street frontages and in the area.

**9. In the design of road improvements that are required of new developments to meet the County's growth management policies, pedestrian/bicycle pathways identified in the County's Transportation Plan shall be included.**

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**Finding:** As stated previously, the applicant will be conditioned through the subsequent development application to construct sidewalks along each of the street frontages as part of the required half-street improvements. The half-street improvements will provide improved pedestrian and bicycle circulation. On-street bicycle facilities will also be required in conjunction with the half-street improvement.

**10. Noise reduction measures shall be incorporated into all new developments located adjacent to Arterials and Collectors. Noise reduction alternatives include vegetative buffers, berms, walls and other design techniques such as insulation, setbacks, and orientation of windows away from the road.**

**Finding:** The applicant will be required to comply with this design element under either plan designation. Appropriate noise mitigation measures along SW Leahy Road will be determined through the subsequent development review process.

**12. New development shall dedicate right-of-way for road extensions and alignments as indicated in Washington County's Transportation Plan or Community Plans. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.**

**Finding:** The applicant will comply with this design element through the subsequent development review process.

**13. New access onto Arterials and Collectors shall be limited. Shared or consolidated access shall be required prior to the issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be infeasible.**

**Finding:** No new access is proposed as part of the plan amendment. The existing accesses to SW 90th Avenue and SW Leahy Road are non-conforming and do not comply with the County's Access Spacing Standards. The anticipated future development – should the plan amendment be approved – will be conditioned to comply with the access standards.

#### **WESTHAVEN SUBAREA**

**The Community Plan recommends limited change to the present low-density land use pattern in the Westhaven subarea. The only exceptions are (1) the designation of a large parcel of land along SW Leahy (south of Leahy Terrace) as R-9, (2) the designation of properties fronting on 90th Avenue south of Leahy and south of Westhaven Drive east of 95th Avenue as TO:R12-18, and (3) the allowance of accessory dwelling units for single family detached dwellings in the area.**

**Design Elements:**

1. Stands of trees and dense vegetation bordering the west side of the area shall be retained, to the extent reasonably practicable and consistent with public safety concerns, as a buffer between existing low density neighborhoods and new attached unit residential areas included in the Peterkort property development, as required by screening and buffering standards in the Community Development Code.

2. SW Brookside shall be kept as a dead-end street due to topography.

3. No increase in the Neighborhood Commercial area at SW 90th and SW Leahy shall be granted through the quasi-judicial Plan Amendment process.

**Finding:** The subject property is that of the 'Neighborhood Commercial area' addressed by this design element. However, the subject property is no longer designated for commercial uses. The property's land use designation was changed from NC to TO:R12-18 as part of the County's station area planning. Notwithstanding, the proposed change from TO:R12-18 to TO:RC would not result in an increase in the size of the [former] NC area.

**H. Washington County Community Development Code**

**1. Article III, Land Use Districts:**

**Section 375, Transit Oriented Districts:**

**375-1 Intent and Purpose**

The intent of the transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers.

The purpose of the transit oriented districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.

**Finding:** Both the current (TO:R12-18) and the proposed (TO:RC) transit oriented land use districts are designed to facilitate transit supportive and pedestrian-oriented development. Consequently either plan designation complies with the intent and purpose of Section 375.

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**375-6 Change or Expansion of Existing Uses or Structures**

- A. Uses prohibited in a transit oriented district that were lawfully in existence at the time of application of the district are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.
- B. All other uses and structures that were lawfully in existence at the time of application of the transit oriented district may be expanded upon findings that the proposed expansion complies with the development standards in this Section and Section 431, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

Notwithstanding the above, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, unless a master plan is prepared by the applicant and approved by the County which describes how additional development on the site will achieve, through phases if necessary, full compliance with all applicable standards and provisions of this Code and the applicable community plan.

