



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/09/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 010-08

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 15, 2008

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

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

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

Cc: Jeff Salvon, City of Beaverton
Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative

<paa> YA

FROM **2**

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
NOV 25 2008
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Beaverton**

Local file number: **ZMA2008-0006**

Date of Adoption: **11/18/2008**

Date Mailed: **11/21/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/17/2008

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

This proposal is to apply the City's Station Community - Multiple Use (SC-MU) Zone to 2 properties currently zoned Office Commercial (OC). The properties currently carry the City's Station Community (SC) comprehensive plan designation and OC is not specified in the City's Comprehensive Plan as an implementing zone for this designation. Rezone of the properties to SC-MU will implement the SC plan designation and put the zoning into compliance with the City's Comprehensive Plan and Zoning District.

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

Plan Map Changed from:

to:

Zone Map Changed from: **Office Commercial**

to: **Station Community-Multiple Use**

Location: **SE corner of SW Baltic Ave. & SW Barnes Rd.**

Acres Involved: **1.15**

Specify Density: Previous: **N/A - Commercial**

New: **N/A - Commercial**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

DLCD # 010-08 (17044)

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

None

Local Contact: **Jeff Salvon**

Phone: **(503) 526-3725** Extension:

Address: **PO Box 4755**

Fax Number: **503-526-3720**

City: **Beaverton**

Zip: **97076-4755**

E-mail Address: **jsalvon@ci.beaverton.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 Complete Copies** (documents and maps) of the Adopted Amendment to:

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

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

ORDINANCE NO. 4491

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE ZONING MAP, AS TO TWO SPECIFIC PARCELS, FROM OFFICE COMMERCIAL (OC)
TO STATION COMMUNITY – MULTIPLE USE (SC-MU) ZONE.
ZMA2008-0006

WHEREAS, on October 1, 2008, the Planning Commission conducted a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, redesignating two properties located at the intersection of SW Baltic Avenue and SW Barnes Road from Office Commercial (OC) to Station Community – Multiple Use (SC-MU) zone; and

WHEREAS, the Planning Commission received testimony and exhibits and recommended approval of this zone change; and

WHEREAS, no appeals were filed with the City; and

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon Planning Division Staff Report dated September 24, 2008 and Planning Commission Land Use Order No. 2104. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, the Zoning Map, is amended to redesignate approximately 1.15 acres, located at the intersection of SW Baltic Avenue and SW Barnes Road, Tax Lots 05300 and 04304 on Washington County Tax Assessor's Map 1S102DC from Office Commercial (OC) to Station Community – Multiple Use (SC-MU) zone.

Section 2. The properties affected by this ordinance are depicted in the attached map marked Exhibit "A" and incorporated herein. The properties are more specifically described on the records of the Washington County Department of Assessment and Taxation as Tax Lot Tax Lots 05300 and 04304 on Washington County Tax Assessor's Map 1S102DC, Beaverton, Washington County, Oregon.

First reading this 3rd day of November, 2008.

Passed by the Council this 17th day of November, 2008.

Approved by the Mayor this 18th day of November, 2008.

ATTEST:



SUE NELSON, City Recorder

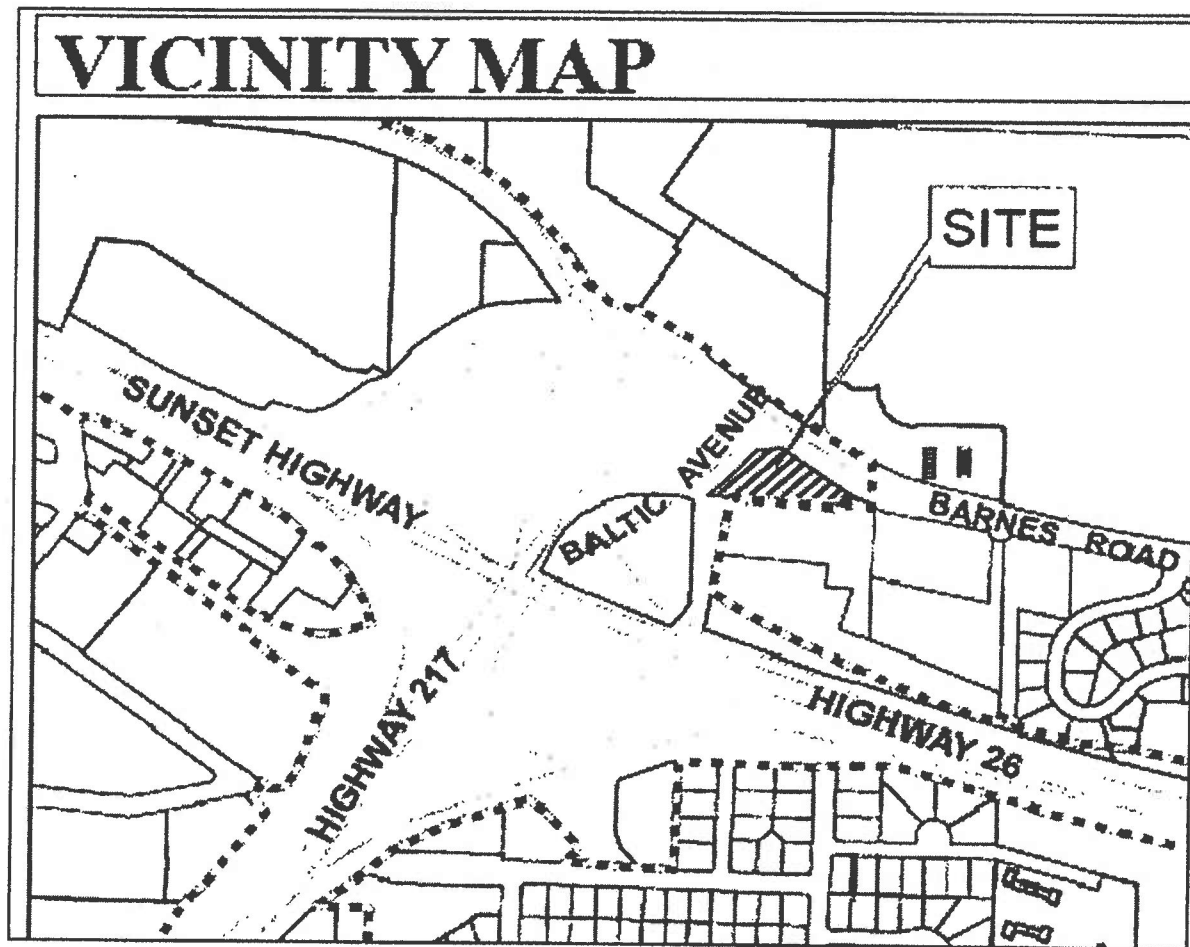
APPROVED:



ROB DRAKE, Mayor

EXHIBIT A

Ordinance No. 4491



STAFF REPORT

HEARING DATE: Wednesday, October 1, 2008

TO: Planning Commission

FROM: Jeff Salvon, Associate Planner

PROPOSAL: **Baltic Ave / Barnes Rd. Zone Change**

LOCATION: Map: 1S102 DC Tax Lot: 05300 & 04304

SUMMARY: The applicant is seeking approval for a zone change from the Office Commercial (OC) zone to the Station Community – Multiple Use (SC-MU) zone.