**Finding:** The existing commercial use, according to the applicant, has been in operation since 1955. The existing use does not constitute a permitted use in the TO:R12-18 District. However, pursuant to CDC Section 375-6 the existing commercial use, if it were lawfully in existence prior to November 28, 2997 would be considered an approved use. As stated previously the County Court approved an expansion of the commercial use in 1960. However, there is no evidence that the approved expansion occurred. Additionally, in 1984 Type I development review approval was granted to construct a deck on the east side of the store; this never occurred. Prior to 1984 and after 1960, the County processed, according to Land Development Services staff, an interior remodel of the existing commercial use.

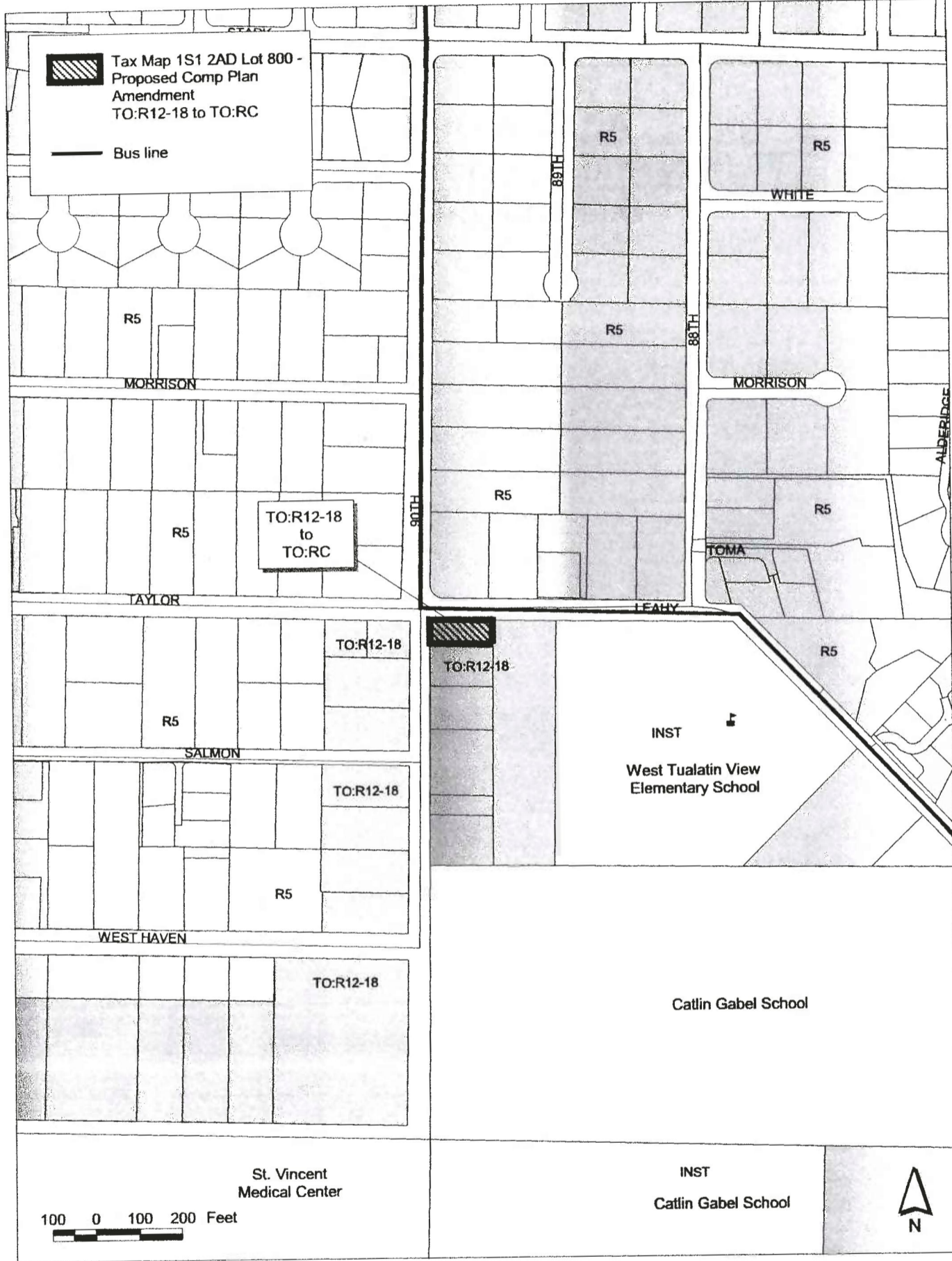
Notwithstanding, since most prohibited uses were not considered to be transit supportive, this code Section was written to limit all future expansions of such uses – even though deemed to be an approved use – to a maximum of 20% of the gross floor area. To date, none of the previous owners of the property (since the adoption of Ordinance 484) has requested a determination of an approved status for the property to verify that the long-standing commercial use would qualify under Section 375-6 as an approved use. Nonetheless, Land Development Services staff have expressed no doubt that the existing and long-standing commercial use is legally nonconforming, and as such would constitute an approved use under Section 375-6. In the case of the existing Little Store site, a 20% increase in the gross floor area would constitute an expansion of approximately 180 square feet. This expansion has been deemed insufficient for economically viable redevelopment of the site.

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**Attachments**

Attachment A – Vicinity and Comprehensive Plan Designation Map  
Attachment B – November 1, 2006 Development Conditions Memo from Applicant's Representative to Planning Commission  
Attachment C – Washington County Traffic Impact Statement (TIS)  
Attachment D – April 28, 2006 Traffic Analysis Memo from DKS Associates

**Attachment A –  
Vicinity and Comprehensive Plan  
Designation Map**



**Attachment B –  
November 1, 2006 Development Conditions  
Memo from Applicant's Representative to  
Planning Commission**

# Memorandum

**Date:** November 1, 2006  
**To:** Washington County Planning Commission  
**From:** Frank Angelo, Principal  
**Re:** Fairbairn/Little Store Plan Amendment (Casefile No. 06-398-PA)

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This memo summarizes site conditions for the Little Store property owned by applicant Scott Fairbairn and future dedication requirements that will apply to the property. It also compares different development standards that may be applied to the site given its existing Comprehensive Plan designation as Transit Oriented Residential 12-18 units per acre (TO:R12-18) and potential designations as Transit Oriented Retail Commercial (TO:RC) or Neighborhood Commercial (NC).

## Existing Conditions

As illustrated in Attachment A, the existing dimensions of the Little Store lot are as follows.

Width:	approx. 149 ft.
Depth:	approx. 61 ft.
Area:	approx. 9,089 sq. ft. (sf) or 0.21 acres

The existing building includes a convenience store on the ground floor and one apartment unit on the second floor. Existing setbacks and the area of the building are as follows.

Existing front setback (from SW Leahy):	approx. 17 ft.
Existing side setback (from SW 90 <sup>th</sup> ):	approx. 45 ft.
Existing area:	approx. 900 sf

### Required Right-of-Way Dedications

The following right-of-way (ROW) dedications were specified as part of the development conditions presented in the County's Traffic Impact Statement (Attachment B). These dedications will be required of any development or redevelopment on the site.

	Total ROW Required (from centerline)	Existing ROW	ROW Dedication
SW Leahy (Collector)	37ft.	20 ft.	17 ft.
SW 90 <sup>th</sup> (Neighborhood Route)	30 ft.	20 ft.	10 ft.

As shown in Attachment C, this dedication will result in the following buildable lot dimensions and will reduce the lot size by about 32%.

Width:	approx. 139 ft.
Depth:	approx. 44 ft.
Area:	approx. 6,116 sq. ft. (sf) or 0.14 acres

**Washington County Development Standards**

The following table summarizes pertinent standards from the Washington County Development Code that would apply to the property if it retained its current TO:R12-18 designation or was amended to TO:RC or NC.