APPLICANT: Suntek Properties LLC
1905 SE Tenth Avenue
Portland, OR 97214

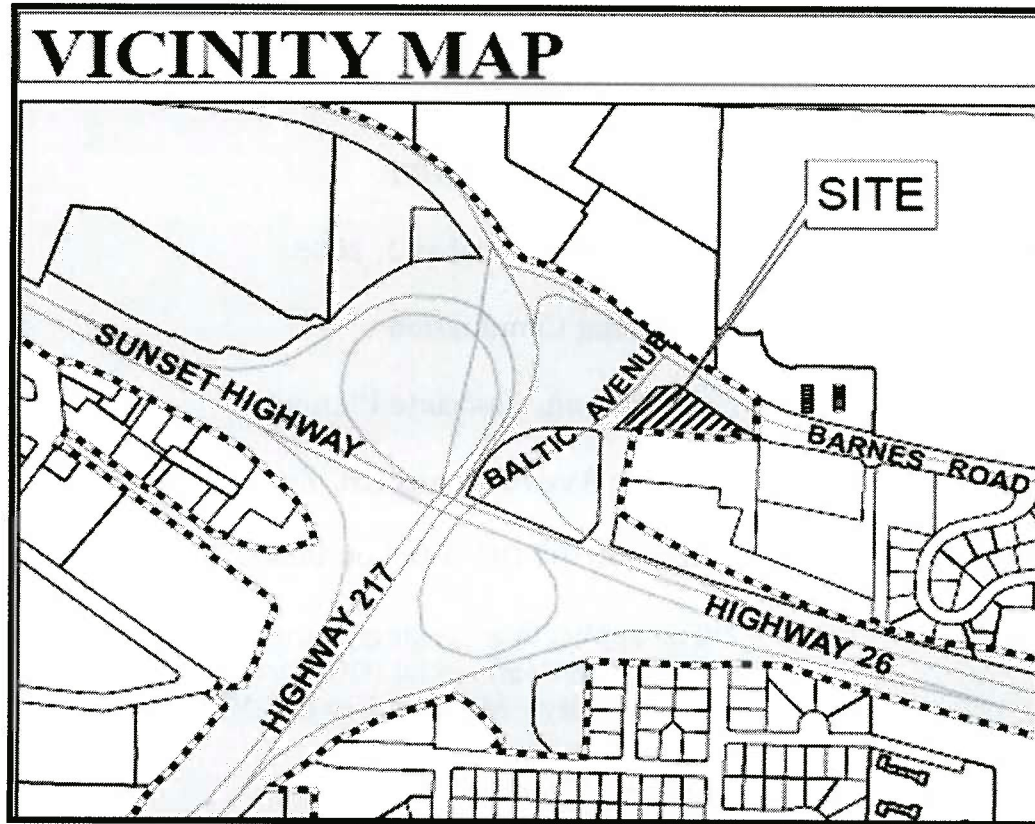
APPLICANT'S REPRESENTATIVE: Ball Janik LLP
101 SW Main Street, Suite 1100
Portland, OR 97204

Kittelson & Associates, Inc.
610 SW Alder Street, Suite 700
Portland, OR 97205

PROPERTY OWNER: Suntek Properties LLC
1905 SE Tenth Avenue
Portland, OR 97214

RECOMMENDATIONS: **APPROVAL of ZMA2008-0006 (Baltic Ave / Barnes Rd. Zone Change)**

AREA MAP



AERIAL PHOTO



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Submittal Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
ZMA2008-0006	July 16, 2008	August 6, 2008	October 9, 2008	April 3, 2009

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Office Commercial (OC)	
Current Development	None - Vacant	
Site Size	Approximately 1.15 acres	
NAC	Central Beaverton Neighborhood Association Committee	
Comprehensive Plan	<u>Land Use:</u> Station Community (SC) <u>Street Functional Classification Plan:</u> SW Baltic Avenue is designated a Collector and. SW Barnes Road is designated an Arterial. <u>Street Improvement Master Plan:</u> The Transportation System Plan Street Improvement Master Plan identifies SW Barnes Road as a five lane street requiring a street widening effort at some point in the future. <u>Bicycle Master Plan:</u> SW Barnes Rd. is designated as a Regional Corridor – On Street and identifies it as Built on the Bike Master Plan. <u>Pedestrian Master Plan:</u> SW Barnes Rd. is designated as an RTP Pedestrian District with existing sidewalks on both sides of the street.	
Surrounding Uses	<u>Zoning:</u> North: Wa. Co. Transit Oriented: Business (TO:BUS) South: Wa. Co. Transit Oriented: Business (TO:BUS) East: Wa. Co Institutional (INST) West: Beaverton Station Community Multiple Use (SC-MU)	<u>Uses:</u> North: Office South: Office East: St. Vincent Hospital West: Freeway interchange

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	<u>PAGE No.</u>
<u>Attachment A: ZMA2008-0006 (Baltic Avenue / Barnes Road Zone Change)</u> The scope of the Zoning Map Amendment application is to(SC-MU) zone. The site's current zoning, Office Commercial, is not an implementing zone for the Station Community plan designation currently assigned to the property. Rezone to SC-MU would put the property into compliance pursuant to Section 3.14 of the City's Comprehensive Plan.	SR5-14

EXHIBITS

Exhibit 1. Vicinity Map and Aerial Photo (page SR2 of this report)