	TO:R12-18	TO:RC	NC
<b>Minimum lot area</b>	2,000 sf	None	8,500 sf
<b>Minimum average lot width</b>	20 ft	None	85 ft
<b>Minimum average lot depth</b>	60 ft	None	85 ft
<b>Minimum building height</b> (beyond 1,300 ft from a station platform)	None	None	None
<b>Maximum building height</b> (height exceptions for architectural features; possible height limits per Sect. 431-8)	40 ft	60 ft	35 ft
<b>Yard depth</b>			
<i>Frontage minimum</i> (except to accommodate utilities)	10 ft	None	20 ft
<i>Frontage maximum</i> (shall apply to at least 50% of 1 <sup>st</sup> floor of building facing pedestrian street per Sect. 431-3.8, or may be exceeded if needed mitigation for transportation noise and vibration demonstrated)	15 ft	10 ft	(Rear yard min.: 20 ft)
<i>Interior minimum</i> (except as necessary to comply with Sect. 411 and 431 screening and buffering standards and CABO building code standards)	None	None	Side yard on corner lot min.: 20 ft  Side yard adjacent to residential district: standard for residential district (TO:R12-18: None)
<i>Interior maximum</i>	None	None	

Source: Article III, Section 375 – Transit Oriented Districts, Tables B and C and Section 311 – Neighborhood Commercial District (NC)

If the designation of the Little Store property was changed to NC, the property would violate four of seven development standards once ROW dedications were made.

- Minimum lot area
- Minimum average lot depth
- Front yard setback
- Rear yard setback

If the current TO:R12-18 designation of the Little Store property was retained, Section 375-6 of the Development Code (Change or Expansions of Existing Uses or Structures in Transit Oriented Districts) allows for up to a 20% increase in gross floor area and the potential waiver of development standards. However, a 20% increase in gross floor area would add approximately only 180 square feet to the existing development, which does not encourage or lend itself to redevelopment. An increase of more than 20% of the existing floor area would be prohibited because retail businesses and food markets are prohibited uses in the district (Attachment D).

Attachment E depicts a conceptual redevelopment layout given required right-of-way dedications. Redevelopment of the site in this manner would accommodate small-scale ground-floor retail use, parking, and four residential units on the second floor. An elevation and sketch of potential redevelopment is provided in Attachment F.

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**List of Attachments**

**Attachment A: Existing Conditions**

**Attachment B: Washington County Traffic Impact Statement (TIS)**

**Attachment C: Right-of-Way Dedications and Lot Dimensions**

**Attachment D: Table A. Permitted and Prohibited Uses in Transit Oriented Districts**

**Attachment E: Conceptual Redevelopment Conditions**

**Attachment F: Conceptual Redevelopment – Streetfront Elevation Sketch**

**Attachment C –  
Washington County Traffic Impact Statement  
(TIS)**



**WASHINGTON COUNTY**

Dept. of Land Use & Transportation  
Land Development Services Division  
155 N. 1<sup>st</sup> Avenue, #350-13,  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
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**TRAFFIC IMPACT STATEMENT**

These findings are for a proposed plan amendment from TO:R12-18 to TO:RC for "The Little Store", with frontage on SW Leahy Road na SW 90<sup>th</sup> Avenue, affecting parcel 1S102AD00800.

A. **Planning Division** - The following comments are intended to address the overall transportation system impacts of this plan amendment proposal. These comments should not be used in conjunction with the actual, immediate, traffic impacts that may be associated with a request for development approval of a specific use on this site. Questions regarding these Planning Division comments should be directed to Gregg Leion, Senior Planner, at 846-3969.

1. If approved, this proposal would re-designate tax lot 800, Map 1S12AD (approximately 0.21 acre), from TO: R12-18 (Transit Oriented: Residential 12 to 18 Units/Acre) to TO: RC (Transit Oriented Retail Commercial).
2. The subject property currently supports a convenience store with 4-apartment units located on the second story of the 900-square foot building.
3. The Oregon Transportation Planning Rule, OAR 660-012-0060 requires an analysis of the impact of a proposed plan amendment on the planned transportation system. To address this requirement, the County requires a comparative analysis of a reasonable 'worst case' development of the site under the current and proposed land use designation. A 'reasonable worst case' development would be one with the greatest potential trip generation based on a reasonable build-out of the site under the proposed plan designation. In determining what would constitute a 'reasonable worst case' development on the subject property under a Transit-Oriented Retail Commercial designation, the provisions of CDC Section 375 will need to be considered. The applicant should consider the FAR requirements of CDC Section 375 as well as the parking requirements of CDC Section 413 in determining a reasonable intensity of use under the proposed TO: RC plan designation.