Exhibit 2. Materials Submitted by Applicant

- Exhibit 2.1 Land Use Applications and Checklists
- Exhibit 2.2 Aerial Photo and Zoning District Map
- Exhibit 2.3 Topographic Survey
- Exhibit 2.4 Narrative in Support of Type 3 Quasi-Judicial Zoning Map Amendment
- Exhibit 2.5 Transportation Study, prepared by Kittelson & Associates, dated August 1, 2008
- Exhibit 2.6 Pre-Application Conference E-mail, dated May 27, 2008
- Exhibit 2.7 CWS Service Provider Letter, dated July 9, 2007
- Exhibit 2.8 Payment Receipt

ANALYSIS AND FINDINGS FOR ZONING MAP AMENDMENT –QUASI-JUDICIAL APPROVAL

Section 40.97.05. Zoning Map Amendment; Purpose

The purpose of a Zoning Map Amendment application is to provide for the consideration of legislative and quasi-judicial amendments to the zoning map. Legislative amendments to the zoning map are amendments of generally large size, diversity of ownership or of interest to a large geographic area. Quasi-judicial amendments to the zoning map are amendments that are generally small in size, single ownership or affect only a relatively small geographic area. Annexation related amendments to the zoning map are those amendments, whether legislative or quasi-judicial, which are associated with land being annexed into the City. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires. This section is carried out by the approval criteria listed herein.

Section 40.97.15.1.C. Approval Criteria:

In order to approve a Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.***

Section 40.97.15.1.A Threshold: An application for Quasi-Judicial Zoning Map Amendment shall be required when the following threshold applies:

“The change of zoning designation for a specific property or limited number of specific properties.”

Facts and Findings:

The applicant is requesting a zoning map amendment to two parcels of approximately 1.15 acres, identified as Tax Lots 1S102DC05300 & 1S102DC04304, from the current zoning designation of Office Commercial (OC) to the zoning designation of Station Community Multiple Use (SC-MU).

The proposal involves the rezone of only two parcels.

Staff finds that the proposal meets the threshold criterion specified in this section.

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

Facts and Findings:

The City of Beaverton received the appropriate fee of \$2,947.00 for a Quasi-Judicial Zoning Map Amendment application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. *The proposal conforms with applicable policies of the City's Comprehensive Plan.*

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

Facts and Findings:

In addressing this section, the applicant's recalls the City's action to apply the Station Community Comprehensive Plan designation and Station Community - Multiple Use zone to the property in 2007. In that proposal, staff addressed the requirements of Section 3.8.1 and provided a detailed analysis to demonstrate how application of the station community plan designation was adopted to satisfy the provisions of the 2040 Growth Concept and identified reasons as to why the designation was appropriate for the subject properties. As indicated in that earlier process, adoption of the Station Community plan designation was established specifically to comply with the Metro's 2040 Growth Concept, and was acknowledged by Metro as achieving compliance with all applicable Urban Growth Management Functional Plan requirements. The City Council subsequently adopted the proposal to apply the plan designation to the subject property based upon the criteria sanctioned by Metro.

The applicant indicates that because the SC-MU zone is as an implementing zone for the City's Station Community Plan designation, the proposal satisfies the requirement specified in Section 3.8.1 and is in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

Staff finds that, as the proposal to assign SC-MU to the subject properties satisfies the role of implementing the Station Community plan designation previously assigned the property, the proposal complies with Section 3.8.1 of the Comprehensive Plan and is in accordance with the community vision and is consistent with the 2040 Regional Growth Concept Map.

Staff finds that the proposal meets the criterion for approval.

3.8.1.a *Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.*

Facts and Findings:

The applicant indicates that applying the SC-MU zone to the subject properties is a determinant factor in regulating public infrastructure investment as those uses are reflective of the kind of development envisioned for Station Communities in the Comprehensive Plan. Because the uses permitted in the OC zone may not be reflective in the Station Community area, the proposed zone change satisfies the criteria.

Staff finds that the criteria is satisfied as public infrastructure investment is dictated to a large extent by the scale and nature of development permitted under the designated zoning provisions. As an implementing zone for the Station Community plan designation, assignment of the SC-MU zone to the subject properties satisfies the criteria.

Staff finds that the proposal meets the criterion for approval.

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

Facts and Findings:

The applicant identifies the proximity of the subject parcels as being within one-half mile of the Sunset Station rail platform.

Staff finds that the proposal complies with Section 3.8.1.b and that the distance criteria on one mile is satisfied.

Staff finds that the proposal meets the criterion for approval.