Because of the small size of the subject parcel, development potential will be limited under both the existing and proposed plan designations and a full traffic analysis will therefore not be required. However, sufficient information must be provided to address trip generation under the existing designation and under the reasonable worst case development under the proposed TO: RC designation.

5. The Washington County Comprehensive Framework Plan for the Urban Area, Policy 1.f states:

**A quasi-judicial plan amendment to the Community Plan Maps, including the implementing tax maps, shall be granted only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan, the Community Plan Overview**

**and the sub-area description and design elements, complies with the regional plan, and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that is no way precludes full application of the Growth Management Policies to development permits as provided in the Code.**

As it pertains to transportation, this policy requires the County to analyze the existing transportation system as well as the planned system. The applicant must provide sufficient information regarding reasonable worst case development on the subject property under the existing and planned system.

6. In addition to Policy 1.f., the applicant is required to address all relevant policies in the Washington County 2020 Transportation Plan, adopted on October 29, 2002. Transportation planning staff finds that the following Transportation Plan policies are particularly relevant to this request, and should be addressed in the plan amendment application:

Washington County 2020 Transportation Plan Policies:

- 1.0 Travel Needs Policy
- 2.0 System Safety Policy
- 4.0 System Funding Policy
- 5.0 System Implementation and Plan Management Policy
- 6.0 Roadway System Policy
- 8.0 Roadway Safety Policy
- 10.0 Functional Classification Policy
- 12.0 Transit Policy
- 14.0 Pedestrian Policy
- 15.0 Bicycle Policy
- 19.0 Transportation Planning Coordination and Public Involvement Policy

## **TRANSPORTATION PLANNING RULE PLAN AMENDMENT REQUIREMENTS**

### **660-012-0060 Plan and Land Use Regulation Amendments**

- (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.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
  - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
  - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
  - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
  - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:
  - (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;
  - (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

- (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
  - (d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
  - (e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.
- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
  - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
    - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
    - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
    - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
    - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
-

- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
- (c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:
  - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
  - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
  - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
  - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
  - (C) Interstate interchange area means:
    - (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or
    - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).
- (5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.
- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
  - (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
  - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
  - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:
- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
  - (b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied
-

with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

- (c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- (a) Any one of the following:
    - (A) An existing central business district or downtown;
    - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
    - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
    - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
  - (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
    - (A) A concentration of a variety of land uses in a well-defined area, including the following:
      - (i) Medium to high density residential development (12 or more units per acre);
      - (ii) Offices or office buildings;
      - (iii) Retail stores and services;
      - (iv) Restaurants; and
      - (v) Public open space or private open space which is available for public use, such as a park or plaza.
    - (B) Generally include civic or cultural uses;
    - (C) A core commercial area where multi-story buildings are permitted;
    - (D) Buildings and building entrances oriented to streets;
    - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
    - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
    - (G) One or more transit stops (in urban areas with fixed route transit service); and
    - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