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

Facts and Findings:

Pursuant to Section 3.14 of the Comprehensive Plan, the applicant correctly identifies the applicability of SC-MU, SC-HDR, SA-MU, SA-MDR, and SC-E as implementing zones for the City's Station Community Plan designation. In evaluating the most appropriate zone the applicant dismisses both SA-MU and SA-HDR as inappropriate choices due to proximity criteria that they be located between one-half and one mile from the light rail platform.

Both the SC-HDR and SE-E zones are shown to be inappropriate as the uses permitted allow for high density housing, a large number of employees, or limited industrial, which are not reflective or compatible with adjacent land uses.

Finally, the applicant cites the Development Code Purpose Statement for the SC-MU zone to demonstrate that the subject properties are consistent with the locational requirements associated with the zone. Specifically, it is pointed out that the general range of uses in the area and size of the subject area are compatible with the SC-MU zoning which allow for a mix of uses, place restrictions on building footprint area, and put limitations on manufacturing and industrial uses. This argument is re-enforced by the fact that adjacent County parcels carry Washington County's TO:BUS zoning which the City generally regards as equivalent to the City's SC-MU zoning when applied around light rail station areas.

Staff agree with the conclusions posited by the applicant with regard to the suitability of the SC-MU zone for the subject properties and finds that the proposal satisfies Comprehensive Plan Section 3.8.1.c.

Staff finds that the proposal meets the criterion for approval.

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

6.2.4.d. Maintain levels of service consistent with Metro's Regional Transportation Plan and the Oregon Transportation Plan. Applications for Comprehensive Plan Amendments shall comply with the requirements of OAR 660-012-0060 and as appropriate include a transportation Impact Analysis that shows that the proposal will not degrade system performance below the acceptable two-hour peak demand-to-capacity ratio of 0.98. If the Adopted Comprehensive Plan forecasts a two-hour peak demand-to-capacity ratio greater than 0.98 for a facility, then the proposed amendment shall not degrade performance beyond the forecasted ratio.

Facts and Findings:

To address this Section the applicant contracted with Kittelson and Associates (a transportation engineering firm) to devise a study (attached as Exhibit 2.4) to determine a "reasonable worst case" scenario comparing traffic that might be generated from a development allowed under to Office Commercial zone with a development allowed under the SC-MU zone. Kittelson identified an office building with a floor area of 36,900 sq. ft. to be a reasonable worst case for the Office Commercial zone and a "sit-down quality restaurant" with a floor area of 9,000 sq. ft. to be a reasonable worst case for the SC-MU zone. Relying upon the standard rates in the ITE Trip Generation Manual, the study concluded that rezone of the property from Office Commercial to Station Community Multiple Use will decrease the "worst case" trip generation potential of the site by 20 trips during a critical weekday p.m. peak hour and by 45 trips during the weekday a.m. peak hour. The study concluded therefore that the transportation system will operate

either the same or better under the proposed zoning and will not reduce the performance of the transportation facility below the minimum acceptable performance standard identified in the City's TSP or Comprehensive Plan.

Staff finds that by including the Kittelson and Associates report with the application the applicant has adequately addressed OAR660-012-0060 and has satisfied criteria d) of Comprehensive Plan Section 6.2.4.

Staff finds that the proposal meets the criterion for approval.

- 4. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.***

Facts and Findings:

The applicant states that similar site development and density allowances applicable to both existing and proposed zoning will impose similar requirements that would not impose a significant increase in the level of service provision needed to serve the site. In addition, the applicant asserts that numerous impediments associated with an abundance of utility easements that traverse the property as well as other locational factors unique to the site place restrictions on the scale of development that could occur.

The applicant concludes that critical facility needs are available or can be made available to an adequately serve the site under the proposed zoning designation. To support the conclusion the applicant provided a worst case traffic analysis comparing the worst case traffic generator for a SC-MU use on this site, 9,000 sq ft "quality restaurant", compared to the worst case traffic generator for existing O-C, 36,900 sq ft office building, and found that the trip generation would be less in the AM and PM peak hours for the SC-MU use. The Kittelson report concludes that that the rezoning of the site as proposed will not have a significant effect on the surrounding transportation system as defined in Transportation Planning Rule (Oregon Administrative Rule 660-012-0060) and therefore complies with the Transportation Planning Rule.

Staff has reviewed the applicant's narrative which cited a letter from Kittelson & Associates, Inc., dated July 11, 2008 and is in agreement with its conclusions. Staff finds that the proposal meets the traffic analysis requirement in Section 40.97.15.1.C.9 of the Development Code which is offered as an alternative to Section 40.97.15.1.C.9 requiring a full traffic analysis. Staff finds that in submitting this traffic analysis as evidence the applicant has adequately demonstrated that the potential traffic impacts from development of SC-MU uses under the proposed zoning are no greater (in fact less) in the AM and PM peak hours than potential impacts from development under existing O-C zoning. Staff recognizes that the rezoning application does not propose any new construction at

this time and would emphasize that street mitigation improvements may be required of future development on this site, as identified by a future required traffic analysis.

With regard to other critical facilities, staff observed that utility connections capable of serving the subject parcels are located either on or adjacent to the site as provided by the applicant. Public utility masterplans (water, sanitary sewer, and storm) have not considered this parcel as ultimately developing or re-developing as it was historically part of a public transportation facility. Vacation of the public right-of-way which created the subject parcels only occurred after a realignment of Barnes Road in 2002. However, the area proposed for a rezone is relatively small and the potential maximum use of the site is insignificant in terms of masterplanning for public utilities. Staff finds therefore that there are adequate public facilities (or can be made available) to support the maximum intensity of development for just about any zone designation. Specific utility capacity and local service issues would need to be addressed at the time of a development application.

Staff finds that the proposal meets the criterion for approval.

5. *Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.*

Facts and Findings:

The applicant states, "The proposed zone change will not significantly alter the type or intensity of future development of the site, and therefore, there will be little if any change in the essential facility and service needs of the site under the proposed when compared to the current designation". The applicant also notes that on-site pedestrian facilities (i.e. sidewalks on both sides of the street) and bicycle facilities (a bike lane) exist on the adjacent street and , light rail transit is within walking distance. Finally, the applicant states that police service is adequate to support future development of the site and notes that service boundaries will not be altered by the proposed rezone.

Staff concurs with the applicants response and finds that the proposed zoning will not significantly increase the level of service beyond what may reasonably be accommodated. Staff performed a series of calculations and found that generally rezone of the property from OC to SC-MU would reduce the scale of development permitted for residential, commercial and office uses. Street mitigation improvements may be required of future development on this site, as identified by future required traffic analysis. However, the rezoning application does not propose any new construction at this time. Staff finds that essential street and other facilities are currently available and that no mitigation pertaining to traffic or other facilities in order to accommodate this application is required.

Staff finds that the proposal meets the criterion for approval.

6. *The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).*

Facts and Findings:

The applicant states that the proposed zoning map amendment conforms with provisions contained in Chapter 20. The applicant states that no minimum or maximum area requirements are associated with the SC-MU zone. In addition, no dimensional requirements are specified. Finally, the applicant indicates that because the property is currently undeveloped, the application conforms to all land use, setback, and building height specifications. The applicant understands that all future development will be required to conform with these specifications.

The proposed SC-MU zoning allows development of lots under regulations similar to those of the current OC zoning. The difference between the two zones rests in the intent that the SC-MU zone be applied to areas adjacent to light rail station platforms, its emphasis in catering to multiple use development and transit oriented design, and incorporation of pedestrian friendly design elements. Aside from these elements, the SC-MU zone's maximum FAR ratio and 10,000 square foot building footprint limitation for retail uses help ensure that land is utilized to a higher potential than in the OC zone. Future development of the site would be subject to all Chapter 20 site development standards pertaining to the SC-MU zone. Because no development is proposed with this application, staff concurs with the applicant's statement that the proposal is consistent or can be made consistent with provisions contained in Chapter 20 of the Development Code.

Therefore, staff finds that the proposal meets the criterion for approval.

- 7. *In addition to the criteria stated in Section 40.97.15.1.C.1 through 4, above, the following criteria shall apply to Quasi-Judicial Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.***
- a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.***
 - b. The public interest is best carried out by approving the proposal at this time.***

Facts and Findings:

The proposal requests the zoning designation of SC-MU for the subject properties. The CV zoning district is not proposed.

Therefore, staff finds that the criterion for approval is not applicable.

8. *The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development.*

Facts and Findings:

In addressing possible traffic impact associated with this proposal the applicant has chosen to focus on Criteria 40.97.15.1.C.9 below as an alternative to 40.97.15.1.C.8.

Therefore, staff finds that the criterion for approval is not applicable.