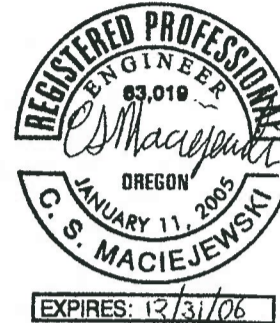
- B. **Land Development Services** - The following are development conditions that may be required by The Department of Land Use and Transportation. These requirements, supported by findings of fact, will be the basis for recommendations to the Review Authority or Hearings Officer regarding your Land Use Application.
1. Dedicate additional right-of-way to provide 37 feet from centerline of SW Leahy Road adjacent to the site, including adequate corner radius.
  2. Dedicate additional right-of-way to provide 30 feet from centerline of SW 90th Avenue adjacent to the site, including adequate corner radius.
  3. Establish a non-access restriction along the site's frontage of SW Leahy Road, except at any access approved through the development review process.
  4. SW Leahy Road is a collector, with a minimum access spacing standard of 100 feet. The current access to SW Leahy Road is unrestricted along the site's frontage. The existing access does not meet this standard. The access needs to be relocated to the east side of the site.
  5. SW 90<sup>th</sup> Avenue is a Neighborhood Route, with a minimum access spacing standard of 50 feet. The existing access to SW 90<sup>th</sup> Avenue does not meet this standard. Lots with less than seventy (70) feet of frontage shall not be permitted a separate direct access to a Neighborhood Route. Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems. If a 25% increase in vehicle trips will occur, a Type II Hardship Relief Variance to the access spacing standard must be requested and approved.
  6. Sight distance (300 feet required in both directions) along the sites frontage of SW Leahy Road is restricted by a large fir tree.
  7. Sight distance (250 feet required in both directions) at the existing access of SW 90th Avenue will be adequate upon vegetation removal.
  8. Construct a half-street improvement to County standard along the site's frontage of SW Leahy Road. (A half-street improvement includes half width pavement including bike lane as well as curb, storm drainage, and sidewalk.)
  9. Construct a half-street improvement to County standard along the site's frontage of SW 90th Avenue. (A half-street improvement includes half width pavement as well as curb, storm drainage, and sidewalk.)
  10. Eliminate parking within right-of-way and provide an on-site parking lot.
  11. Obtain a Facility Permit from the Department of Land Use and Transportation for construction of all required public improvements.
  12. This existing development generates approximately 130 average daily vehicle trips based on ITE Code 850.
  13. Additional requirements such as off-site improvements pursuant to R & O 86-95 may apply to specific development at the Development Review stage (and/or upon the review of an Access Report).
  14. **A TRAFFIC STAFF REPORT MAY BE DONE AND THIS SITE MAY BE REVIEWED FOR REQUIRED TRAFFIC SAFETY IMPROVEMENTS, WHICH MAY RESULT IN ON- OR OFF-SITE ROAD IMPROVEMENTS BEING REQUIRED OF THIS DEVELOPMENT.**

**Attachment D –  
April 28, 2006 Traffic Analysis Memo from  
DKS Associates**

**DKS Associates**  
TRANSPORTATION SOLUTIONS

## MEMORANDUM

**DATE:** April 28, 2006  
**TO:** Frank Angelo, Angelo Eaton & Associates  
**FROM:** Christopher S. Maciejewski, PE  
**SUBJECT:** Little Store Rezone Trip Generation Analysis



P# 06084-000-000

This memorandum describes the trip generation analysis conducted for the proposed rezone for the Little Store, located in Washington County, Oregon. The project site, located at 8998 SW Leahy Road, is currently residentially zoned as TO12-18. However, the current site use includes an existing convenience food store (900 square feet) and 1 multi-family units (located above the convenience store). The proposed rezone would change the designation to TO-RC, which would permit retail development (e.g. a convenience store) up to an estimated 2,210 square feet<sup>1</sup>. Both the existing and proposed retail uses (convenience store) were assumed to operate 15 hours per day.

To determine the potential trip generation of the proposed rezone site, estimates were made for daily and PM peak hour trips based on rates provided by the Institute of Transportation Engineers<sup>2</sup> (ITE) for similar land use types and information observed at similar sites. Table 1 lists the estimated trips for the existing site use, residential buildout, and worst-case retail buildout.

The existing residential use was assumed to be similar to apartment units (ITE Code 220). The existing convenience store was assumed to be similar to a 15-16 hour convenience store (ITE Code 852). While the *ITE Trip Generation Manual* does not provide daily trip rates for a 15-16 hour convenience store; the manual does provide a daily trip rate for 24-hour convenience store (ITE Code 851). Historical hourly profile information collected at a 24-hour convenience store was utilized to determine that 75% of a 24-hour convenience store's trips occurred during the highest 15-hour period<sup>3</sup>. Based on these assumptions, the existing site use was estimated to generate approximately 201 daily vehicle trips and 12 PM peak hour vehicle trips.

The worst-case residential build-out of 4 multi-family units (.21 acres \* 18 units/acre = 4 units) was assumed to generate trips similar to apartment units (ITE Code 220). This residential buildout would generate approximately 23 daily vehicle trips and 3 PM peak hour vehicle trips.

<sup>1</sup> Based on phone conversation with Frank Angelo, April 7, 2006.

<sup>2</sup> *Trip Generation Manual, 7<sup>th</sup> Edition*, Institute of Transportation Engineers, 2003.

<sup>3</sup> Data Source - DKS Associates historical files.



1400 S.W. 5<sup>th</sup> Avenue  
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Portland, OR 97201-5502

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(503) 243-1934 fax  
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The worst-case retail build-out was estimated by the project team to be a 2,210 square foot, 15-hour convenience store. This retail use was assumed to generate trips similar to the existing site convenience store, as described previously. This retail buildout would generate approximately 655 daily vehicle trips (276 more daily trips than the existing site use) and 30 PM peak hour trips (18 more PM peak hour trips than the existing site use).

**Table 1: Estimated Vehicle Trip Generation**

Trip Generation Scenario	Units	Daily Trips	PM Peak Hour Trips
Existing Use*	900 s.f. (Convenience Store)	201**	12**
	1 Dwellings (Multi-family)		
Buildout Residential Zoning (TO12-18)	4 Dwellings (Multi-family)	23	3
Buildout Retail Zoning (TO-RC)	2,210 s.f. (Convenience Store)	477**	30**

\*The existing use approximates neighborhood commercial zoning

\*\*Includes a reduction for pass-by trips (61%)<sup>4</sup>

For purposes of comparing the existing site to the potential for future development on the site, the difference between the existing retail use (not buildout of the existing zoning) and the proposed TO-RC zoning is the most appropriate quantity. As listed, the rezone to TO-RC has the potential to add 256 daily vehicle trips and 18 peak hour vehicle trips with a worst-case analysis.

Please let us know if you have any questions.

<sup>4</sup> *Trip Generation Handbook – Second Edition*, Institute of Transportation Engineers, June 2004.

**Paul Schaefer**

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**From:** Shayna Rehberg [srehberg@angeloaton.com]  
**Sent:** Thursday, November 30, 2006 11:57 AM  
**To:** Paul Schaefer  
**Cc:** Frank Angelo; Shayna Rehberg  
**Subject:** Draft Fairbairn Plan Amendment Findings (Casefile No. 06-398-PA)

Hello, Paul-

Attached is our draft of the findings for the Fairbairn Plan Amendment (Casefile No. 06-398-PA). There are four attachments referenced in the findings, and I've included the attachment divider/title pages plus three of the four attachments. (I do not have the County's TIS - Attachment C - in electronic format.)

The findings have highlighted placeholders for the date, both in the document title on the first page and in the header of each page.

Please let me know if you have any questions at all, Paul.

Thanks-  
Shayna

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*Shayna Rehberg, AICP, Planner*

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11/30/2006

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**SUMMARY OF DECISION**

At its meeting on November 1, 2006, the Washington County Planning Commission (Commission) met to hear a request for a plan amendment to the Comprehensive Framework Plan to change the plan map designation from Transit Oriented Residential 12-18 units per acre (TO:R12-18) to Transit Oriented Retail Commercial (TO:RC) for property described as Assessor Map Number 1S1 2AD / Tax Lot 800.

The Commission tentatively approved the requested Plan Amendment and directed that the applicant prepare findings in support of the request. On November 30, 2006 the applicant submitted draft findings for staff's review. After reviewing the findings, staff made some corrective changes. The revised findings were forwarded to the Commission for consideration and approval at the January 3, 2007 regular meeting.

The Commission approved the requested plan amendment based on certain evidence and supportive findings in the staff report (Exhibit "B"), in the Application (Exhibit "C"), in the applicant's supplemental response (Exhibits "D" and "E"), and in the applicant's findings (Exhibit "F").