9. *As an alternative to 40.97.15.1.C.8, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning.*

Facts and Findings:

As stated previously, the applicant obtained the services of a transportation consultant to assess whether the proposed amendment complies with Oregon Administrative Rule 660-012-0060, the Oregon Transportation Rule. The consultant, Kittelson & Associates, formulated a reasonable worst case scenario comparing possible traffic generation resulting from the highest use under the existing OC zoning and the proposed SC-MU zoning. The analysis based its assessment on the assumption that a 36,900 sq ft office building would be constructed on the property under the OC, and that a 9,000 sq ft "quality restaurant" would be constructed under the proposed SC-MU designation. Relying upon calculations supplied in the ITE Trip Generation Manual, the Kittelson Study concluded that the trip generation would be less in the AM and PM peak hours for the SC-MU use and would therefore not have a significant effect on the surrounding transportation system as defined in Transportation Planning Rule (Oregon Administrative Rule 660-012-0060).

Upon considering various access and locational constraints affecting the subject properties, staff is in agreement with this finding. The rezoning application does not propose any new construction at this time. Staff acknowledges that street mitigation improvements may be required of future development on this site, as identified by future required traffic analysis. Future development proposals will be subject to general provisions related to transportation facilities contained in Section 60.55.10 of the Development Code.

Staff finds that the proposed rezone meets the requirements of Development Code Section 40.97.15.1.C.8.

- 10. In cases where the Comprehensive Plan identifies more than one zone to implement the applicable Land Use Map designation, the applicant is to demonstrate how the proposal conforms with applicable District Requirements of the zone(s) subject to Quasi-Judicial Zoning Map Amendment consideration.***

Facts and Findings:

The applicant identifies five zones capable of implementing the Station Community Plan designation assigned to the property. These zones are included in the City's Comprehensive Plan and Zoning District Matrix under Policy 14. They include the following:

Station Community - Multiple Use (SC-MU)
Station Community – High Density Residential (SC-HDR)
Station Community – Employment (SC-E)
Station Area – Mixed Use (SA-MU)
Station Area – Medium Density Residential (SC-MDR)

In attempting to identify criteria for the purpose of assigning specific zones, the applicant notes that there are no district requirements specific to any of these zones that would help narrow the selection process to a preferred zone. Instead, the applicant correctly cites the purpose statements associated with each zone and adjacent uses as relevant factors in identifying the most appropriate choice. The applicant notes that the site is located within one-half mile of the light rail platform which is a qualifying criteria for the SC-MU, SC-HDR, and SC-E zones and cites the SC-MU's compatibility with adjacent uses.

Staff concurs with the applicant's contention that the SC-MU zone is best suited for the subject parcels. Staff notes that with the exception of the hospital across SW Barnes Road (which is zoned Institutional under Washington County's zoning), all adjacent parcels in the area are zoned either Beaverton SC-MU or Washington County TO:BUS (which most closely approximates the City's SC-MU zone) when applied to the County's station areas. Application of these zones throughout the proximity reflects that City and County's vision for the type of development envisioned for the area.

Therefore, staff finds that the proposal meets the criterion for approval.

- 11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Facts and Findings:

The proposal has been reviewed to determine that all applicable submittal requirements as specified in Section 50.25.1 were submitted. The application was determined to be complete, with no outstanding submittal issues remaining.

Therefore, staff finds the proposal meets the criterion for approval.

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

Facts and Findings:

The proposal is to amend the zoning map and assign zoning to two parcels. The proposal does not involve additional applications related to the proposal for rezone. Therefore, no further City approval beyond consideration of the rezone is required. All applications and documents related to the rezone request have been submitted in the proper sequence.

Staff finds that the proposal meets the criterion for approval.

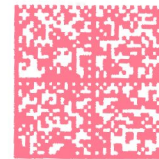
SUMMARY OF FINDINGS: For the reasons identified above, staff finds that the applicant's Zoning Map Amendment application satisfies the approval criteria for Zoning Map Amendment approval pursuant to Section 40.97.15.1.C.1 through 12 of the Development Code.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **ZMA2008-0006 (Baltic Ave. / Barnes Rd. Zone Change)**, with no associated conditions of approval.

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE

02 1A \$ 00.87⁴
0004373521 NOV 24 2008
MAILED FROM ZIP CODE 97005



City of Beaverton
Community Development Department
4755 S.W. Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

TO:

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